

NO: **R159**

COUNCIL DATE: **July 9, 2012**

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **July 9, 2012**

FROM: **General Manager, Planning and Development**

FILE: **3900-30**

SUBJECT: **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 amendments, as documented in Appendix I of this report, to Surrey Zoning By-law, 1993, No. 12000; and
3. Authorize the City Clerk to bring forward the necessary amendment by-law for the required readings and to set a date for the related public hearing.

INTENT

The purpose of this report is to obtain Council's approval for housekeeping amendments to Surrey Zoning By-law, 1993, No. 12000 (the "Zoning By-law") as documented in Appendix I to this report.

BACKGROUND

From time to time as a result of the on-going administration of the Zoning By-law staff discover areas in the by-law that require clarification or modification to ensure that the by-law is user friendly and clear in relation to its provisions and restrictions.

In this regard staff has followed the practice of consolidating such amendments into a single annual report to minimize the number of amendment by-laws that need to be processed. This report is one such report.

DISCUSSION

The following sections describe amendments that are being recommended by the report to the Zoning By-law.

Building Height

The definition for "Building Height of Building on Single Family or Duplex Lot" and the definition for "Building Height of Building not on Single Family or Duplex Lot" needs to be amended to reference "the highest point of a flat roof with a width greater than 1 metre and located over a gable, hip, or gambrel roof". This will ensure that the maximum height provisions in the single family and duplex zones are properly reflected in the construction of buildings on lots located in such zones. The necessary amendment is documented in Appendix I attached to this report.

Combat Spectator Sports

"Combat spectator sports" events such as mixed martial arts are becoming popular and have taken place in Surrey in recent years despite City concerns with such events. There are currently no provisions in the *Zoning Bylaw* that address combat spectator sports. To clarify that the City does not support such events while permitting activities such as judo, karate, school district wrestling matches, etc., it is recommended that "combat spectator sports" be added to the list of prohibited uses in all zones in Section C. Uses Prohibited in All Zones of Part 4 "General Provisions" of the Zoning By-law and that a definition of "combat spectator sports" be added to the definition section of the Zoning By-law all as documented in Appendix I of this report.

Setbacks from Natural Gas Transmission Rights-of-Way

In Sub-sections E.18.(a) and E.18.(b) of Part 4 "General Provisions" of the Zoning By-law that address setbacks to buildings from natural gas pipeline rights-of-way the word "buildings" needs to be amended to read "principal buildings". This is necessary to differentiate the provisions of these two Sub-sections from Sub-section E.18.(c), which relates to "accessory buildings". The necessary amendment to each of Sub-sections E.18.(a) and E.18.(b) is documented in Appendix I of this report.

RF, RF-SS, and RF-G Zone Amendment

In the description of the third asterisk notation ("****") under Section F. Yards and Setbacks of each of the Single Family Residential (RF) Zone, The Single Family Residential Secondary Suite (RF-SS) Zone, and the Single Family Residential Gross Density (RF-G) Zone, the words "not including *sundecks*" should be deleted to clarify the intention of the notation. This amendment is documented in Appendix I to this report.

RF-9 Zone Amendment

The section of the chart labelled "Type II" in Section K.2 of the Single Family Residential [9] (RF-9) Zone needs to be amended by adding the word "RF-9" between the word "total" and the word "lots" in the first column as documented in Appendix I attached to this report.

RF-SD Zone Amendment

The minimum side yard setback from a flanking street for accessory buildings and structures on a lot in the Semi-Detached Residential (RF-SD) Zone needs to be decreased to allow for the construction of a garage of adequate width on such lots. Under Section B. Parking Dimensions and Standards of Part 5 Parking and Loading/Unloading of the Zoning By-law, the minimum allowable width for a parking space in a garage is 3.2 m. To provide for such a parking space

width in a garage on a corner lot in the RF-SD Zone, the current minimum side yard setback on a flanking street for accessory buildings and structures as specified in Section F. Yards and Setbacks needs to be amended from "5.7 m [19 ft.]" to "5.2m [17 ft]". This amendment is documented in Appendix I attached to this report.

Lot Coverage Chart in the RM-10 Zone and the RM-15 Zone

The chart that addresses maximum lot coverage in Section E. Lot Coverage of each of the Multiple Residential 10 (RM-10) Zone and the Multiple Residential 15 (RM-15) Zone is not achieving its intended purpose. It is proposed that this chart be removed in each of these Zones and in the case of the RM-10 Zone be replaced with text reading "The maximum lot coverage shall be 40%." and in the case of the RM-15 Zone be replaced with the wording "The maximum lot coverage shall be 45%.", all as documented in Appendix I attached to this report.

RM-30 Zone

The word "ration" in Section D.3 of the Multiple Residential 30 (RM-30) Zone should be replaced with the word "ratio" as documented in Appendix I attached to this report.

RM-45 Zone

The word "maximum" should be removed from Section D.3 of the Multiple Residential 45 (RM-45) Zone to make this section of this Zone consistent with the same section in the Multiple Residential 30 (RM-30) Zone, as documented in Appendix I attached to this report.

Parking, Storage, and Service of Trucks and Trailers in IB-1 and IB-2 Zones

The following regulation is contained in Section B. Permitted Uses in each of the Business Park 1 (IB-1) Zone and the Business Park 2 (IB-2) Zone:

"6. For the purpose of Subsections B.1 and B.2 of this Zone, parking, storage or service of trucks and trailers on any portion of the *lot* not associated with the uses or operations permitted thereon shall be specifically prohibited."

Since the above regulation is not a "use" but rather a "prohibition on a use", this clause should be eliminated in Section B of each of these Zones and be included in Section J. Special Regulations of each of these Zones, as documented in Appendix I attached this report.

Industrial Equipment Rental in the IL Zone

"Industrial equipment rental" is defined as "a business providing rental of heavy *vehicles*, machinery or mechanical equipment typically used in construction, manufacturing, assembling and processing operations and agricultural production." "Industrial equipment rental" is specifically excluded as a permitted use under the definition for "General Service Uses" as noted below:

"General Service Uses means a business which provides services, other than *personal service uses* to the individual or to other businesses and includes photocopying services, film processing, rentals, appliance repair services, veterinary clinics, *adult education institutions*, banks, but excludes *automotive service uses, industrial equipment rental and retail stores.*"

However, under Section B.7 of the Light Impact Industrial (IL) Zone, which is the only Zone that allows "industrial equipment rental" as a permitted use, "industrial equipment rentals" is listed as a "General service use" as follows:

"7. *General service uses* limited to the following:

- (a) driving schools; and
- (b) *industrial equipment rentals*.
- (c) taxi dispatch offices;
- (d) industrial first aid training; and
- (e) trade schools."

To correct this inconsistency, it is proposed that the use "industrial equipment rentals" be removed from Section B.7. *General service uses* of the IL Zone and be inserted as a separate permitted use under Section B of that Zone, as documented in Appendix I attached to this report.

Permitted Uses in the IH Zone

Staff has reviewed uses that are currently permitted in the Light Impact Industrial (IL) Zone but that are not permitted in the High Impact Industrial (IH) Zone. It is recommended that the IH Zone be amended to include the following uses that are permitted in the IL Zone as these uses are considered compatible with the other uses that are currently permitted in the IH Zone:

- Automotive service uses
- Automobile painting and body work
- Vehicle storage and parking facilities including truck parking and recreational vehicle storage
- Warehouse uses
- Distribution centres

Appendix I attached to this report documents these proposed amendments.

Legal Services Review

Legal Services has reviewed this report and the amendments to the Zoning By-law as documented in Appendix I and has no concerns.

CONCLUSION

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

- Approve amendments, as documented in Appendix I of this report, to Surrey Zoning By-law, 1993, No. 12000; and

- Authorize the City Clerk to bring forward the necessary amendment by-law for the required readings and to set a date for the related public hearing.

Original signed by
Jean Lamontagne
General Manager,
Planning and Development

FW:saw

Attachments:

Appendix I Proposed Amendments to Surrey Zoning By-law, 1993, No. 12000

**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 of Building on Single Family or Duplex Lot

Amend the definition of "Building Height of Building on Single Family or Duplex Lot", as follows:

- In section (c), delete the period "." and insert "; or" in its place.
- After section (c), insert the following new section: "(d) the highest point of a flat roof with a width greater than 1 metre [3 ft.] and located over a gable, hip, or gambrel roof."

2. Building Height of Building not on Single Family or Duplex Lot

Amend the definition of "Building Height of Building not on Single Family or Duplex Lot", as follows:

- In section (c), delete "." and insert "; or" in its place.
- After section (c), insert the following new section: "(d) the highest point of a flat roof with a width greater than 1 metre [3 ft.] and located over a gable, hip, or gambrel roof."

AMENDMENTS TO PART 3 ZONES

1. CG-2 Service Station Zone

Amend Section A., as follows:

- In Section A., delete the name "Service Station Zone" following "CG-2" and insert the name "Combined Service Gasoline Station Zone" in its place.

AMENDMENTS TO PART 4 GENERAL PROVISIONS

1. Combat Spectator Sports

Amend Section C. Uses Prohibited in All Zones, as follows:

- In Sub-section C.1.(g), delete the word "and".
- In Sub-section C.1.(h), delete the period "." and insert "; and" in its place.
- Insert a new Sub-section C.1(i) after Sub-section C.1.(h), as follows: "(i) Combat spectator sports."

2. **Setbacks from Natural Gas Transmission Rights-of-Way**

Amend Section E. Regulations Applicable to All Zones, as follows:

- In Sub-section E.18.(a), insert the word "*Principal*" between "*Rear Setback for*" and "*Buildings*".
- In Sub-section E.18.(a), insert the word "*Principal*" between "of" and "*buildings*".
- In Sub-section E.18.(b), insert the word "*Principal*" before "*buildings*".

AMENDMENTS TO SINGLE FAMILY RESIDENTIAL ZONES

1. **Part 16 RF Zone**

Amend Section F. Yards and Setbacks, as follows:

- In the description of the third footnote "****", delete the words "not including *sundecks*".

2. **Part 16A RF-SS Zone**

Amend Section F. Yards and Setbacks, as follows:

- In the description of the third footnote "****", delete the words "not including *sundecks*".

3. **Part 17 RF-G Zone**

Amend Section F. Yards and Setbacks, as follows:

- In the description of the third footnote "****", delete the words "not including *sundecks*".

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

Amend the table in Section K.2, under the sub-heading "Type II", by inserting the word "RF-9" after the word "total" and inserting a closed bracket ")" after the word "subdivision".

5. **Part 17F RF-SD Zone**

Amend Section F. Yards and Setbacks, as follows:

- In the table, delete "5.7 m. [19 ft.]" and insert "5.2 m. [17 ft.]" in its place.

AMENDMENTS TO MULTIPLE FAMILY RESIDENTIAL ZONES

1. **Part 20 RM-10 Zone**

Delete Section E. Lot Coverage and insert the following in its place:

"E. Lot Coverage

The maximum *lot coverage* shall be 40%."

2. Part 21 RM-15 Zone

Delete Section E. Lot Coverage and insert the following in its place:

"E. Lot Coverage

The maximum *lot coverage* shall be 45%."

3. Part 22 RM-30 Zone

Amend Section D. Density, as follows:

- In Section D.3, delete the word "ration" and insert the word "ratio" in its place.

4. Part 23 RM-45 Zone

Amend Section D. Density, as follows:

- In Section D.3, delete the word "maximum".

AMENDMENTS TO COMMERCIAL ZONES

1. Part 40 CG-1 Zone

Amend Section B. Permitted Uses, as follows:

- In Sub-section B.3.(b), remove the italics from the word "facilities".

AMENDMENTS TO INDUSTRIAL ZONES

1. Part 47A IB-1 Zone

Amend Section B. Permitted Uses, as follows:

- Delete Section B.6.

Amend Section J. Special Regulations, as follows:

- Delete Sections J.3 to J.5 and insert the following Sections J.3 to J.6 in their place:

- "3. For the purpose of Sections B.1 and B.2 of this Zone, parking, storage or service of trucks and trailers on any portion of the *lot* not associated with the uses or operations permitted thereof shall be specifically prohibited.

4. Loading areas shall not be located within any required *front yard setback* or *flanking street setback* which abuts a major road, as shown in the *Official Community Plan* or any required *setback* adjacent any *residential lot*.
5. Garbage containers and *passive recycling containers* shall not be located within any required front or *flanking street setback* or any required *setback* adjacent any *residential lot*.
6. *Child care centres* shall be located on the *lot* such that these centres have direct access to an *open space* and play area within the *lot*."

2. **Part 47B IB-2 Zone**

Amend Section B. Permitted Uses, as follows:

- Delete Section B.6.

Amend Section J. Special Regulations, as follows:

- Delete Sections J.3 to J.5 and insert the following Sections J.3 to J.6 in their place:
 - "3. For the purpose of Sections B.1 and B.2 of this Zone, parking, storage or service of trucks and trailers on any portion of the *lot* not associated with the uses or operations permitted thereof shall be specifically prohibited.
 4. Loading areas shall not be located within any required *front yard setback* or *flanking street setback* or within any required *setback* adjacent any *residential lot*.
 5. Garbage containers and *passive recycling containers* shall not be located within any required front or *flanking street setback* or any required *setback* adjacent any *residential lot*.
 6. *Child care centres* shall be located on the *lot* such that these centres have direct access to an *open space* and play area within the *lot*."

3. **Part 48 IL Zone**

Amend Section B. Permitted Uses, as follows:

- Delete Section B.7, insert the following new Sections B.7 and B.8 in their place, and renumber the remaining sections accordingly to B.9, B.10, B.11, and B.12.
 - "7. *Industrial equipment rentals*.
 8. *General service uses* limited to the following:
 - (a) Driving schools;
 - (b) Taxi dispatch offices;

(c) Industrial first aid training; and

(d) Trade schools."

- In the renumbered Sub-sections B.12.(f)iii.c. and iv.c., delete "B.11" and replace with "B12".

4. Part 49 IH Zone

Amend Section B. Permitted Uses, as follows:

- In Section B.8, italicize "railway".
- Delete Section B.9 and insert the following new Sections B.9 to B.14 in its place:

"9. *Automotive service uses.*

10. *Automobile painting and body work.*

11. *Vehicle storage and parking facilities including truck parking and recreational vehicle storage.*

12. *Warehouse uses.*

13. *Distribution centres.*

14. *Accessory uses including the following:*

(a) *Recreation facilities; and*

(b) *Dwelling unit(s) provided that the dwelling unit(s) is (are):*

i. *Contained within a principal building;*

ii. *Occupied by the owner or a caretaker, for the protection of the businesses permitted;*

iii. *Restricted to a maximum number of:*

a. *One dwelling unit in each principal building less than 2,800 square metres [30,000 sq. ft.] in floor area;*

b. *Two dwelling units in each principal building of 2,800 square metres [30,000 sq. ft.] or greater in floor area; and*

c. *Notwithstanding Sub-sections B.15 (b) iii.a. and iii.b., the maximum number shall be two dwelling units for lots less than 4.0 hectares [10 acres] in area and three dwelling units for lots equal to or greater than 4.0 hectares [10 acres] in area;*

iv. *Restricted to a maximum floor area of:*

- a. 140 square metres [1,500 sq. ft.] for one (first) *dwelling unit* on a *lot* and where a *lot* has been subdivided by a strata plan then there shall only be one 140-square metre [1,500 sq. ft.] *dwelling unit* within the strata plan;
- b. 90 square metres [970 sq. ft.] for each additional *dwelling unit*; and
- c. Notwithstanding Sub-sections B.9 (b) iv.a. and iv.b., the maximum floor area shall not exceed 33% of the total floor area of the *principal building* within which the *dwelling unit* is contained."