

CITY OF SURREY

BY-LAW NO. 17409

Development Application Procedure By-law, 2011

.....
As amended by Bylaw No. 18643, 02/22/16; 19137, 03/06/17

THIS IS A CONSOLIDATED BYLAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BYLAW PROVISIONS.

- (a) WHEREAS the City wishes to update its development application forms from time to time;
- (b) AND WHEREAS the City wishes to ensure that its permit forms are standardized and up-to-date;
- (c) AND WHEREAS the City is committed to improving the quality and effectiveness of its development process; and
- (d) AND WHEREAS pursuant to Section 154 of the *Community Charter*, Council may delegate its powers, duties and functions to an officer or employee of the City;

Under its statutory powers, including Part 14 of the *Local Government Act*, R.S.B.C. 2015, c. 1, the Council of the City of Surrey enacts the following provisions:

INTENT OF BY-LAW

- (a) to improve the quality and effectiveness of the development process in the City;
- (b) to provide a standard procedure for development applications and to allow changes to the City's application forms from time to time to best accomplish that intention;
- (c) to provide a standard form of development variance permit and temporary use permit; and
- (d) to enable further streamlining of the development application review procedure by delegating specific development applications to the Delegated Employee.

CONTENTS

Part 1 Introductory Provisions

1. Title
2. Definitions

Part 2 Development Applications

3. Development Application Form
4. Authority of General Manager to Provide Forms
5. Development Application Fees

Part 3 Development Permits

6. Deleted
7. Deleted

Part 4 Development Variance Permits

8. Council Approval
9. Form of Development Variance Permits

Part 5 Temporary Use Permits

10. Council Approval
11. Form of Temporary Use Permits

Part 6 Delegation of Council Authority

12. Council Delegation
13. Exceptions to Delegation
14. Appeal to Council

Part 7 General Provisions

15. Repealment
16. Commencement

Part 1
Introductory Provisions

Title

1. This By-law may be cited as the "Surrey Development Application Procedure By-law, 2011, No. 17409".

Definitions

2. In this By-law,

"Agricultural Land Reserve"

means lands established and regulated by the *Agricultural Land Commission Act*, S.B.C. 2002, c.36, as amended.

"Applicant"

means any person who makes application for development under the provisions of this By-law.

"Approving Officer"

means a City official appointed as an approving officer by Council in accordance with the *Land Title Act*.

"City"

means the City of Surrey.

"Council"

means the City Council of the City of Surrey.

"Delegated Employee"

means the General Manager, Planning and Development Department or the Approving Officer for the City.

"Land Use Contract"

means a land use contract adopted by by-law by the Council.

"Liquor License Amendment Application"

means an application to modify an existing liquor primary license, food primary license or manufacturer license previously issued by the Liquor Control and Licensing Branch pursuant to the *Liquor Control and Licensing Act*.

"Liquor Permit"

means a licence under the *Liquor Control and Licensing Act*, R.S.B.C. 1996, c. 267, as amended.

"Local Government Act"

means the *Local Government Act*, R.S.B.C. 2015, c.1, as amended.

"Neighbourhood Concept Plan"

means a neighbourhood concept plan adopted by Council.

"Official Community Plan"

means Surrey Official Community Plan By-law, 2013, No. 18020, as amended.

"Owner"

means, in respect of property,:

- (a) the registered owner of an estate in fee simple;
- (b) the tenant for life under a registered life estate;
- (c) the registered holder of the last registered agreement for sale;
- (d) the holder or occupier of land held in the manner mentioned in section 228 or section 229 of the *Local Government Act*; and
- (e) an Indian who is an owner under the letters patent of a municipality incorporated under Section 12 of the *Local Government Act*.

"Person"

includes natural persons of either sex, associations, corporations, bodies politic, partnerships, whether acting by themselves or by a servant, agent or employee, and the heirs, executors, administrators, successors and assigns or other legal representative of such persons.

"Property"

means all real property in the City of Surrey.

"Restrictive Covenant"

means a restrictive covenant registered against title to property under the provisions of Section 219 of the *Land Title Act*, R.S.B.C. 1996, c. 250, as amended.

"Rezoning"

means an amendment to Surrey Zoning By-law, 1979, No. 5942, as amended, or to Surrey Zoning By-law, 1993, No. 12000, as amended, changing the zone applicable to a property or the provisions of a comprehensive development zone applicable to a property.

"Subdivision"

means a subdivision of property in accordance with Surrey Subdivision and Development By-law, 1986, No. 8830, as amended.

"Temporary Use Permit"

includes temporary commercial use permits and industrial use permits.

Part 2
Development Applications

Development Application Form

3. Every application to the City for:
- (a) deleted;
 - (b) a development variance permit for property;
 - (c) a temporary use permit for property;
 - (d) an amendment to the official community plan;
 - (e) an amendment to a neighbourhood concept plan;
 - (f) a rezoning of property;
 - (g) a subdivision of property;
 - (h) an amendment or discharge of a land use contract affecting property;
 - (i) a liquor permit for property;
 - (j) a gaming permit for property;
 - (k) an amendment or discharge of a restrictive covenant affecting property;
 - (l) an amendment or discharge of a building scheme affecting property;
 - (m) a development of property within the agricultural land reserve;
 - (n) the creation of a heritage revitalization agreement affecting property; or
 - (o) a heritage alteration permit for property,

shall be made by the owner of the property in the form of development application provided by the City from time to time for that purpose.

Authority of General Manager to Provide Forms

4. The General Manager, Planning and Development, is authorized to create and amend the form of development application to be used from time to time.

Development Application Fees

5. At the time of application, the applicant shall pay to the City the application fee set out in Development Application Fees Bylaw, 2016, No. 18641, as may be amended or replaced from time to time.

Part 3
Development Permits

Council Approval

6. Deleted.

Form of Development Permit

7. Deleted.

**Part 4
Development Variance Permits**

Council Approval

8. Development variance permits shall be issued by Council resolution in accordance with the provisions of Section 922 of the *Local Government Act*.

Form of Development Variance Permits

9. Development variance permits shall be generally in the form of permit attached as Schedule "B" to this By-law.

**Part 5
Temporary Use Permits**

Council Approval

10. Temporary use permits shall be issued by Council resolution in accordance with the provisions of Section 921 of the *Local Government Act*.

Form of Temporary Use Permits

11. Temporary use permits shall be generally in the form of permit attached as Schedule "C" to this By-law.

**Part 6
Delegation of Council Authority**

Council Delegation

12. Council hereby delegates to the Delegated Employee, the powers, duties and functions of Council to consider Liquor License Amendment Applications as described below:
- (a) Liquor Primary License Amendment:
 - i. Increase in person capacity; and
 - ii. Extension of liquor service by 1 hour or less;
 - (b) Food Primary License Amendment:
 - i. Addition of patron participation; and
 - ii. Extension of liquor service until 1:00 a.m.; and
 - (c) Manufacturer License Amendment:
 - i. Lounge endorsement for liquor consumption; and

- ii. Special event area endorsement for liquor consumption;
- iii. Extension of liquor service for the service area, limited to a maximum 1-hour extension; and
- iv. Increase in person capacity.

Exceptions to Delegation

- 13. Where a Liquor License Amendment Application also includes a rezoning or any proposed variance to the Surrey Zoning By-law, 1993, No. 12000, as amended, Surrey Sign By-law, 1999, No. 13656, as amended or Surrey Subdivision and Development By-law, 1986, No. 8830, as amended, authority to consider a Liquor License Amendment Application will remain with City Council.

Appeal to Council

- 14. Where there is disagreement between the Delegated Employee and the applicant, authority to consider an application for a Liquor License Amendment Application will remain with City Council.

**Part 7
General Provisions**

Repeal

- 15. Surrey Development Application Procedure By-law, 1997, No. 13196, as amended, is hereby repealed.

Commencement

- 16. This By-law shall come into force on the date of final adoption hereof.

PASSED FIRST READING on the 30th day of May, 2011.

PASSED SECOND READING on the 30th day of May, 2011.

PASSED THIRD READING on the 30th day of May, 2011.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 13th day of June, 2011.

_____ MAYOR

_____ CLERK

Deleted

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.

Issued To:

(the "Owner")

Address of Owner:

1. This development variance permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this development variance permit.
2. This development variance permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

(WRITE LEGAL IN FULL - DO NOT ABBREVIATE)

Parcel Identifier: _____

_____ (LEGAL)

_____ (CIVIC)

(the "Land")

3. (a) As the legal description of the Land is to change, the City Clerk is directed to insert the new legal description for the Land once title(s) has/have been issued, as follows:

Parcel Identifier: _____

_____ (LEGAL)

- (b) If the civic address(es) change(s), the City Clerk is directed to insert the new civic address(es) for the Land, as follows:

_____ (CIVIC)

4. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:

a3___ (a) In Section _____ of Part 5 Off-Street Parking, the number of required off-street parking spaces is reduced from _____ to _____; and

a1___ (b) In Section _____ of Part _____ Zone (_____) the minimum _____ yard setback is reduced from _____ metres (____ ft.) to _____ metres (____ ft.); and

a1___ (c) In Section _____ of Part _____ Zone (_____) the minimum _____ yard setback is reduced from _____ metres (____ ft.) to _____ metres (____ ft.); and

a2___ (d) In Section _____ of Part _____ Zone (_____) the maximum building height is increased from _____ metres (____ ft.) to _____ metres (____ ft.); and

___ Surrey Subdivision and Development By-law, 1986, No. 8830, as amended is varied as follows:

b1___ (a) In Part II - General Requirements, Section 12(b), the requirement to provide **[CHOOSE] vehicular highway systems, pedestrian highway systems, water supply, sanitary sewer, drainage works, underground wiring, and street lighting systems** is waived.

b2___ (b) In Part V - Highway Dedication, Servicing and Construction Standards, Section 24(a), the requirement to provide **[CHOOSE] vehicular highway systems, pedestrian highway systems, water supply, sanitary sewer, drainage works, underground wiring, and street lighting systems** is waived.

___ Surrey Sign By-law, 1999, No. 13656, as amended is varied as follows:

____ Surrey Land Use Contract No. _____ Authorization By-law No. _____ is varied as follows:

___5. The landscaping and the siting of buildings and structures shall be in accordance with the drawings numbered _____ (A) through to and including _____ (the "Drawings") which are attached hereto and form part of this development variance permit.

___6. This development variance permit applies to only **[the portion of the Land] [that portion of the buildings and structures on the Land]** shown on Schedule A which is attached hereto and forms part of this development variance permit. This development variance permit does not apply to additions to, or replacement of, any of the existing buildings shown on attached Schedule _____, which is attached hereto and forms part of this development variance permit.

___7. (a) The landscaping shall conform to drawings numbered _____ () through to and including _____ (the "Landscaping").

(b) The Landscaping shall be completed within six (6) months after the date of the final inspection of the buildings and structures referred to in the Drawings.

(c) Prior to the issuance of the building permit for this development, security is to be submitted to ensure satisfactory completion of the Landscaping. The security for the Landscaping is to be submitted as follows:

Cash in the amount of \$ _____

An Irrevocable Letter of Credit, in a form acceptable to the City, in the amount of \$ _____

(the "Security")

(b) The Security is for:

- i. Phase I _____
- ii. Phase II _____

(c) i. When the Landscaping is substantially complete as determined by the City, without the City having to use the Security, 90% of the original Security will be returned. When the Landscaping receives final approval by the City, not earlier than twelve (12) months after the date of substantial completion of the Landscaping, 10% of the original Security will be returned.

ii. If final approval of the Landscaping is not given by the City, the City has the option of using the Security to complete the Landscaping and any remaining money shall be returned. The Owner hereby authorizes the City or its agents to enter upon the Land to complete the Landscaping.

iii. If the City elects not to enter upon the Land to complete the Landscaping and the Owner does not complete the Landscaping, the Security is forfeited to the City five (5) years after the date of the provisional or final inspection of the buildings and structures referred to in the Drawings.

8. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.
9. This development variance permit shall lapse if the Owner does not substantially start any construction with respect to which this development variance permit is issued, within two (2) years after the date this development variance permit is issued.

OR

This development variance permit shall lapse unless the subdivision, as conceptually shown on Schedule ____ which is attached hereto and forms part of this development variance permit, is registered in the New Westminster Land Title Office within three (3) years after the date this development variance permit is issued.

10. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
11. This development variance permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor

City Clerk

CITY OF SURREY

(the "City")

TEMPORARY USE PERMIT

NO. _____

Issued To:

(the "Owner")

Address of Owner:

1. This temporary use permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this temporary use permit.

2. This temporary use permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

(WRITE LEGAL IN FULL - DO NOT ABBREVIATE)

Parcel Identifier: _____

_____ **LEGAL**

_____ **CIVIC**

(the "Land")

3. The Land has been designated as a Temporary Use Permit Area in Surrey Official Community Plan, 1996, No. 12900, as amended.

4. The temporary use permitted on the Land shall be:

(Describe Temporary Use)

5. The temporary use shall be carried out according to the following conditions:

(List conditions)

6. As a condition of the issuance of this temporary use permit, Council is holding security set out below (the "Security") to ensure that the temporary use is carried out in accordance with the terms and conditions of this temporary use permit. Should the Owner fail to comply with the terms and conditions of this temporary use permit within the time provided, the amount of the Security shall be forfeited to the City. The City has the option of using the Security to enter upon the Land and perform such works as is necessary to eliminate the temporary use and bring the use and occupancy of the Land into compliance with Surrey Zoning By-law, 1993, No. 12000, as amended (the "Works"). The Owner hereby authorizes the City or its agents to enter upon the Land to complete the Works. There is submitted accordingly:

Cash in the amount of \$_____

An Irrevocable Letter of Credit, in a form acceptable to the City, in the amount of \$_____

7. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this temporary use permit. This temporary use permit is not a building permit.
8. An undertaking submitted by the Owner is attached hereto as Appendix I and forms part of this temporary use permit.
9. This temporary use permit is not transferable.

10. This temporary use permit shall lapse on or before

_____ three years from date of issuance
_____ (if less than three years, specify from date of issuance).

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE _____ DAY OF _____, 20 .

ISSUED THIS _____ DAY OF _____, 20 .

Mayor

City Clerk

IN CONSIDERATION OF COUNCIL'S APPROVAL OF THIS TEMPORARY USE PERMIT AND OTHER GOOD AND VALUABLE CONSIDERATION, I/WE THE UNDERSIGNED AGREED TO THE TERMS AND CONDITIONS OF THIS TEMPORARY USE PERMIT AND ACKNOWLEDGE THAT WE HAVE READ AND UNDERSTOOD IT.

Authorized Agent: Signature

Name (Please Print)

OR

Owner: Signature

Name: (Please Print)

TO THE CITY OF SURREY:

I, _____ (Name of Owner)

being the owner of _____
(Legal Description)

known as _____
(Civic Address)

hereby undertake as a condition of issuance of my temporary use permit to:

- (a) demolish or remove all buildings and/or structures that are permitted to be constructed pursuant to the temporary use permit issued to me; and
- (b) restore the land described on the temporary use permit to a condition specified in that permit;

all of which shall be done not later than the termination date set out on the temporary use permit.

I further understand that should I not fulfill the undertaking described herein, the City or its agents may enter upon the land described on the temporary use permit and perform such work as is necessary to eliminate the temporary use and bring the use and occupancy of the land in compliance with Surrey Zoning By-law, 1993, No. 12000, as amended, and that any securities submitted by me to the City pursuant to the temporary use permit shall be forfeited and applied to the cost of restoration of my land as herein set out.

This undertaking is attached hereto and forms part of the temporary use permit.

(Owner)

(Witness)