



Corporate Report

NO: R103

COUNCIL DATE: June 15, 2009

REGULAR COUNCIL

TO: Mayor & Council DATE: June 15, 2009
FROM: General Manager, Planning and Development FILE: 3900-30
SUBJECT: Proposed Housekeeping Amendments to Surrey Zoning By-law, 1993, No. 12000

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information;
2. Approve text amendments to Surrey Zoning By-law, 1993, No. 12000 (the "Zoning By-law"), as documented in Appendix I to this report; and
3. Authorize the City Clerk to introduce the necessary amending by-law for the required readings and set a date for the related public hearing.

INTENT

The purpose of this report is to obtain Council approval of housekeeping amendments to the Zoning By-law, as documented in Appendix I.

BACKGROUND

The need for the proposed text amendments has been identified during the processing of various development and building permit applications and the administration of the Zoning By-law, and are necessary to clarify the intent of certain regulations, respond to the issues identified during the processing of applications and to rectify inadvertent errors and omissions in drafting of and/or subsequent revisions to the Zoning By-law.

DISCUSSION

Amendments to Part 1 Definitions

- **"Building Height" – Dormers**

For a building with a sloped roof, the Zoning By-law defines the building height as the vertical distance from the average finished grade surrounding the building to the mid-point of the sloped roof. It is not clear how the height is to be measured when the building has more than one type of sloped roof, for example, dormers. In the single-family residential zones, particularly in the large-lot zones such as the Half Residential Acre (RH) Zone, dormers are often proposed in order to gain additional floor area permissible under the zone. Given the lack of clarity in the definition about how the height is to be measured when dormers or other similar roof forms are proposed, they often occupy a substantial length and height of the roof, sometimes occupying the entire length of the roof.

To take into account the visual impact of dormers and other similar roof forms, it is proposed that the definition of the building height be amended to stipulate that where dormers and similar roof forms cover no more than 25% of the sloped roof, building height will be measured to the mid-point of the slope of the principal roof. When dormers and/or similar roof forms cover more than 25% of the principal roof, a Development Variance Permit application will be required in order vary the definition of the building height.

Illustration I, contained in Appendix II, illustrates the approach that is followed in calculating building height, based on the current definition and the way that the building height would be calculated under the proposed definitions.

Amendment to Part 4 General Provisions

- **Home Occupations – Floor Area for Type I Home Occupations**

The Zoning By-law permits home occupations in any zone that permits a dwelling unit. A Type I Home Occupation is permitted in a zone that permits a single family dwelling or a duplex. Part 4 General Provisions of the Zoning By-law, which regulates Home Occupations, stipulates conditions that have to be met to allow a Home Occupation, including:

"No more than 25% of the area of 1 floor or any accessory building or structure of like area is used".

The intention is that the Home Occupation may occupy up to 25% of one floor of the principal building, or may take place in an accessory building so long it occupies an area no larger than 25% of one floor area of the principal building. Based on staff's experience, the current wording is ambiguous in that it could be interpreted to mean that the 25% floor area restriction not only applies to the floor area of the floor in the principal building, but also to the floor area of an accessory building.

The amendment proposed to this condition, as contained in Appendix I, acts to clarify that the area occupied by a Type I Home Occupation cannot exceed a floor area greater than 25% of the area of one of the floors of the principal building, regardless of whether the Home Occupation takes place in the principal building or in an accessory building on the lot.

Amendments to Residential Zones

- **Part 16 RF Zone and Part 17A RF-12 Zone – Floor Area of Second Storey**

RF and RF-12 Zones

Under the Single Family Residential Zones - RF and RF-12, for the purpose of moderating the visual impact of the building mass, the maximum permitted floor area of a second storey cannot exceed 80% of the floor area of the first storey including the floor area of an attached garage. However, many new houses are now constructed with covered porches and verandas, which can be large. When the allowable floor area of the second storey, calculated on the basis of the 80% of the first floor area, includes the area of porches and verandas, the floor area of the second storey would result in a large floor plate and would visually add to the building mass. On the small urban-sized lots, this has undesirable visual impact.

The RF-12C Zone, on the other hand, requires that the floor area of the second storey not exceed 80% of the floor area of the first storey including an attached garage, and that portion of any porch or at the front veranda that is covered with a sloped roof. Appendix I contains the proposed amendments to the RF and RF-12 Zones that are consistent with the provisions already contained in the RF-12C Zone.

- **Part 17C RF-9 Zone – Yards and Setbacks**

Setbacks for Attached Garages on Oversized Lots in the RF-9 Zone

The Single Family Residential (9) Zone (RF-9) permits three types of lots, which are based on minimum required dimensions and areas for each type of lots.

- Lot Types I and II are for narrow/deep lots (minimum width of 9 m/30 ft. for Type I lots and 7.9 m/26 ft. for Type II lots with a depth of 28 m/90 ft.); and
- Lot Type III is for shallow/wide lots (minimum width 12.3 m/41 ft and a depth of 22m/72ft).

An attached garage is permitted on Type III lots, but not permitted on either of Type I or Type II lots. The rationale is that an attached garage on the narrow Type I and Type II lots would provide insufficient useable back yard space, and the amount of daylight into the house would be restricted. Type III lots are at least 3 metres wider than Type I and Type II lots and, therefore, an attached garage does not create the same impact on the backyard space as it would on the narrower lots.

In addition, the RF-9 Zone stipulates that the side yard of an attached garage shall be 0.0 metres along one side of the lot. On a corner lot, the zone permits a minimum side yard of 1.2 metres (4 ft.) due to the additional width. A primary reason for requiring the zero side yard setback for the attached garage is to ensure that a reasonable backyard space will be available on a Type III lot - the same as on Type I and Type II lots. Additionally, it allows the garages on the adjoining lots to be twinned (i.e., the garages abut one another on the common lot line) allowing for a larger space between the garages that creates more functional back yard space on each of the compact lots.

In instances where the size of the site to be subdivided does not allow for any Type I or Type II lots, or the developer wants to have wider lots than the minimum required, or the lots are located around the end of a cul-de-sac, this can result in lots that are larger than the minimum required. For such lots, developers have requested that the side yard setback requirements be amended to allow a setback of up to 1.2 metres (4 ft.). The proposed amendment in Appendix I allow the side yard setback to be increased from zero up to 1.2 metres (4 ft.) for an attached garage if the other side yard is at least a 6 metres (20 ft.) to ensure that a minimum of 6m x 6m backyard space is still achieved. Illustration 2 in Appendix II demonstrates how this will be applied.

- **Part 17D RF-9C Zone – Lot Types and Utility Room**

Lot Types

The Single Family Residential Coach House (9) Zone (RF-9C) allows coach houses and secondary suites and currently permits Type I, Type II and Type III lots, similar to the RF-9 Zone.

Coach houses or secondary suites are only permitted on Type I lots. Although coach houses or secondary suites are not permitted on Type II and III lots, all lot types were included in the zone to provide opportunity for a mix of lot types and house types, some with coach houses or secondary suites and others without them, within the same zone.

The amendments proposed in Appendix I, clarify the intent of the zone and will no longer permit Type II and III lots. As there may be existing lots under this Zone that meet the criteria for Type II and III lots, references will continue to be made in the Zone to these types of lots for the purposes of building construction.

Utility Room

The RF-9C Zone permits a detached garage at the rear of the lot to be connected to the house by a utility room at the first storey in accordance with the Special Regulations Section of the Zone. The Zone stipulates that the height of the utility room cannot exceed the height of the garage. The purpose was to ensure that the utility room was not more than one-storey in height to minimize its effect on the daylight on the small back yard space on the compact lots. The current wording is

ambiguous. The amendment in Appendix I stipulates a maximum height of 3 metres (10 ft.) for the utility room.

- **Part 21A RM-23 Zone – Width of Internal Lots**

The Multiple Residential 23 Zone (RM-23) permits row housing containing a maximum of six attached dwelling units, and where each unit is located on a fee simple lot. For an internal lot, the zone requires a minimum lot width of 6 metres (20 ft.) and a minimum of two off-street parking spaces on each lot. In consideration of the narrow width of the lots, it stipulates that only one of the two required parking spaces can be enclosed in a single garage or carport and the second space must be accommodated outside on the lot.

While the minimum required 6-metre lot width could accommodate two parking spaces, in practice it has been found that it is tight. Therefore, the amendment in Appendix I proposes to increase the minimum lot width of an Internal Lot from 6 metres (20 ft.) to 6.3 metres (21 ft.) as shown in Illustration 2 in Appendix II. The proposed amendment also rectifies a typographical error under Section K. Subdivision.

Amendments to Commercial Zones

- **Part 40 - CG-1 Zone and Part 41 CG-2 Zone – Landscaping Requirement**

The Official Community Plan's Development Permit guidelines for gas stations require a minimum 3 metre (10 ft.) wide landscaped area along all street frontages for site definition and screening purposes, regardless of whether the gas station is located in a residential area, town centre area, city centre area, or highway commercial area. However, the landscaping sections of the two gas station zones, CG-1 and CG-2, stipulate a minimum of 1.5 metres (5 ft.) wide landscaped area in all situations. Some gas station developers are reluctant to provide wider landscaping than required by the Zoning By-law. To be consistent with the OCP guidelines, an amendment is proposed to the landscaping requirements of the two gas station zones to increase the width of the required landscaping from a minimum of 1.5 metres to a minimum of 3 metres.

Amendments to Industrial Zones

- **Part 47A IB-1 Zone and Part 47B IB-2 Zone – Permitted Uses**

The intent of the Business Park 1 Zone (IB-1) is to permit comprehensively designed industrial business parks comprising light industrial uses and other uses including certain types of office uses. Section B.4 of the Permitted Uses section lists the office uses that are not permitted in this Zone. Sub-section B.4(c) reads as follows:

"offices of professionals including without limitation, accountants, lawyers, doctors, dentists, chiropractors, physiotherapists, massage therapists and related health care practitioners and notary publics, nor the offices of real estate, advertising and insurance offices"

The intent of the clause was to exclude the above-noted types of office uses. However, the word "nor" in reference to the real estate, advertising and insurance offices should be replaced with the grammatically more appropriate word "and". In addition, it is proposed that Section A. Intent in the Zone be amended to clarify that only limited types of office uses are permitted in this Zone. This section currently reads as follows:

"This zone is intended to permit development of industrial business parks with a high standard of design consisting of *light impact industrial* uses, high technology industry, industry with a significant amount of research and development activity, warehouse, offices and service uses carried out in enclosed *buildings* forming part of a *comprehensive design*. These uses shall be carried out such that no nuisance is apparent outside an enclosed *building*."

It is proposed that the word "limited" be added in front of the word the "offices" in this section. Similar amendments are proposed to Section A. Intent and Section B. Permitted Uses, of the IB-2 Zone, which also has restrictions on the types of office uses that are permitted.

- **Part 48 IL Zone - Intent**

Currently, Section A. Intent, of the Light Impact Industrial Zone (IL) reads:

"This zone is intended to accommodate and regulate the development of *light impact industry*."

However, in addition to the light impact industry the IL Zone also permits a variety of other principal uses including other industrial, service and office uses. The amendment proposed in Appendix I incorporates these other Permitted Uses in the Intent section to make it consistent with the uses permitted in the Zone.

Legal Services has reviewed the amendments recommended in this report and has no concerns.

CONCLUSION

Based on the above discussion, it is recommended that Council:

- Approve text amendments to the Zoning By-law, as documented in Appendix I to this report; and
- Authorize the City Clerk to introduce the necessary amending by-law for the required readings and set a date for the related public hearing.

Jean Lamontagne
General Manager
Planning and Development

BP/kms/saw

Attachments:

Appendix I Proposed Amendments to Zoning By-law No. 12000
Appendix II Illustrations

**Proposed Amendments to
Surrey Zoning By-law, 1993, No. 12000, as amended**

The following amendments are proposed to Surrey Zoning By-law, 1993, No. 12000, as amended:

AMENDMENTS TO PART 1 DEFINITIONS

1. Building Height

After Sub-section (c) of the definition of "Building Height", amend the clause beginning with "Elevator" and ending with "height." as follows:

- Inset a comma (",") after "similar equipment", delete the remaining part of the clause and insert the following:

"and dormers and other similar roof elements shall not be included in the measurement of *building height* provided that the dormers and other similar roof elements, in aggregate, do not exceed 25% of the area of the roof in which they are located."

AMENDMENT TO PART 4 GENERAL PROVISIONS

1. Home Occupations

Delete the entire Sub-section B.6(a)iv. and insert, in its place, the following:

"iv. The aggregate floor area of all *home occupations* shall not exceed 25% of the area of 1 floor of the *principal building* regardless of whether the *home occupation* is, or will be, carried on in the *principal building* or in an *accessory building or structure*; and"

AMENDMENTS TO RESIDENTIAL ZONES

1. Part 16 RF Zone

Amend Sub-section D.2(b)ii as follows:

- In Line 3, after the word "garage" and before the comma (",") insert "and that portion of any porch or veranda at the front that is covered by a sloped roof".

2. Part 17A RF-12 Zone

Amend Sub-section D.2(b)ii as follows:

- In Line 3, after "garage" and before the period ("."), insert "and that portion of any porch or veranda at the front that is covered by a sloped roof".

3. **Part 17C RF-9 Zone**

Amend footnote 4 under the *Setback* table of Section F.3, in reference to the *setbacks* on a Type III *lot*, as follows:

- In line 5 after the word "increased" insert the word "up" before "to 1.2 m."; and
- In the last line after "[4 ft.]", delete the remaining sentence, and insert the following:

"if the *side yard setback* on the opposite side of the *lot* is a minimum of 6 m. [20 ft.]."

4. **Part 17D RF-9C Zone**

1. Delete the entire clause in Section A and replace it with the following:

"This Zone is intended for *single family dwellings* on small *urban lots* with rear lanes and to accommodate *secondary suites* and *coach houses*."

2. In Sub-section B.2(b), delete the period (".") after the words "*coach house*" and insert "located above a garage, except where a *coach house* is located at *grade*, the minimum *lot depth* shall be 36 metres [118 ft.]."
3. Delete Section B.3 entirely.
4. Amend Sub-section D.2(a) as follows:
 - In Sub-section D.2(a)i, in line 1, after "a Type I *lot*" delete "or Type III *lot*";
 - Delete the entire Sub-section D.2(a)ii;
 - Re-number Sub-section D.2(a)iii as "D.2(a)ii" and in line 1, delete the word "and" after the semi-colon (";") at the end of the clause;
 - Re-number Sub-section D.2(a)iv as "D.2(a)iii" and amend it as follows:
 - Italicize the word "grade" after "provided at";
 - Replace the period (".") at the end of the clause with a semi-colon (";"); and
 - After the semi-colon (";"), insert the word "and"; and
 - Insert a new Sub-section D.2(a)iv. as follows:

"iv. Where the *lot* is a Type II *lot* or Type III *lot* pursuant to Section K.2 of Part 17C Single Family Residential (9) Zone (RF-9) of this By-law, the *density* for the purpose of *building* construction shall conform to Sub-section D.2(a)i or ii, as applicable, of the said Part 17C."

5. Amend Sub-section E.1 as follows:

- In Sub-section E.1(a), after "a Type I lot" delete "or Type II lot";
- Replace Sub-section E.1(b) with the following:

"(b) Where the *lot* is a Type II *lot* or Type III *lot* pursuant to Section K.2 of Part 17C Single Family Residential (9) Zone (RF-9) of this By-law, the *lot coverage* shall conform to Sub-section E.1(a) or (b), as applicable, of the said Part 17C."

6. Delete Sections F.2 and F.3 in their entirety and insert the following as Section F.2:

"2. Where the *lot* is a Type II *lot* or Type III *lot* pursuant to Section K.2 of Part 17C Single Family Residential (9) Zone (RF-9) of this By-law, the *yards* and *setbacks* for Type II *lot* shall conform to Section F.2 and for Type III *lot* the *yards and setbacks* shall conform to Section F.3 of the said Part 17C."

7. Delete Section H.7 and replace it with the following:

"7. An attached garage or carport is permitted only where the *lot* is a Type III *lot* pursuant to Section K of Part 17C Single Family Residential (9) Zone (RF-9) of this By-law, and the attached garage or carport shall conform to Sub-Sections J.1(a) or (b), as applicable, of the said Part 17C."

8. Amend Section J as follows:

1. Delete the entire Sub-sections J.1(a) and (b) and insert Section J.1 as follows:

"1. Where the *lot* is a Type III *lot* pursuant to Section K.2 of Part 17C Single Family Residential (9) Zone (RF-9) of this By-law, an attached garage may be permitted which shall conform to Sub-Section J.1(a) or (b), as applicable, of the said Part 17C."; and

2. Amend Section J.2 as follows:

- Delete the entire text starting with "For the purpose of " and ending with "provided that the utility room" excluding the colon (":") and replace it with the following:

"For the purpose of this Zone, a detached garage or carport shall be permitted a minimum of 6.0 m [20 ft.] from the *principal building*, except that where the *lot* is a Type I *lot* pursuant to Section K.2 of this Zone, the said garage or carport may be attached to the *principal building* at the first storey by a utility room, provided that a *coach house* that is located above a garage shall not be attached to the *principal building* by the utility room and further provided that the utility room"; and

- In Sub-section J.2(b), at the end of the clause before the period (".") and after "carport", insert a comma (",") and after the comma insert "or 3 m. [10 ft.] whichever is less".

9. In Section K.2, delete the following portion of the table entirely:

Type II

(A maximum of 33% the total *lots* in a subdivision

Interior <i>Lot</i>	220 sq. m. [2,368 sq. ft.]	7.9 m. [26 ft.]	28 m. [90 ft.]
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Corner Lot Type II *corner lots* are not permitted.

Type III

Interior <i>Lot</i>	270 sq. m. [2,905 sq. ft.]	12.3 m. [41 ft.]	22 m. [72 ft.]
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<i>Corner lot</i>	285 sq. m. [3,068 sq. ft.]	13.8 m. [45 ft.]	22 m. [72 ft.]
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5. **Part 21A RM-23 Zone**

1. In line 1 of Section K.2, after "other than" delete "these" and replace it with "those described in"; and
2. In the table of Section K.2, in the "Internal Lot" row of the "Lot Width" column delete "6.0 m." and replace it with "6.3 m." and delete "[20 ft.]" and replace it with "[21 ft.]".

AMENDMENTS TO COMMERCIAL ZONES

1. Part 40 CG-1 and Part 41 CG-2 Zones

- In line 2 of Sub-section I.2, delete "1.5 metres [5 ft.]" and insert in its place "3 metres [10 ft.]".

AMENDMENTS TO INDUSTRIAL ZONES

1. Part 47A IB-1 Zone

1. In Section A, in line 4 insert "limited" before the word "offices"; and
2. In Sub-section B.4(c), in line 3 after "publics" and comma (","), delete "nor" and insert "and".

2. Part 47B IB-2 Zone

1. In Section A, in line 4 insert "limited" before the word "office" and delete "limited" before "service uses"; and
2. In Section B.4(c), in line 3 after "publics" and comma (","), delete "nor" and insert "and".

3. Part 48 IL Zone

In Section A, delete the period (".") at the end of the clause and, in its place, insert a comma (","), and then insert "*transportation industry, warehouses, distribution centres* and limited office and service uses."

Illustration 1

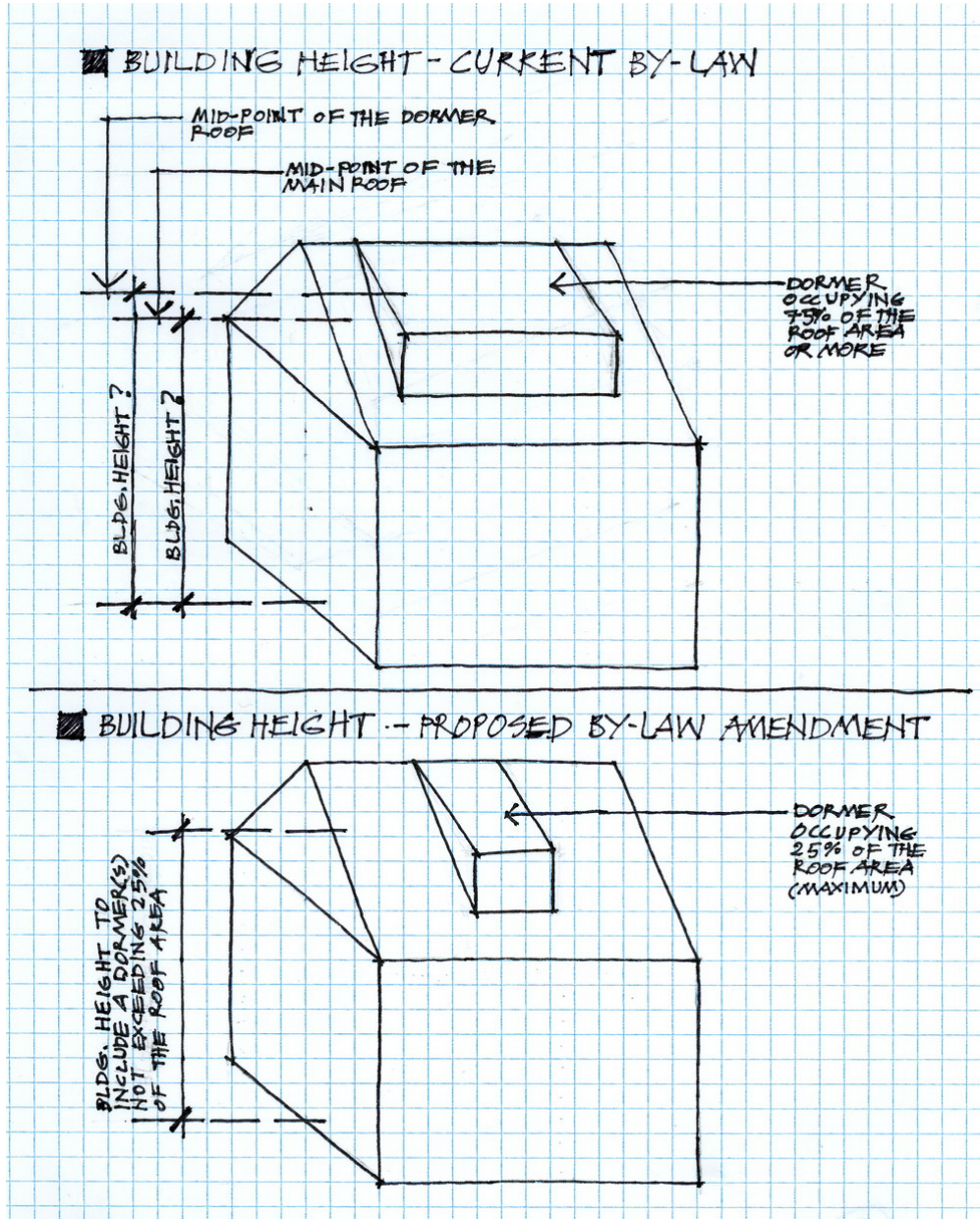


Illustration 2

RF-9 ZONE, TYPE III LOT
"ATTACHED" GARAGE - SIDE YARD SETBACK

