

CITY OF SURREY

BY-LAW NO. 13196

DEVELOPMENT APPLICATION PROCEDURE BY-LAW, 1997

As amended by By-law No. 14765, 07/22/02, REPEALED BY [17409](#), 06/13/01

THIS IS A CONSOLIDATED BY-LAW 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 BY-LAW PROVISIONS.

- (a) WHEREAS the City currently uses many different application forms for various types of development applications;
- (b) AND WHEREAS the use of different forms have led to a duplication of effort by applicants and City staff;
- (c) AND WHEREAS the forms currently used by the City have not been updated for many years; and
- (d) AND WHEREAS the City is committed to improving the quality and effectiveness of its development process;

Under its statutory powers, including Part 26 of the *Municipal Act*, R.S.B.C. 1996, c.323, 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
- (c) to provide a standard form of development permit, development variance permit and temporary use permit.

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Part 1
Introductory Provisions

Title

1. This By-law may be cited as the "Surrey Development Application Procedure By-law, 1997, No. 13196".

Definitions

2. In this By-law,

"Agricultural Land Reserve"

means lands established and regulated by the *Agricultural Land Commission Act*, R.S.B.C. 1996, c. 10, as amended.

"Applicant"

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

"City"

means the City of Surrey.

"Council"

means the City Council of the City of Surrey.

"Land Use Contract"

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

"Liquor Permit"

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

"Municipal Act"

means the *Municipal Act*, R.S.B.C. 1996, c. 323, as amended.

"Neighbourhood Concept Plan"

means a neighbourhood concept plan adopted by resolution or by-law by the Council of the City of Surrey.

"Official Community Plan"

means Surrey Official Community Plan By-law, 1996, No. 12900, as amended.

"Owner"

means the registered owner of an estate in fee simple of real property, and shall include:

- (a) the tenant for life under a registered life estate,
- (b) the registered holder of the last registered agreement for sale,
- (c) the holder or occupier of land held in the manner mentioned in Sections 356 and 357 of the *Municipal Act*, and
- (d) an Indian who is an owner under the letters patent of a municipality, incorporated under Section 12 of the *Municipal Act*.

and shall also include the agent of any such person.

"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 lands 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, 1993, No. 12000, as amended, changing the 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) a development permit for property;
 - (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) an amendment or discharge of a restrictive covenant affecting property; or
 - (k) a development of property within the agricultural land reserve;

shall be made by the owner of the property in the form of development application attached as Schedule "A" to this By-law.

Development Application Fees

4. At the time of application, the applicant shall pay to the City the application fee set out in Surrey Land Use and Development Applications Fees Imposition By-law, 1993, No. 11631 as amended.

Part 3 Development Permits

Council Approval

5. Development permits shall be issued by Council resolution in accordance with the provisions of Section 920 of the *Municipal Act*.

Form of Development Permit

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

Part 4 Development Variance Permits

Council Approval

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

Form of Development Variance Permits

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

Part 5 Temporary Use Permits

Council Approval

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

Form of Temporary Use Permits

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

Part 6 General Provisions

Repealment

11. The following by-laws are hereby repealed:
 - (a) Surrey Development Permit Form and Application Fee By-law, 1986, No. 8623, as amended;

- (b) Surrey Development Variance Permit Form and Application Fee By-law, 1986, No. 8658, as amended; and
- (c) Surrey Temporary Use Permit Form and Fee By-law, 1985, No. 8350, as amended.

Commencement

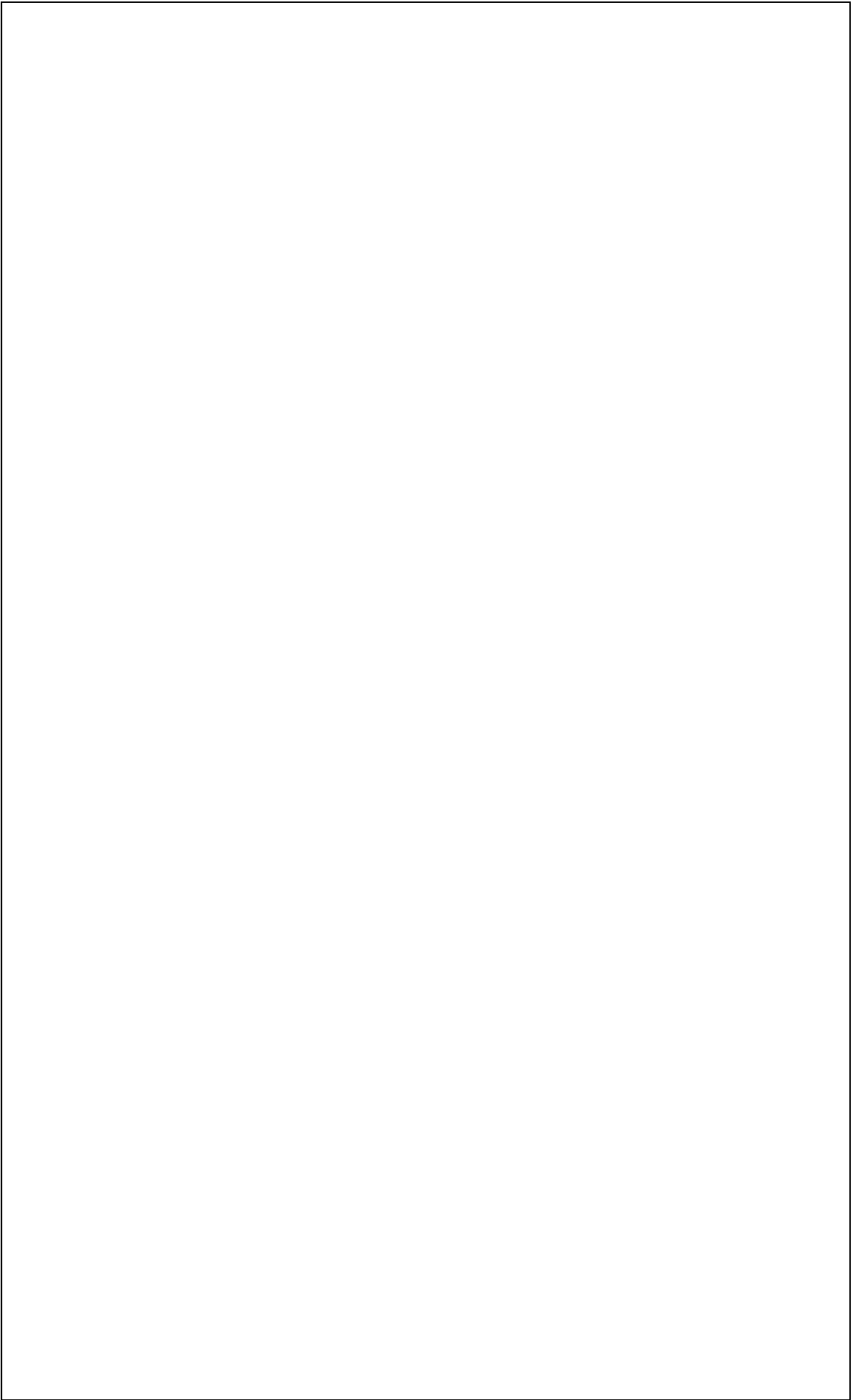
12. This By-law shall come into force on the date of final adoption hereof.

PASSED THREE READINGS on the 21st day of July, 1997.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 29th day of July, 1997.

"D.W. MC CALLUM" MAYOR

"DONNA B. KENNY" CLERK



PROPERTIES INCLUDED IN THE APPLICATION

File No: _____

Subject Property:

Civic Address: _____
Legal Description: _____
Name of Owner: _____
Contact Person (if a company): _____
Address: _____
City: _____ Postal Code: _____
Telephone: _____ Fascimile: _____
Cellular Phone: _____ E-mail: _____

Subject Property:

Civic Address: _____
Legal Description: _____
Name of Owner: _____
Contact Person (if a company): _____
Address: _____
City: _____ Postal Code: _____
Telephone: _____ Fascimile: _____
Cellular Phone: _____ E-mail: _____

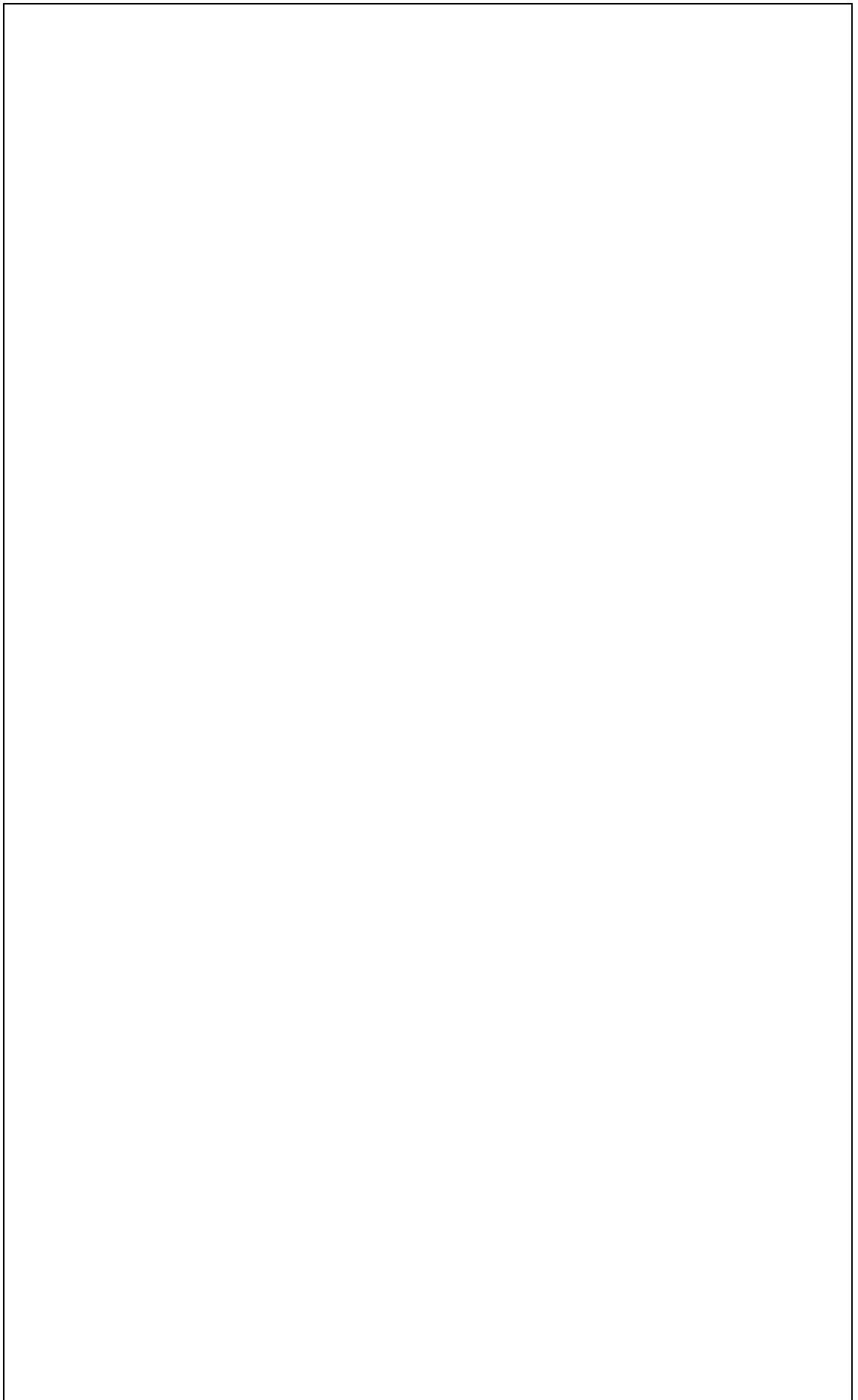
Subject Property:

Civic Address: _____
Legal Description: _____
Name of Owner: _____
Contact Person (if a company): _____
Address: _____
City: _____ Postal Code: _____
Telephone: _____ Fascimile: _____
Cellular Phone: _____ E-mail: _____

Subject Property:

Civic Address: _____
Legal Description: _____
Name of Owner: _____
Contact Person (if a company): _____
Address: _____
City: _____ Postal Code: _____
Telephone: _____ Fascimile: _____
Cellular Phone: _____ E-mail: _____

Note: Each property included in the application must be listed separately. If the owner of the properties is the same, just fill in "owner" section - "same as above". If more than four (4) properties are involved, please use additional sheets.



CITY OF SURREY

(the "City")

DEVELOPMENT PERMIT

NO. _____

Issued To:

(the "Owner")

Address of Owner:

1. This development 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 permit.
2. This development 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:

Parcel Identifier:

(the "Land")

3. (a) As the legal description of the Land will 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:

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

4. This development permit applies to only the portion of the Land (to that portion of the buildings and structures on the Land) shown on Schedule A which is attached hereto and forms part of this development permit.
5. The Land has been designated as a Development Permit Area in Surrey Official Community Plan, 1996, No. 12900, as amended.
6. The character of the development including landscaping and the siting, form, exterior design and finish 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 permit.
7. Minor changes to the Drawings that do not affect the general form and character of the landscaping and the siting, form, exterior design and finish of buildings and structures on the Land, may be permitted subject to the approval of the City.
8. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:

9. (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")

- (d) The Security is for:
 - i. Phase I _____
 - ii. Phase II _____

- (e)
 - 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.
- 10. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development permit. This development permit is not a building permit.
- 11. This development permit shall lapse if the Owner does not substantially start any construction with respect to which this development permit is issued, within two (2) years after the date this development permit is issued.
- 12. The terms of this development permit or any amendment to it, are binding on all persons who acquire an interest in the Land.

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

Mayor -

Acting City Clerk -

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

Authorized Agent: (Signature)

Name: (Please Print)

OR

Owner: (Signature)

Name: (Please Print)

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:

Parcel Identifier:

(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:

- (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:

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

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

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. 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.

6. (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")

(d) The Security is for:

i. Phase I _____

ii. Phase II _____

- (e) 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.
7. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit. This development variance permit is not a building permit.
8. 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 if the Owner does not substantially start any construction within two (2) years after Development Permit No. _____ 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.

9. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.

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

 Mayor -

 Acting City Clerk -

CITY OF SURREY

(the "City")

TEMPORARY [COMMERCIAL / INDUSTRIAL] 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:

Parcel Identifier:

(the "Land")

- 3 The Land has been designated as a Temporary [Commercial / Industrial] Use Permit Area in Surrey Official Community Plan, 1996, No. 12900, as amended.
4. The temporary use permitted on the Land shall be:
5. The temporary use shall be carried out according to the following 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 _____.

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

ISSUED THIS DAY OF , 20 .

Mayor - D.W. McCallum

Acting City Clerk - Margaret Jones

IN CONSIDERATION OF COUNCIL'S APPROVAL OF THIS DEVELOPMENT PERMIT AND OTHER GOOD AND VALUABLE CONSIDERATION, I/WE THE UNDERSIGNED AGREED TO THE TERMS AND CONDITIONS OF THIS DEVELOPMENT 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)