

CITY OF SURREY

BY-LAW NO. 15370

A by-law to amend Surrey Zoning By-law, 1993, No. 12000, as amended  
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THE CITY COUNCIL of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. Surrey Zoning By-law, 1993, No. 12000, as amended, is hereby further amended, pursuant to the provisions of Section 903 of the Local Government Act, R.S.B.C. 1996 c. 323, as amended by changing the classification of the following parcels of land, presently shown upon the maps designated as the Zoning Maps and marked as Schedule "A" of Surrey Zoning By-law, 1993, No. 12000, as amended as follows:

FROM: LIGHT IMPACT INDUSTRIAL ZONE (IL)

TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

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Parcel Identifier: 005-859-921

Lot 18 Except Firstly: Part on By-law Plan 54405A; Secondly: Parcel C (By-law Plan 79250) Section 34 Township 8 New Westminster District Plan 26771

9564 - 192 Street

(hereinafter referred to as the "*Lands*")

2. The following regulations shall apply to the *Lands*:

**A. Intent**

This Comprehensive Development Zone is intended to accommodate and regulate the development of community commercial uses and *eating establishments* including *drive-through restaurants* and to allow the retention of the existing *building* which has heritage value and heritage character and is worthy of conservation.

On the south-west corner of the *Lands* is located a heritage *building* called the Baron von Mackensen House which area is more specifically described as 33 metres from the south *lot line* and 41 metres from the west *lot line* (the "House Site").

## **B. Permitted Uses**

The *Lands*, including the House Site, and *structures* shall be used for the following uses only, or for a combination of such uses:

1. *Retail stores* excluding the following:
  - (a) *Adult entertainment stores*; and
  - (b) *Secondhand stores* and *pawnshops*.
2. *Personal service uses* excluding *body rub parlours*.
3. *General service uses* excluding funeral parlours provided that there will be no *drive-through banks* on the House Site.
4. *Beverage container return centres* provided that:
  - (a) The use is confined to an enclosed *building*;
  - (b) The *building* is a maximum of 279 square metres [3,003 sq.ft.]; and
  - (c) The use is not permitted on the House Site.
5. *Eating establishments* provided that there will be no *drive-through restaurants* on the House Site.
6. *Neighbourhood pubs*.
7. *Liquor store*, permitted only in conjunction with a "liquor-primary" licensed establishment, with a valid license issued under the regulations to the Liquor Control and Licensing Act, R.S.B.C. 1996, chapter 267, s. 84, as amended.
8. Office uses excluding the following:
  - (a) *Social escort services*; and
  - (b) *Methadone clinics*.
9. *Parking facilities*.
10. *Indoor recreational facilities*.
11. *Entertainment uses* excluding *arcades* and *adult entertainment stores*.
12. *Assembly halls* provided that the use is not permitted on the House Site.
13. *Community services*.
14. *Child care centres*.
15. One *dwelling unit* per *lot* provided that the *dwelling unit* is:

- (a) Contained within the *principal building*; and
- (b) Occupied by the owner or the owner's employee, for the protection of the businesses permitted on the *lot*.

**C. Lot Area**

Not applicable to this Zone.

**D. Density**

The maximum *floor area ratio* shall not exceed 0.80.

**E. Lot Coverage**

The maximum *lot coverage* shall be 50%.

**F. Yards and Setbacks**

1. *Principal buildings* shall be sited in accordance with the following minimum *setbacks*:
  - (a) *Front Yard* (192 Street) - 4.5 metres [15 feet];
  - (b) *Rear Yard* - 3.0 metres [10 feet];
  - (c) *Side Yard* - 7.5 metres [25 feet]; and
  - (d) *Side Yard on Flanking Street* (96 Avenue) - 4.0 metres [13 feet].
2. *Accessory buildings and structures* shall be sited in accordance with the following minimum *setbacks*:
  - (a) *Front Yard* (192 Street)- 7.5 metres [25 feet];
  - (b) *Rear Yard* - 2.0 metres [6.6 feet];
  - (c) *Side Yard* - 7.5 metres [25 feet]; and
  - (d) *Side Yard on Flanking Street* (96 Avenue)- 4.0 metres [13 feet].

## **G. Height of Buildings**

Measurements to be determined as per Part 1 Definitions of Surrey Zoning By-law, 1993, No. 12000, as amended.

1. Principal buildings excluding on the House Site: The *building height* shall not exceed 12 metres [40 feet].
2. Accessory buildings and structures excluding on the House Site: The *building height* shall not exceed 4.5 metres [15 feet].
3. Principal buildings and accessory structures on the House Site: The *building height* shall not exceed 15 metres [50 ft.].

## **H. Off-Street Parking**

1. Notwithstanding Table C.2, Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended, a minimum of 90 parking spaces shall be provided for the Permitted Uses listed in Section B of this By-law.

## **I. Landscaping**

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. Except in those portions where a *building* abuts the *lot line*, screen planting at least 1.5 metres [5 ft.] high in a strip at least 1.5 metres [5 ft.] wide and 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 *residential 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. Open display or storage shall be completely screened to a height of at least 2.5 metres [8 ft.] by *buildings* and/or solid decorative fence and/or substantial *landscaping* strips of not less than 1.5 metres [5 ft.] in width. No display or storage of material shall be piled up to a height of 2.5 metres [8 ft.] within 5 metres [16 ft.] of the said screens and in no case shall these materials be piled up to the height of more than 3.5 metres [11.5 ft.].

**J. Special Regulations**

1. The outdoor storage or display of any goods, materials or supplies is specifically prohibited, notwithstanding any other provision in this Zone.
2. *Child care centres* shall be located on the *lot* such that these centres have direct access to an *open space* and play area within the *lot*.
3. *Lands* and *structures* shall be used for the uses permitted in this Zone only if such uses do not emit noise in excess of 70 dB.

**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>
2,000 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 Surrey Zoning By-law, 1993, No. 12000 as amended.

**L. Other Regulations**

In addition to all statutes, by-laws, orders, regulations or agreements, the following are applicable, however, in the event that there is a conflict with the provisions in this Comprehensive Development Zone and other provisions in Surrey Zoning By-law, 1993, No. 12000, as amended, the provisions in this Comprehensive Development Zone shall take precedence:

1. Definitions are as set out in Part 1 Definitions, of Surrey Zoning By-law, 1993, No. 12000, as amended.
2. Prior to any use, the *Lands* must be serviced as set out in Part 2 Uses Limited, of Surrey Zoning By-law, 1993, No. 12000, as amended and in accordance with the servicing requirements for the C-8 Zone as set forth in Surrey Subdivision and Development By-law, 1986, No. 8830, as amended.

3. General provisions are as set out in Part 4 General Provisions, of Surrey Zoning By-law, 1993, No. 12000, as amended.
4. Additional off-street parking requirements are as set out in Part 5 Parking and Loading/Unloading, of Surrey Zoning By-law, 1993, No. 12000, as amended.
5. *Sign* regulations are as set out in Surrey Sign By-law, 1999, No. 13656, as amended.
6. Special *building setbacks* are as set out in Part 7 Special Building Setbacks, of Surrey Zoning By-law, 1993, No. 12000, as amended.
7. *Building* permits shall be subject to the Surrey Building By-law, 1987, No. 9011, as amended, and the Surrey Development Cost Charge By-law, 2002, No. 14650, as amended, and the development cost charges shall be based on the C-8 Zone.
8. Surrey Tree Preservation By-law, 1996, No. 12880, as amended.
9. Development permits may be required in accordance with the Surrey *Official Community Plan*, 1996, By-law No. 12900, as amended.
10. Provincial licensing of *child care centres* is regulated by the Community Care Facility Act R.S.B.C. 1996. c. 60, as amended, and the Regulations pursuant thereto including without limitation B.C. Reg 319/89/213.
11. Provincial licensing of *neighbourhood pubs* is regulated by the Liquor Control and Licensing Act, R.S.B.C. 1996, chapter 267, as amended.

3. This By-law shall be cited for all purposes as "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2004, No. 15370."

READ A FIRST AND SECOND TIME on the 3rd day of May, 2004.

PUBLIC HEARING HELD thereon on the 17th day of May, 2004.

READ A THIRD TIME ON THE 17th day of May, 2004.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 24th day of January, 2005.

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CLERK