

CITY OF SURREY

BYLAW NO. 18642

A bylaw to establish procedures for the issuance of development permits and for the delegation of council authority for development permits

As amended by: 19367, 10/02/17; 19767, 02/25/19

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WHEREAS pursuant to Section 472 of the *Local Government Act*, the Council of the City of Surrey has adopted an Official Community Plan;

AND WHEREAS Council has designated areas in the Official Community Plan within which Development Permits are required;

AND WHEREAS Council may, by bylaw, establish procedures for the issuance of Development Permits;

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;

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

TITLE

1. This Bylaw may be cited as "Development Permit Procedures and Delegation Bylaw, 2016, No. 18642".

INTERPRETATION

2. In this Bylaw:

"Delegated Official" means any one of the General Manager, Planning and Development Department and an approving officer for the City of Surrey;

"Development Permit Area" means a development permit area established in the Official Community Plan and a reference to a named development permit area means a reference to the development permit area so named in the Official Community Plan;

"Development Permit Guidelines" means the development permit guidelines set out in the Official Community Plan and a reference to named development permit guidelines means a reference to the development permit guidelines so named in the Official Community Plan; and

"Official Community Plan" means "Surrey Official Community Plan Bylaw, 2013, No. 18020".

"Shared Vehicle" means a four-wheeled *vehicle* owned and operated by an organization which provides car-sharing services to its members.

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.

APPLICATIONS

4. Any person, being the owner of land, or having the written permission of the owner, may apply for the issuance of a development permit.
5. All applications must be made on the land development application form made available for that purpose from time to time.

APPLICATION REQUIREMENTS

6. The following material must be included with the application to facilitate the processing of the permit:
 - a) any fee required by the "Surrey Development Applications Fees Bylaw, 2016, No. 18641" and review of the application will only proceed when fees have been paid in full;
 - b) a State of Title of Certificate for the land(s) in question (available from the Land Title and Survey Authority office); and
 - c) a written description, plot plan and/or project plan of the proposed development, as specified within each Development Permit Area in Surrey's Official Community Plan, outlining how the project complies with the Development Permit Guidelines applicable to the proposed development. If the lands in question fall within more than one Development Permit Area, information must be provided indicating compliance with the Guidelines of each separate Development Permit Area.

APPLICATION REVIEW PROCEDURE

7. Upon receiving a properly completed Land Development Application, the Planning and Development Department will review and circulate the application to other City departments, internal committees and to outside agencies, as necessary. Additional information, as identified within each Development Permit Area may be required as part of the application review process, to the satisfaction of the General Manager, Planning and Development Department, or designate.
8. After reviewing the application and receiving the comments requested from other departments, internal committees or outside agencies, the Planning & Development Department will either:
 - a) prepare a report for Council's consideration; or
 - b) consider issuance of the development permit by the Delegated Official, where authorized by this Bylaw.

COUNCIL CONSIDERATION

9. Council may:
 - a) authorize the issuance of a development permit; or
 - b) provide initial approval for the issuance of a development permit subject to the completion of any outstanding issues; or
 - c) provide no decision on the issuance of a development permit but send back to staff to address outstanding issues; or
 - d) require the applicant to provide security in amounts stated in the permit to ensure that any outstanding requirements are satisfied as a condition of the issuance of the permit; or
 - e) deny the application for a development permit.

DELEGATION OF CONSIDERATION OF DEVELOPMENT PERMIT

10. Within the Form and Character Development Permit Area, Council hereby delegates to the Delegated Official, the powers of Council to consider an application for a development permit for the following:
 - a) minor amendments to an existing development permit;
 - b) reissuance or extension of an expired Council-issued development permit;

- c) free standing signs;
 - d) sign design packages; and
 - e) surface parking lots (including truck parking facilities)
11. For any development within the Hazard Land Development Permit Area, Council hereby delegates to the Delegated Official, the powers of Council to consider an application for a development permit or issue a minor amendment to an existing development permit.
 12. For any development within the Sensitive Ecosystem Development Permit Area, Council hereby delegates to the Delegated Official, the powers of Council to consider an application for a development permit or issue a minor amendment to an existing development permit.
 13. For any development within the Farm Protection Development Permit Area, Council hereby delegates to the Delegated Official, the powers of Council to consider an application for a development permit or issue a minor amendment to an existing development permit.
 14. Where a development permit also includes any variance to the "Surrey Zoning By-law, 1993, No. 12000", "Surrey Sign By-law, 1999, No. 13656", or "Surrey Subdivision and Development By-law, 1986, No. 8830", as amended, authority to consider an application for a development permit will remain with City Council.
 15. Where the content of a development permit cannot be agreed upon between the Delegated Official and the applicant, authority to consider an application for a development permit will remain with City Council.

DENIALS, RECONSIDERATIONS AND REAPPLICATIONS

16. Where the Delegated Official has denied a development permit, Council may reconsider the delegated official's decision. Reconsideration may happen with the forwarding of a report for Council's consideration providing details about the application.
17. When a development permit is denied by Council, that application cannot be reconsidered except as follows:
 - a) Within thirty (30) days of the date of denial, a member of Council on the prevailing side, at the next Regular meeting of Council, gives notice of their intention to bring the matter back for reconsideration; or
 - b) Within three (3) months of the date of denial, the majority of Council passes a resolution to rescind the denial and reconsider the application.

18. An application may only be reconsidered by Council once. Where an application is reconsidered and denied, any further development proposals must be the subject of a new application.
19. Where a resolution to approve an application fails to gain the necessary majority of Council, the application will be deemed to be denied.

INACTIVE APPLICATIONS

20. If, in the opinion of the General Manager, Planning and Development, there is no evidence of an applicant actively pursuing the completion of an application, the Planning and Development Department will notify the applicant, by registered letter (to the applicant's address as shown on the application form), of the City's intent to close the application.
21. If another thirty (30) days lapses after the notification in Section 20 has been made without evidence of active pursuit of completion of an application, the General Manager, Planning and Development will do one of the following:
 - a) where an application has already been considered by, send a memo to City Council asking for the application to be closed; or
 - b) where an application has not already been considered by Council, close the application.

PERMIT APPROVAL PROCEDURE

22. Where an application includes commercial or industrial buildings exceeding four thousand five hundred square metres (4,500 m²) in gross floor area within a radius of eight hundred metres (800 m) of the intersection of a controlled access highway and that of another highway, the application will require the approval of the Ministry of Transportation and Infrastructure prior to issuance of the development permit.
23. Where Council passes a resolution to issue a development permit, the date of that resolution will be deemed to be the date of issuance.
24. Where the Delegated Official approves the issuance of a development permit, the date of that approval will be deemed to be the date of issuance.
25. If authorized by Council or approved by the Delegated Official, the Planning and Development Department will prepare the issued development permit and forward it to the City Clerk. The City Clerk will register, in the Land Titles and Survey Authority Office, a notice that the land described in the notice is subject to a development permit.
26. The terms of the development permit, or any amendment to it, will be binding on all persons who acquire an interest in the land affected by the permit.

27. Subject to the terms of the permit, where the holder of the development permit does not substantially commence any construction with respect to that for which the permit was issued within two (2) years of the issue date, the permit lapses.
28. Council, or the Delegated Official, may issue more than one (1) permit for an area of land, and the land must be developed strictly in accordance with the permits issued.

LANDSCAPING

29. Where a development permit also includes landscaping, the following conditions apply:
 - a) Installation and Maintenance:
 - i) The Landscaping, including its installation, must conform to the drawings submitted and approved for which the Development Permit applies;
 - ii) For Form and Character development permits, landscaping must be installed and completed within six (6) months after the date of the final inspection of the buildings and structures referred to in the drawings attached to and forming part of the development permit;
 - iii) For Hazard Land, Sensitive Ecosystem and Farm Protection development permits, landscaping must be installed and completed prior to the issuance of a building permit;
 - iv) Landscaping shall be maintained in good order according to the type and purpose of planting specified, attached to and forming part of the development permit, and shall be maintained for the period of time specified in the development permit.
 - b) Security:
 - i) Security must be submitted prior to the installation of any landscaping;
 - ii) Security collected for Form and Character development permits, or for that portion of a development permit pertaining to a Form and Character component, must be submitted prior to the issuance of the building permit to ensure satisfactory completion of the landscaping required for which the development permit applies;
 - iii) Security collected for Hazard Land, Sensitive Ecosystem and Farm Protection development permits or for that portion of a development permit pertaining to Hazard Land, Sensitive Ecosystem and Farm Protection components, must be submitted prior to the issuance of a development permit to ensure satisfactory completion of the landscaping required for which the development permit applies;

- iv) If applicable, security amounts required for each phase will be indicated in the development permit;
- v) If applicable, security amounts required to ensure completion of landscaping installation will also serve as security required for any landscaping maintenance period as specified in the development permit;
- vi) Security release will only be considered:
 - a. in the case of a Hazard Land, Sensitive Ecosystem or Farm Protection development permit, once the landscaping maintenance period specified in the development permit has expired and after final approval of the landscaping installation and maintenance has been given by the City; and
 - b. in the case of all other development permits, once installation of the landscaping has been completed and after final approval of the installation has been given by the City.
- vii) If final approval of:
 - a. the landscaping installation and maintenance in the case of a Hazard Land, Sensitive Ecosystem or Farm Protection development permit; or
 - b. the landscaping installation in the case of all other development permits, is not given by the City, the City has the option of using the security to complete the landscaping (or hiring a contractor to complete the work on the City's behalf) with any remaining money returned to the owner. The owner hereby authorizes the City or its agents to enter upon the land to complete the landscaping; and
- viii) 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 from the date of the provisional or final inspection of the buildings and structures referred to in the drawings attached and forming part of the development permit.

SHARED VEHICLES

- 30. Where a development permit also includes the provision of shared vehicles in exchange for reduced parking requirements in accordance with the "Surrey Zoning By-law, 1993, No. 12000", as amended, the following conditions apply:
 - a) Requirements prior to Council consideration:
 - i) A letter of support from a shared vehicle operator to the owner is to be submitted to

the satisfaction of the General Manager of Engineering prior to staff preparing a report for Council's consideration, confirming the following:

- a. Willingness of the shared vehicle operator to enter into a renewable shared vehicle services agreement with the owner;
- b. The number of proposed shared vehicles; and
- c. The suitability of the shared vehicle parking space location and access.

b) Requirements prior to Development Permit issuance:

- i) The shared vehicle parking space location must be identified in the drawings submitted and approved for which the development permit applies;
 - ii) An executed Section 219 Restrictive Covenant between the owner and the City must be submitted, and shall include the following:
 - a. A minimum term of three (3) years for each shared vehicle, commencing from the first date that the applicable shared vehicle is made available for use; and
 - b. Provision of public access, twenty-four hours seven days a week, to the shared vehicle parking space and the shared vehicle.
 - iii) All easements and statutory rights of way necessary for access to the shared vehicle parking space must be executed and submitted.
 - iv) An executed shared vehicle services agreement between the owner and the shared vehicle operator must be submitted to the City, and shall include the following:
 - a. Confirmation of the obligations of both parties and the minimum financial contribution amount of \$25,000 per vehicle; and
 - b. Where the owner receives an additional reduction to the minimum parking requirements in exchange for providing a shared electric vehicle (and the associated electric vehicle charging infrastructure and hardware as per "Surrey Zoning By-law, 1993, No. 12000", as amended), an additional minimum contribution of \$5,000 per vehicle is required.
- c) Security Deposit:
- i) The owner shall provide to the City a security deposit in cash or letter of credit in the amount of \$50,000 per shared vehicle, regardless of phasing. The security deposit must be submitted prior to the issuance of a building permit. No interest shall be paid by the City on security deposits;
 - ii) If at any time an owner fails to comply with the provisions of this Bylaw relating to requirements for shared vehicles, the City may draw upon the security deposit provided and expend the funds to cover all costs of fulfilling the obligations of the shared vehicle agreement;

- iii) The security deposit shall be released when all of the following requirements have been satisfied:
 - a. The shared vehicle parking space has been constructed, including all required signage, in accordance with the development permit;
 - b. The owner provides confirmation that a process is in place to permit public access, twenty-four hours seven days a week, to the shared vehicle;
 - c. The owner or shared vehicle operator provides confirmation of the deployment of the shared vehicle on site.
- iv) If applicable, a phased return of security deposit will be permitted in the event shared vehicles are supplied to the site in multiple phases.”

PASSED FIRST READING on the 1st day of February, 2016.

PASSED SECOND READING on the 1st day of February, 2016.

PASSED THIRD READING, as amended, on the 22nd day of February, 2016.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 22nd day of February 22, 2016.

_____MAYOR

_____CLERK