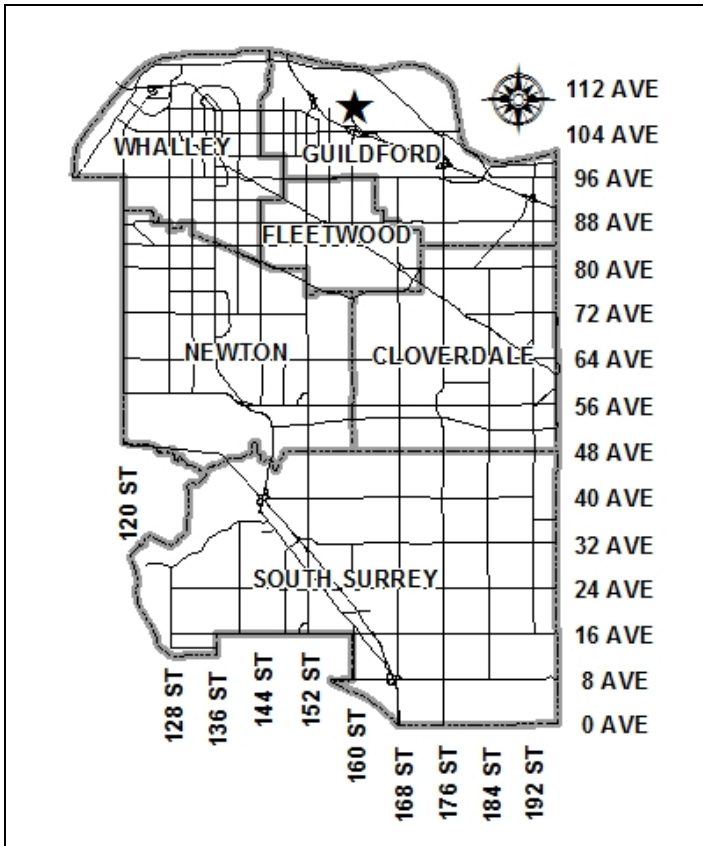


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7912-0305-00

Planning Report Date: June 17, 2013



**PROPOSAL:**

- **Rezoning** from CD By-law No. 11302 (as amended by By-law Nos. 15501 and 17906) to CD (based on the C-8 Zone)

in order to permit a licensee retail store (private liquor store) in an existing neighbourhood shopping centre.

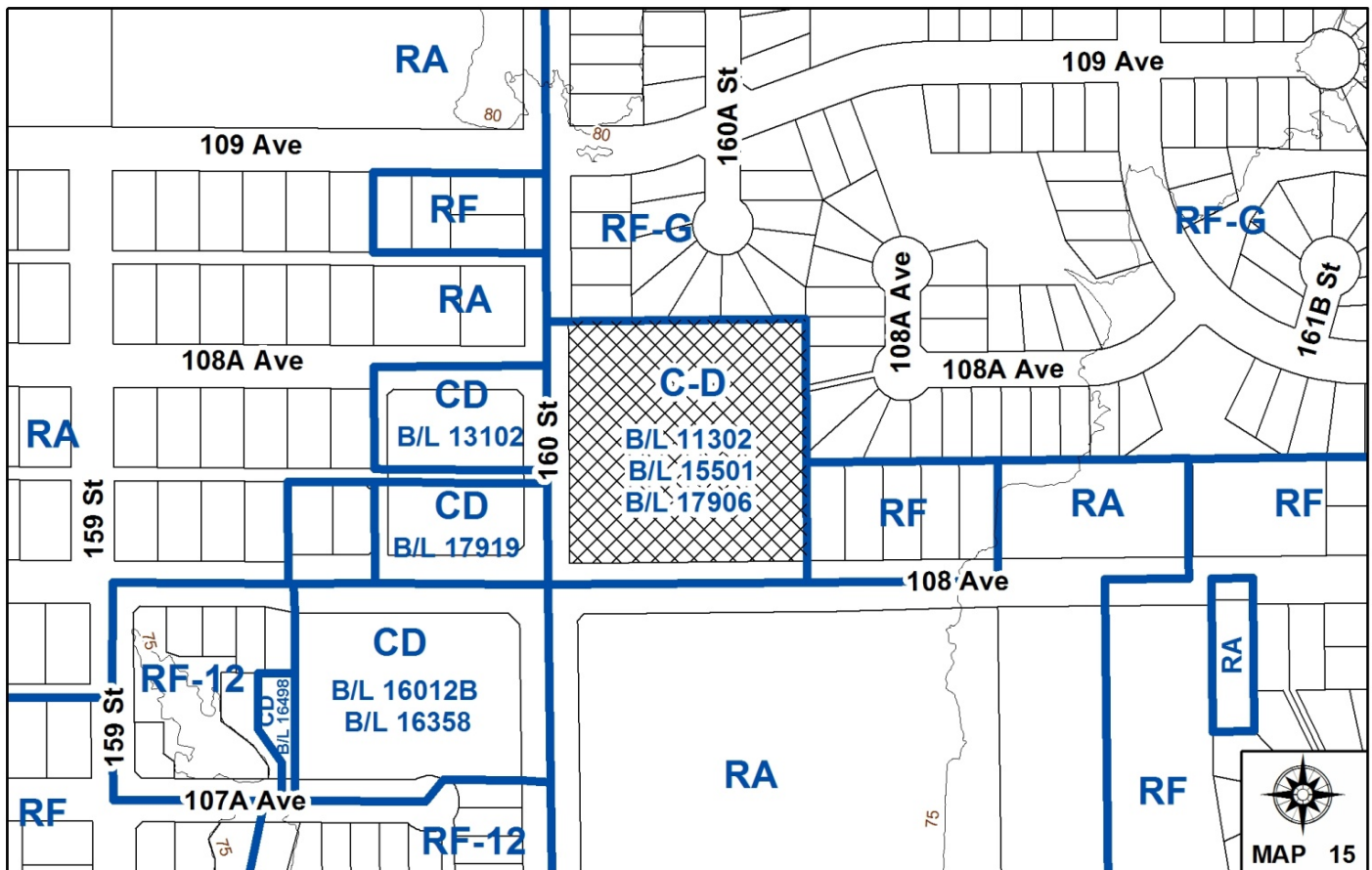
**LOCATION:** 16033 - 108 Avenue

**OWNER:** Kevington Building Corp. Ltd.

**ZONING:** CD By-law Nos. 11302 11501 and 17906

**OCP DESIGNATION:** Commercial

**LAP DESIGNATION:** Commercial



### RECOMMENDATION SUMMARY

- Denial

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

### RATIONALE OF RECOMMENDATION

- Although some neighbourhood support has been expressed for the proposed liquor store, a significant amount of opposition has also been expressed.
- The primary reason cited from area residents for opposition to the proposed private liquor store is the proximity to Fraser Heights Secondary School, which is immediately across the street from the subject site.
- The commercial sites on the west side of 160 Street (north and south of 108 Avenue) also do not currently permit private liquor stores.
- As the existing locational criteria for neighbourhood pubs require a minimum 400-metre (1/4 mile) separation between neighbourhood pubs and schools, it is likely that the locational criteria for private liquor stores currently under development, will include similar separation requirements, which would not be achieved by the subject proposal.

RECOMMENDATION

The Planning & Development Department recommends that this application be denied.

However, if Council finds merit in the proposal it is recommended that:

1. a By-law be introduced to rezone the subject site from "Surrey Zoning By-law, 1979, No. 5942, Amendment By-law, 1992, No. 11302, Amendment By-law, 2004, No. 15501, Amendment By-law 2012, No. 17706" to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing (Appendix VI).
2. Council instruct staff to resolve the following issues prior to final adoption:
  - (a) ensure that all engineering requirements and issues including restrictive covenants, dedications, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering; and
  - (b) approval from the Ministry of Transportation & Infrastructure.

REFERRALS

Engineering:	The Engineering Department has no objection to the project as outlined in Appendix II.
Guildford Community Policing Station:	Has concerns about the safety of the students from the adjacent school.
Surrey School Board:	Concerned about the proximity of the school to the proposed licensee retail store.
Ministry of Transportation & Infrastructure (MOTI):	Referred to the Ministry for their comments.

SITE CHARACTERISTICS

Existing Land Use: Neighbourhood shopping centre.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwellings	Urban	RF-G

Direction	Existing Use	OCP Designation	Existing Zone
East:	Single family dwellings	Urban	RF-G and RF
South (Across 108 Avenue):	Fraser Heights Secondary School and Fraser Heights Park	Urban	RA
West (Across 160 Street):	Gas station and mixed use commercial, and single family dwelling	Commercial and Urban	CD By-law No. 17919, CD By-law No. 13102 and RA

## DEVELOPMENT CONSIDERATIONS

### Background on Subject Site's Zoning

- The subject site, on which the Fraser Heights Shopping Centre is currently located, is situated on the north-east corner of 160 Street and 108 Avenue, is designated Commercial under the Official Community Plan (OCP) and is zoned "Comprehensive Development Zone (CD)" (By-law No. 11302, as amended by By-law Nos. 15501 and 17906).
- The Fraser Heights Shopping Centre was developed in the early 1990's (Application No. 7988-0034-00) to provide local services to the growing residential neighbourhood of Fraser Heights, north of Highway No. 1.
- Originally, the subject site was to be rezoned to "C-R(1) Retail Commercial Zone One" under the prevailing Zoning By-law No. 5942. During the review of the proposal, the Fraser Heights Community Association (FHCA) indicated support for the overall commercial development, but expressed concerns about some of the permitted uses in the C-R(1) Zone (By-law No. 5942).
- As a result of these concerns, the subject site was rezoned to a Comprehensive Development Zone (CD By-law No. 11320) to permit retail, service and office uses and to prohibit certain uses, specifically video arcades, 24-hour grocery stores and neighbourhood pubs.
- It should be noted that the commercial properties on the west side of 160 Street, directly across the street from the subject property, were rezoned to CD Zones in 1994 and 1998 (By-law Nos. 12322 and 13102 respectively) and neighbourhood pubs were intentionally not included as a permitted use in either by-law. Similarly, the commercial site to the south-west was rezoned to CD By-law No. 16012B in January 2007 and neighbourhood pubs were not included as a permitted use.
- As described in greater detail in the next section of this report, the zoning of the subject site and other applicable CD-zoned sites, were amended under Council-initiative (By-law No. 15501) on October 18, 2004. The amendment permitted (private) liquor stores only if associated with a liquor primary license (e.g., neighbourhood pub). However, since CD By-law No. 11302, which regulates the subject site, specifically prohibits neighbourhood pubs as a permitted use, a (private) liquor store, by virtue of the link between neighbourhood pubs and liquor stores, is therefore not permitted on the subject site.

- On July 26, 2012, the zoning of the subject site was amended for a second time, under By-law No. 17906, to increase the area of the site that can be occupied by a grocery store (Application No. 7912-0167-00).

#### Background on Private Liquor Store Regulations

- Historically, licensee retail stores (or private liquor stores) had to be tied to an existing liquor-primary operation, being a pub, hotel, cabaret or resort.
- It should be noted that government-operated liquor stores have been permitted wherever retail stores are allowed.
- In anticipation of potential de-regulation by the Province regarding liquor sales, in June 2003 Council considered Corporate Report No. R142 and subsequently approved amendments to the Zoning By-law to define "liquor store" and to amend the C-8 and C-15 Zones to permit private liquor stores as a principal use but only in combination with a liquor-primary licensed establishment. The intent was to ensure that there would not be a proliferation of private liquor stores within the City.
- Following the adoption of these Zoning By-law amendments, the relevant Comprehensive Development (CD) Zones (including the CD Zone for the subject site) were also amended to incorporate the restriction that private liquor stores are only permitted if in conjunction with a liquor-primary licensed establishment on the same site.
- In 2011, the Provincial Government changed the regulations with respect to private liquor stores, no longer requiring private liquor stores to be associated with a liquor-primary licensed establishment (e.g., neighbourhood pub). In Surrey however, the relevant zones in the Zoning By-law still required the "link" between private liquor stores and neighbourhood pubs.
- In May 2012, Council considered Corporate Report No. R117, which recommended amending the Zoning By-law to allow private liquor stores to operate independently of any liquor-primary license (neighbourhood pub) in order to bring Surrey into conformance with the new Provincial regulations and with the practices of surrounding municipalities.
- As detailed in Corporate Report No. R117, of the eight Metro Vancouver jurisdictions surveyed, none have regulations that require a private liquor store to be located on the same lot as the liquor-primary licensed establishment; however, Richmond and Port Coquitlam require site specific rezoning to allow for the establishment of any new private liquor store.
- On October 1, 2012, Surrey Zoning By-law No. 12000 was amended to allow private liquor stores as a permitted use in the C-8 and C-15 Zones without having to be associated with a liquor primary licensed establishment (e.g., neighbourhood pub).

- At the February 18, 2013 Regular Council – Land Use meeting, when considering Application No. 7912-0339-00 for a rezoning, from C-5 to C-8, at 6351 – 152 Street to accommodate a private liquor store, Council passed the following resolution:

*That staff provide a report that discusses and makes recommendations for criteria required for the placement and location of private liquor stores within the City of Surrey. [Resolution No. RES.R13-195]*

- The requested report on location criteria for private liquor stores is under preparation, and will be presented to Council in due course.

### Current Proposal

- On October 29, 2012, the owner of the Fraser Heights Shopping Centre submitted a rezoning application to further amend CD By-law No. 11302, to permit a private liquor store (licensee retail store) to operate on the site. In essence, the applicant is requesting elimination of the "link" to a liquor-primary licensed establishment.
- The requested amendment to the CD By-law would bring the existing shopping centre into conformity with other "Community Commercial Zone (C-8)" and "Town Centre Commercial Zone (C-15)" zoned shopping centres in Surrey, which allow private liquor stores as an outright permitted use.
- Currently, Surrey has no specific locational criteria to regulate the location of private liquor stores. Although, the Liquor Control and Licensing Branch (LCLB) is not releasing any new licenses for private liquor stores, there have been applications to LCLB to relocate existing licenses to other locations.
- The proposed liquor store for the subject site is a relocation of the South Point Liquor Store, which is located at 3020 - 152 Street.
- The Province requires that there be a minimum one-kilometre (one-half mile) separating distance between existing or proposed licensee retail stores (i.e. private liquor stores), and that the proposed location be in compliance with the zoning requirements.
- Initially the private liquor store within the Fraser Heights Shopping Centre was proposed to be located in the last unit on the south-east side of the property which was formerly a restaurant on 108 Avenue, directly across 108 Avenue from the high school.
- After the proponent discussed the proposal with the District Commander at the Guildford Community Policing Station and the mall owner, the liquor store is now proposed to be located in a unit closer to Nester's Market, approximately 40 metres (130 ft.) north of 108 Avenue (see Appendix III).

### PUBLIC CONSULTATION AND PRE-NOTIFICATION

- Subsequent to the submission of the rezoning application, the applicant engaged a private polling firm, the Reid Agency, to conduct a survey to gauge community support for a private liquor store (i.e.

licensee retail store) at this location.

- The Reid Agency polled 701 individuals between December 1 and December 31, 2012 outside of the Nester's Market and Starbucks coffee house at the Fraser Heights Shopping Centre. Of the 701 surveyed, 571 (81%) signed letters of support for the proposal, 48 (7%) were neutral, and 82 (12%) were not in favour of the proposal. The signed letters were submitted to Planning staff. The map attached as Appendix IV shows the location of the residences of the people who indicated support for the proposal.
- On January 7, 2013, Planning staff sent out pre-notification letters to residents within 100 metres (330 ft.) of the subject site and the applicant erected a Development Proposal Sign.
- In response to the pre-notification letter and Development Proposal Sign, staff received 12 e-mails, with 8 supporting the proposal and 4 against the proposal.
- The RCMP District Commander at the Guildford Community Policing Station was requested to comment on the proposed rezoning. His concern is the safety risk as it relates to the liquor store being located next to the secondary school. In addition, the youth attending this school will be crossing the street to access other businesses in this commercial complex. While the impaired driving statistics in BC have decreased in recent years, there is a chance that these youth may be exposed to impaired drivers who are making purchases from the store.
- As a result of the pre-notification process, residents of the Fraser Heights community conducted a door-to-door survey to gather signatures of residents who oppose the licensee retail store proposal. Approximately 340 names were received by the City on various petitions. These responses have been plotted on the map attached in Appendix V. The petitions include the names and addresses of those residents who were against the proposal, but there was no indication on the petition of the number of people who supported the proposal.
- The applicant held a Public Information Meeting on March 14, 2013 at the Fraser Heights Shopping Centre from 5:00 pm until 8:00 pm. The meeting was held in the retail unit that was initially proposed for the liquor store (see Appendix III).
- At the Public Information Meeting, 118 people signed the attendance sheet.
- Attendees of the Public Information Meeting also submitted 128 completed questionnaires that had been provided by the applicant. The results of the questionnaires are as follows:

1. How important is it to be able to walk to your local community market for all your shopping needs (rate on a scale of 1-5: 1 being the least important; and 5 being the most important)?

1	2	3	4	5
7%	8%	22%	20%	40%

2. How important is supporting your local business (rate on a scale of 1-5: 1 being the least important; and 5 being the most important)?

1	2	3	4	5
9%	7%	24%	20%	40%

## 3. How often do you visit local retail stores in the Fraser Heights Community?

1-2 times a week	1-2 times a month	Every Couple of Months	Rarely	I don't shop locally
31%	55%	8%	4%	2%

## 4. How often do you shop at a Wine, Beer &amp; Liquor Store?

1-2 times a week	1-2 times a month	Every couple of months	Rarely	I don't buy liquor products
15%	19%	14%	30%	22%

## 5. Would you support a local retail liquor store in the Fraser Heights Community?

Yes	No	Maybe
40%	52%	8%

DISCUSSION

- The Fraser Heights community has expressed strong sentiments both in support and in opposition to the proposed private liquor store.
- The subject site is the heart of the commercial area for Fraser Heights.
- It is not unreasonable to offer liquor sales within a shopping centre setting and this use is permitted in the Community Commercial Zone (C-8), which is the comparable zoning to the CD Zone that regulates the subject site.
- It is beneficial to provide services close to the community to avoid excessive travel to obtain goods and services. For Fraser Heights residents, travelling outside the neighbourhood is necessary for all liquor purchases.
- The subject site, however, is directly across 108 Avenue from the Fraser Heights Secondary School, with a current enrollment of 1,452 students in grades 8 to 12. Initially, the liquor store was proposed in the unit at the south-east corner of the site, which is the closest unit to the school. The concern expressed at the Public Information Meeting was that students would have to walk in front of the private liquor store to access the adjoining pizza business.
- After the Public Information Meeting, the proponent had further discussions with the mall owner, and as a result, the private liquor store is now proposed at the north end of the north/south oriented building on the east side of the site, close to the front entrance of Nester's Market (see Appendix III).
- This revised location will allow for additional visual surveillance from customers patronizing Nester's Market, as well as from the parking lot. The initial location proposed for of the private liquor store has a cedar hedge along the south property line which obscures some of the visual surveillance of the liquor store from the street.
- The new proposed location of the private liquor store is approximately 40 metres (130 ft.) from 108 Avenue, which is the frontage for the secondary school.



- The following sections provide a summary of the expressed concerns and support for the proposed liquor store.

#### Areas of Concern

- The main areas of concern expressed by the residents who are not in support of the proposal are traffic, parking and proximity to Fraser Heights Secondary School.
- Some residents expressed concern about the traffic which would be generated by a liquor store at the Fraser Heights Shopping Centre.
- The applicant commissioned a transportation assessment by Bunt and Associates. For comparison, Bunt conducted a survey of vehicle frequency at the North Shore Liquor Store at 1887 Marine Drive in North Vancouver. At this store, there was a total of 48 vehicle trips during the 5:00 pm to 6:00 pm peak period (24 in-bound/24 out-bound). Based on this observation, Bunt suggests that the proposed liquor store is expected to generate up to 50 vehicle trips during the weekday evening peak traffic period. This is approximately double the trips that a similarly sized restaurant would generate.
- The parking requirement of a licensee retail store (liquor store) in the Zoning By-law is 2.75 parking spaces per 100 square metres, totaling 7 parking spaces in this instance. The restaurant which previously occupied this retail space required 10 parking spaces per 100 square metres of floor area which equates to 25 parking spaces. Based on this calculation, the proposed licensee retail store will require 20 fewer parking spaces during peak periods than did the former restaurant.
- The major concern expressed by the residents (as well as by the principal of the high school) who did not support the liquor store, is the proximity of the proposed liquor store to the high school.
- Specifically, the concerns were that the students often go to the restaurant in the Fraser Heights Shopping Centre, which is located beside the initial proposed location of the liquor store. The applicant has attempted to address their concern by moving the proposed private liquor store to the unit closer to the Nester's Market, approximately 40 metres (130 ft.) from the south property line.
- Another concern that was raised is that some of the students that attend Fraser Heights Secondary School are of legal drinking age and the possibility that some of those adult students could purchase liquor for the underage students.
- The operator of the proposed liquor store has operated similar businesses since 1975. During that time, his businesses have, according to the applicant, had one infraction for selling alcohol to a minor. The operator advises that he conducts a significant amount of in-house training to ensure that his staff ask for identification from everyone who looks young. The applicant has indicated that the staff will work to identify young adults who may be purchasing liquor for minors, and will ban them from the store if it is determined that is their intent. It was also noted that the proposed liquor store will have security cameras at the front door.
- The applicant's consultant contacted the Liquor Coordinator with the Vancouver Police Department (VPD) to advise if there have been issues concerning the location of liquor stores in proximity to high schools in Vancouver. Correspondence has been submitted from VPD advising that there is nothing to indicate that there is any problem with the proximity of a liquor store to a high school, in that City.

## Support

- A number of Fraser Heights residents have indicated that they support the proposal and they would like to have a liquor store located in their community.
- The nearest retail outlets for the purchase of alcohol are the Guildford Station Pub at 154 Street and 102 Avenue, and the government liquor store at the Guildford Town Centre at 104 Avenue and 152 Street.
- The nearest liquor store on the north side of Highway No. 1 is Jimmy Mac's Pub and Liquor Store in Langley, 10 kilometres (6 miles) to the east at 19935 – 96 Avenue.
- The residents who support the liquor store on the subject site like the convenience of being able to purchase liquor in their own neighbourhood rather than having to drive to Guildford or to Langley.
- Overall, the supporters of the project were not concerned about the possibility of young adults purchasing liquor at this location as it was viewed that teenagers would be more likely to get liquor from their parents or older siblings. It was judged that with a vigilant process for requesting identification, the sale of alcohol to minors would not be a problem.

## OPTIONS FOR CONSIDERATION

### Option 1 – Deny the Application

- The neighbourhood sentiment appears to be split regarding the proposal. A significant number of area residents have expressed opposition to the proposal and significant number have expressed support for the proposed private liquor store.
- A Public Hearing could be divisive to the neighbourhood.
- The primary reason cited from area residents in opposition to the proposed private liquor store is the proximity of the store to Fraser Heights Secondary School, which is immediately across the street from the subject site.
- The locational criteria for neighbourhood pubs include a minimum 400-metre (1/4 mile) separation distance between neighbourhood pubs and existing schools. Although the report proposing locational criteria in relation to the location of private liquor stores is under development, it is likely that the proximity to schools will be a consideration. Given that a high school is immediately to the south of the subject site, it is likely that the subject site will not fulfill the locational criteria for private liquor stores.

### Option 2 – Support the Rezoning to proceed to Public Hearing

- The residents who support the liquor store on the subject site like the convenience of purchasing liquor in their own neighbourhood rather than having to drive to Guildford or to Langley.
- It is a goal of the City, from a planning perspective, to build complete communities that encompass a full range of commercial uses. As there are no other liquor stores in the Fraser Heights neighbourhood, locating a liquor store in the neighbourhood commercial node at 160 Street and 108

Avenue would go toward creating a complete community that does not require residents to drive to other areas of the city.

- Liquor sales are generally permitted within a shopping centre setting.
- Liquor stores are permitted in the Community Commercial Zone (C-8), which is the comparable zoning to the CD Zone that regulates the subject site.
- Council can hear comments directly from both the supporters and the opponents to a proposed liquor store if a Public Hearing is held and then decide if there is merit in the proposal.

## CONCLUSION

- Overall, the Fraser Heights community is divided on this proposed land use at this location, with both sides deeply entrenched in their opinions on this proposal.
- The locational criteria for neighbourhood pubs include a minimum separation distance between neighbourhood pubs and existing schools. Although the study examining criteria for the location of private liquor stores has not yet been completed, it is likely that one of the locational criteria that the study will propose is that there be a considerable separation between the location of a private liquor store and an existing school facility. As the proposed private liquor store will be located directly across the street from and existing high school, this probable locational criteria would not be satisfied by the subject site.
- When the subject site, as well of the other commercially zoned sites on the west side of 160 Street, were rezoned for commercial purposes, the CD Zones for these properties specifically excluded neighborhood pubs and liquor stores as permitted uses in response to the desire of area residents to prohibit these uses and their perceived impact on the adjoining residential neighbourhood.
- As a result, the Planning and Development Department recommends Option 1, that this application be denied.
- However, if Council determines that there is some merit to allowing this application to proceed, it is recommended that the By-law attached as Appendix VI be introduced to rezone the site from “Comprehensive Development Zone By-law No. 13302 as amended by By-law Nos. 11501 and 17906 “ to a new Comprehensive Development Zone (Appendix VI) and a date be set for Public Hearing and Council instruct staff to resolve the following issues prior to final adoption:
  1. ensure that all engineering requirements and issues including restrictive covenants, dedications, and rights-of-way where necessary are addressed to the satisfaction of the general manager, engineering; and
  2. approval from the Ministry of Transportation & Infrastructure.
- The original CD By-law No. 11302 was drafted based on the Surrey Zoning By-law No. 5942, with two subsequent amendments to change the permitted uses section of the original by-law. A new CD By-law has been drafted which is based on the C-8 Zone, but incorporates the same restrictions in the current zoning, specifically to prohibit 24-hour grocery stores, video arcades and neighbourhood pubs. In addition the proposed location of the private liquor store has also been limited to be a minimum 40 metres (130 ft.) from 108 Avenue

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners, Action Summary
- Appendix II. Engineering Summary
- Appendix III. Site Plan of Shopping Centre
- Appendix IV. Map Showing Residents Supportive of the Proposal
- Appendix V. Map Showing Residents Against the Proposal
- Appendix VI. Proposed CD By-law Amendment (*if required*)

*Original signed by Judith Robertson*

Jean Lamontagne  
General Manager  
Planning and Development

LAP/da

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DRV 6/12/13 2:07 PM

Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent:      Name:                      Brent Tedford  
   Pacific Land Resource Group Inc.  
   Address:                      7485 - 130 Street, Suite 101  
   Surrey, BC V3W 1H8  
  
   Tel:                              (604) 501-1624 - Cellular
  
2.      Property involved in the Application
  - (a)      Civic Address:                      16033 - 108 Avenue
  
  - (b)      Civic Address:                      16033 - 108 Avenue  
   Owner:                              Kevington Building Corp. Ltd.  
   PID:                                      017-470-757  
   Lot 104 Section 14 Block 5 North Range 1 West New Westminster District Plan LMP1259
  
3.      Summary of Actions for City Clerk's Office (*if Council decides there is merit in the proposal*)
  - (a)      Introduce a By-law to rezone the property.
  
  - (b)      Application is under the jurisdiction of MOTI.  
  
   MOTI File No. \_\_\_\_\_

---

TO: **Manager, Area Planning & Development  
- North Surrey Division  
Planning and Development Department**

FROM: **Development Services Manager, Engineering Department**

DATE: **June 12, 2013**

PROJECT FILE: **7812-0305-00**

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RE: **Engineering Requirements (Commercial/Industrial)  
Location: 16033 108 Ave**

**REZONE**

***Property and Right-of-Way Requirements***

- Dedication of corner cut of approximately 8m x 8 m at 160 Street and 108 Avenue to match dedication on west side of the intersection based on future ultimate road widening.

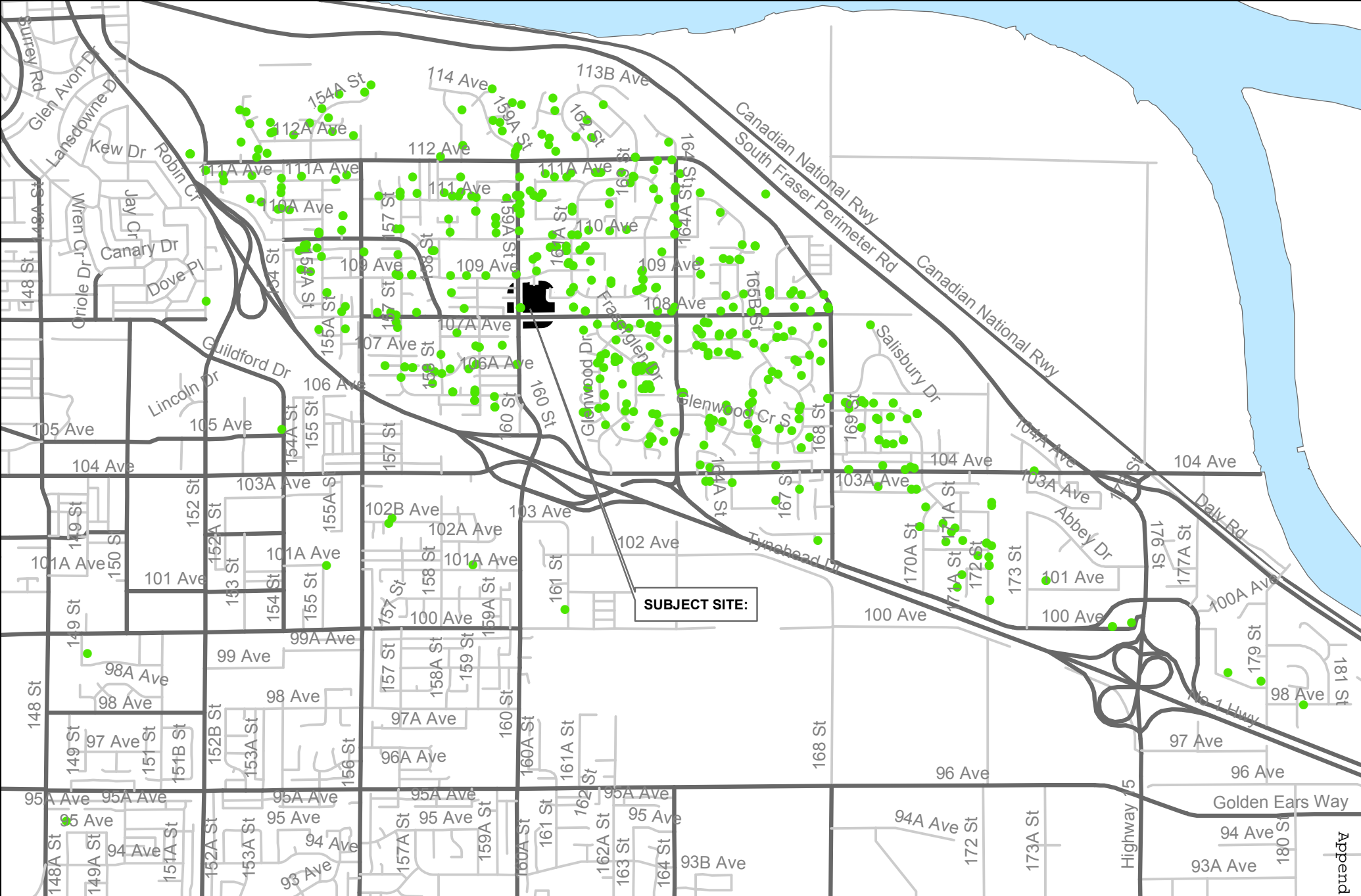
*Note: ultimate collector road dedications for the intersection of 160 Street at 108 Avenue can not be achieved at this time due to existing buildings.*

A Servicing Agreement is not required prior to Rezone.



Rémi Dubé, P.Eng.  
Development Services Manager

RD



**SUBJECT SITE:**

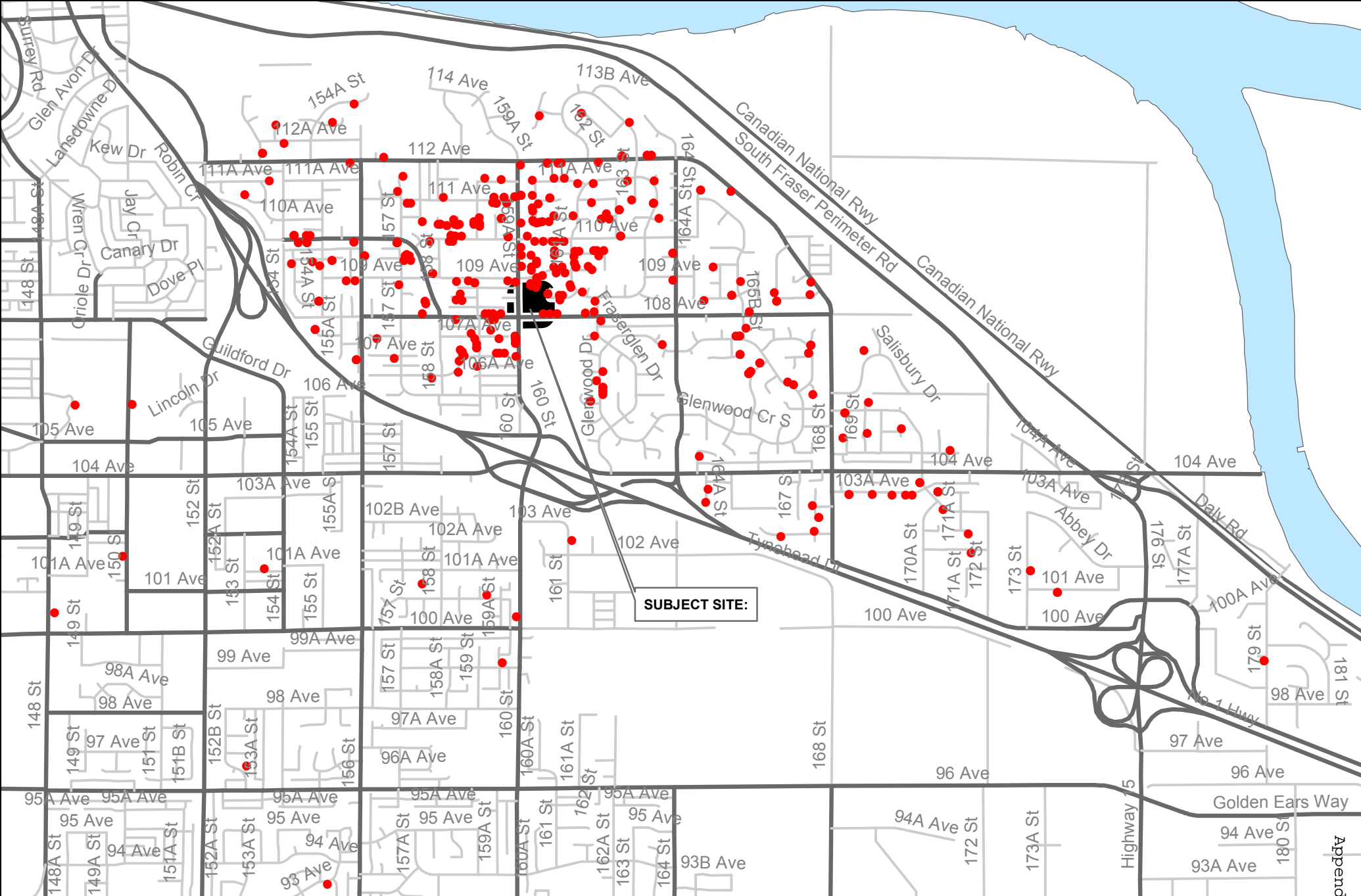
**SUPPORT TO DEVELOPMENT  
APPLICATION # 7912-0305-00  
16933 108 AVE**

**Legend**

● LIQUOR STORE OPPOSERS =	
IN FRASER HEIGHTS	505
OUT OF FRASER HEIGHTS	51
OUT OF SURREY	15
<b>TOTAL</b>	<b>571</b>

\*In addition to the responses shown, 42 responses were submitted by those living outside of this area.





**SUBJECT SITE:**

**OPPOSITION TO DEVELOPMENT  
APPLICATION # 7912-0305-00  
16933 108 AVE**

**Legend**

● LIQUOR STORE OPPOSERS =	
IN FRASER HEIGHTS	346
OUT OF FRASER HEIGHTS	24
OUT OF SURREY	4
<b>TOTAL</b>	<b>374</b>

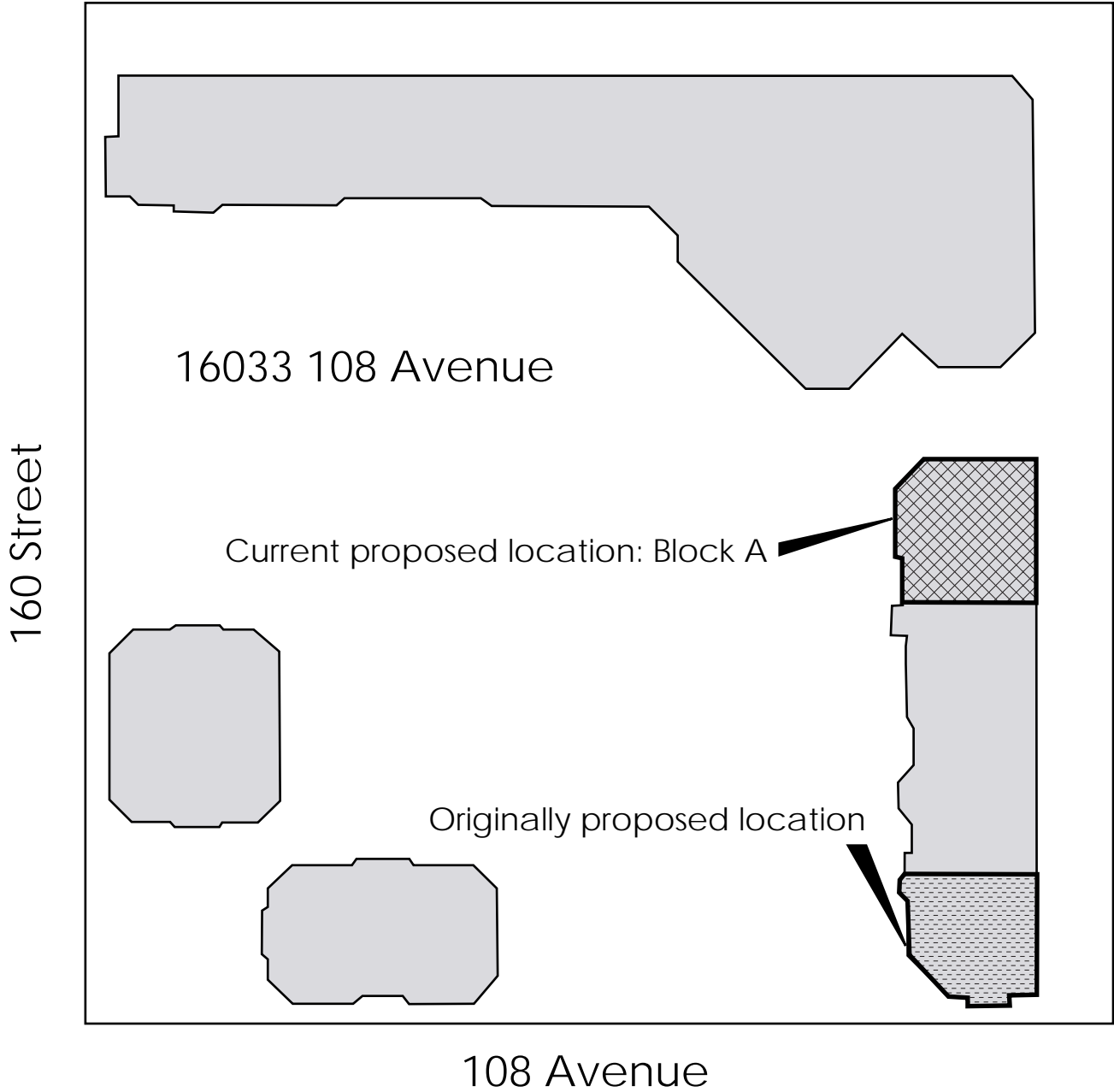
\*In addition to the responses shown, 11 responses were submitted by those living outside of this area.





# Fraser Heights Village Centre

Appendix III



CITY OF SURREY

BY-LAW NO. \_\_\_\_\_

A by-law to amend Surrey Zoning By-law, 1993, No. 12000, as amended

.....

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: SURREY ZONING BY-LAW, 1979 NO. 5942, AMENDMENT BY-LAW, 1992, NO. 11302, AMENDMENT BY-LAW, 2004, NO. 15501, AMENDMENT BY-LAW, 2012, NO. 17706

TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

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Parcel Identifier: 017-470-757  
 Lot 104 Section 14 Block 5 North Range 1 West New Westminster District Plan LMP1259  
 16033 – 108 Avenue

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

- A. Intent**

This Comprehensive Development Zone is intended to accommodate and regulate a neighbourhood scale shopping centre, oriented to pedestrians and developed in accordance with a *comprehensive design*.

- B. Permitted Uses**

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

- 1. *Retail stores* provided that the *gross floor area* of an individual *retail store* must not exceed 900 square metres [9,690 sq. ft.] except that one grocery store is permitted not exceeding 1,300 square metres [14,000 sq. ft.] in *gross floor area*, and excluding the following *retail stores*, which are prohibited:
  - (a) Grocery stores open more than eighteen hours per day;

- (b) *Adult entertainment stores; and*
  - (c) *Secondhand stores and pawnshops.*
2. *Liquor store provided that the liquor store is located 40 metres [130 ft.] from 108 Avenue.*
  3. *Personal service uses excluding body rub parlours.*
  4. *General service uses, excluding funeral parlours and drive-through banks.*
  5. *Eating establishments, excluding drive-through restaurants.*
  6. *Office uses excluding social escort services and methadone clinics.*
  7. *Entertainment uses excluding arcades and adult entertainment stores.*
  8. *Indoor recreational facilities.*
  9. *Beverage container return centres provided that the beverage container return centre:*
    - (a) *Is confined to an enclosed building or part of an enclosed building; and*
    - (b) *Does not exceed a gross floor area of 418 square metres [4,500 sq.ft.].*
  10. *One dwelling unit provided that the dwelling unit is:*
    - (a) *Contained within the principal building; and*
    - (b) *Occupied by the owner or owner's employee for the protection of the businesses permitted on the lot.*
  11. *Notwithstanding the uses permitted in this Section B, the following uses are specifically prohibited:*
    - (a) *Neighbourhood pubs;*
    - (b) *Video arcades; and*
    - (c) *Convenience stores.*

**C. Lot Area**

Not applicable to this Zone.

**D. Density**

The *floor area ratio* shall not exceed 1.0.

**E. Lot Coverage**

The *lot coverage* shall not exceed 50%.

**F. Yards and Setbacks**

*Buildings and structures* shall be sited in accordance with the following minimum *setbacks*:

<b>Use</b>	<b>Setback</b>	<b>Front Yard</b>	<b>Rear Yard</b>	<b>Side Yard*</b>	<b>Side Yard on Flanking Street</b>
<i>Principal Buildings and Accessory Buildings and Structures</i>		2.0 metres [6 ft.]	7.5 metres [25 ft.]	7.5 metres [25 ft.]	2.0 metres [6 ft.]

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

\* The *side yard setback* may be reduced to 0.0 metre if the *side yard* adjoins a *lot* other than a *residential lot*.

**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*: The *building height* shall not exceed 12 metres [39 ft.].
2. *Accessory buildings and structures*: The *building height* shall not exceed 4.5 metres [15 ft.].

**H. Off-Street Parking**

1. Refer to Table C.2 of Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended.
2. *Tandem parking* may be permitted for company fleet *vehicles*.

**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. Garbage containers and *passive recycling containers* shall be screened to a height of at least 2.5 metres [8 ft.] by *buildings*, a *landscaping* screen, a solid decorative fence, or a combination thereof.

**J. Special Regulations**

1. Garbage containers and *passive recycling containers* shall not be located within any required *setbacks* adjacent to any *residential lot*.

**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 of 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 the 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 Off-Street 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, 2012, No. 17850, as amended.
8. *Building* permits shall be subject to Surrey Development Cost Charge By-law, 2012, No. 17539, as may be amended or replaced from time to time, and the development cost charges shall be based on the C-8 Zone.
9. Tree regulations are set out in Surrey Tree Protection By-law, 2006, No. 16100, as amended.
10. Development permits may be required in accordance with the Surrey *Official Community Plan*, 1996, By-law No. 12900, as amended.

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

READ A FIRST AND SECOND TIME on the \_\_\_\_\_ th day of \_\_\_\_\_, 20 .

PUBLIC HEARING HELD thereon on the \_\_\_\_\_ th day of \_\_\_\_\_, 20 .

READ A THIRD TIME ON THE \_\_\_\_\_ th day of \_\_\_\_\_, 20 .

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the \_\_\_\_\_ th day of \_\_\_\_\_, 20 .

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CLERK

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