

NO: R117

COUNCIL DATE: May 29, 2017

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## REGULAR COUNCIL

TO: **Mayor and Council** DATE: **May 25, 2017**

FROM: **General Manager, Planning & Development** FILE: **3900-20**  
**City Solicitor** **3900-30**

SUBJECT: **Text Amendments to *Surrey Zoning By-law, 1993, No. 12000***

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## RECOMMENDATION

The Planning & Development Department and the Legal Services Division recommend that Council:

1. Receive this report as information;
2. Approve the various text amendments to *Surrey Zoning By-law, 1993, No. 12000* as described in this report and as documented in Appendix "I;" and
3. Instruct 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

This report summarizes various proposed text amendments to the *Surrey Zoning By-law, 1993, No. 12000* (the "Zoning By-law"). These text amendments include minor "housekeeping," such as correcting references and grammar to clarifications, several new policies to address emerging issues in regulating land use and development, and amendments to further clarify marijuana dispensaries as a permitted use. The policy-related amendments introduced in this report are to permit specific public transit-related uses in all Zones, and clarifying the authority of staff to withhold permits where a building design may facilitate uses that are not permitted in a Zone. As the primary regulatory by-law affecting the use, density, and form of development in the City, clarity and precision in the text of the Zoning By-law is of critical importance.

## BACKGROUND

From time to time in the course of administering the Zoning By-law to regulate development and land use, staff identifies opportunities to clarify the text of the by-law or to more effectively address new issues that emerge. These opportunities to clarify the Zoning By-law are collected and periodically brought forward as proposed amendments for Council's consideration, most recently on October 24, 2016 through Corporate Report No. R236: 2016, and on June 27, 2016 through Corporate Report No. R158: 2016. Since that time, a number of further clarifications and typographical corrections have been collected as summarized in this report and as documented in

Appendix “I.” If Council approves these recommended amendments, an amending by-law to the Zoning By-law is in order for the requisite readings and a Public Hearing.

## DISCUSSION

The proposed amendments can be summarized as follows. To review the exact proposed text amendments, please refer to Appendix “I.”

### 1) Minor “Housekeeping” Amendments

- a. The new Official Community Plan (OCP) introduces two new Land Use Designations, “Mixed Employment” and “Suburban—Urban Reserve.” There are several places in the Zoning By-law where these OCP land use designations are referenced. Appendix “I” documents the specific instances where these new designations should be referenced.
- b. A new definition for “buildable area” was inserted in the Zoning By-law by way of an amending by-law associated to the City Centre Plan Stage 2 Corporate Report No. R014: 2017; however, this definition references other defined terms that should be italicized. Appendix “I” documents the required italicized terms in the definition of “buildable area.”
- c. Text related to including covered parking areas in the calculation of floor area in the Acreage Residential Gross Density (RA-G) Zone is missing or may have been inadvertently deleted from the by-law, and the proposed amendment shown in Appendix “I” is to restore this text to be consistent with regulations in other Zones.
- d. Text to amend the definition of “Retail Store” to include “marijuana dispensaries.”

### 2) Text Amendments That Effect A Change In Zoning Regulations

#### a. Office Parking Requirements

In the chart stipulating required parking spaces for various land uses, found in “Part 5 Off-Street Parking and Loading/Unloading,” there is a discrepancy in relation to office uses. For office uses accessory to an “Industry-Transportation” use (warehouse and distribution uses) the chart requires three (3) parking spaces per 100 square metres of floor area; however, in the same chart, general office uses outside of City Centre require two and a half (2.5) parking spaces per 100 square metres of floor area. The proposal is to amend the parking requirement for office uses accessory to an “Industry-Transportation” use from three (3) to two and a half (2.5) spaces per 100 square metres of floor area in order to be consistent with other office use requirements, as documented in Appendix “I.”

#### b. Transit Facilities

In “Part 4 General Provisions,” certain uses are permitted to be located in any Zone, often subject to conditions. One such use is an ALRT (SkyTrain) Station. When the SkyTrain system was constructed the guideway did not always follow existing road allowances, and several stations were located on a Zoned lot.

However the current regulation is specific to SkyTrain and does not include other types of public transit facilities that may also locate on a lot (and not only on a road right of way); particularly, in association with light rail transit (LRT) implementation. These other public transit facilities include transit exchanges and bus layover facilities with driver restrooms. In most cases these facilities will be located within a road right-of-way, but in some cases, such as at the changes to the Guildford Exchange that are related to the LRT project, they may be located partly or completely on a Zoned lot. As this use would only occur in relation to a major TransLink capital project with significant City input and public consultation, it is deemed appropriate to allow such bus layovers and transit exchanges to locate in any Zone, without requiring a rezoning as part of its approval.

Appendix “I” shows proposed text revisions in “Part 4 General Provisions” that indicate transit facilities that are permitted in all Zones, along with landscaping requirements associated with these uses. These proposed changes to Part 4 also require definitions to be inserted in the by-law for “bus layover facility” and “transit exchange.”

c. Building Plan Interpretation Authority

In the course of reviewing building plans in relation to compliance with the Zoning By-law, staff will occasionally encounter plans that facilitate uses or densities that are not permitted in the relevant Zone. In order to clarify the intent of the by-law and to reduce ambiguity in the interpretation of building regulations, an amendment to Part 4, Section 3 is proposed; as documented in Appendix “I.” This proposed amendment would grant interpretation authority to staff to withhold permits and require building plan revisions where these plans facilitate uses and densities that are in contravention of the Zoning By-law.

d. Marijuana Dispensaries

In order to amend the Zoning By-law to restrict the use of marijuana dispensaries in all Zones within the City except in the Community Commercial B (C-8B) Zone, “Part 4 General Provisions” must include “marijuana dispensaries” as a use not permitted in any Zone unless specifically provided for in that Zone.

### **Legal Services Division Review**

Legal Services Division has reviewed the proposed amendments contained in this report and has no concerns.

### **SUSTAINABILITY CONSIDERATIONS**

This report’s recommendations respond to several Desired Outcomes and Strategic Directives in the Sustainability Charter 2.0, including:

#### Built Environment & Neighbourhoods

DO 2: Surrey is well-connected within the city and to the rest of the region by fast and efficient public transit and active all-ages-and-abilities transportation infrastructure.

DO 8: The built environment enhances quality of life, happiness and well-being.

- SD 4: Continue to plan and develop a transportation and mobility network (including active transportation) that supports safety, placemaking and integration of neighbourhoods.

Infrastructure

- SD 9: Continue to work with relevant authorities to plan and implement light rail transit in Surrey, and improve transit service throughout the city.

Public Safety

- DO 1: Residents are safe and have a strong sense of security in all neighbourhoods and throughout the city.

**CONCLUSION**

From time to time, staff identifies opportunities to update or clarify the Zoning By-law. This report summarizes a number of recommended minor “housekeeping” amendments, as well as several substantive text amendments. If Council approves the recommended Zoning By-law amendments as set out in this report and documented in Appendix “I,” an amending by-law to the Zoning By-law is in order and will be brought for the required readings and a Public Hearing.

Based on the discussion above, the Planning & Development Department recommends that Council:

- Receive this report as information;
- Approve the various text amendments to *Surrey Zoning By-law, 1993, No. 12000* as described in this report and as documented in Appendix “I;” and
- Instruct 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 & Development

*Original signed by*  
Craig MacFarlane  
City Solicitor

DL/HC/ke/ss

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

# Appendix “I”

## 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

Amend Part 1 Definitions by deleting the definition for “Buildable Area” and replacing it with the following in its place:

**“Buildable Area**

means *building* area as defined by the total sum of all floor areas enclosed or partially enclosed by the exterior perimeter of a *building* or *structure* including without limitation stairways, elevator shafts, storage rooms, mechanical rooms and *basements*, and excluding areas for parking that are provided as an *accessory use* to the *building* or *structure*.”

Amend Part 1 Definitions by inserting the following new definitions in the correct alphabetical order:

**“Bus Layover Facility**

means an off-street public transit facility comprised of bus bays and drive aisles and related *structures* such as maintenance rooms, mechanical rooms and restrooms for the use of transit operators.”

**“Transit Exchange**

means an off-street public transit facility comprised of multiple bus bays and/or light rail platforms and related *structures* such as passenger shelters, waiting areas, mechanical equipment, information and ticketing kiosks, maintenance rooms and restrooms for the use of transit operators.”

Amend in Part 1 Definitions the definition of "Retail Store" by inserting the following immediately after the word "*liquor stores*":

*"marijuana dispensaries"*

### AMENDMENTS TO PART 4 GENERAL PROVISIONS

**1. SkyTrain Advanced Light Rail Transit Stations**

Amend Section A. Used Permitted in All Zones, as follows:

- Delete Section A.5., and insert the following in its place:

“5. Public Transit Facilities:

The following may be located in any Zone:

- (a) A SkyTrain Advanced Light Rapid Transit Station, which may include *accessory retail* or *service commercial uses*, provided that the *accessory commercial uses*:
  - i. Are developed as an integral part of the station or *lot*; and

- ii. On the station *lot* do not exceed a total of 60 square metres [646 sq.ft.] gross floor area;

(b) Transit facilities including a *bus layover facility* and/or a *transit exchange*, provided that:

- i. A fully landscaped 6.0 metre [20 ft.] setback is maintained between any *structure* or paved area associated with a *bus layover facility* or a *transit exchange* and any adjacent *residential lot*.”

## 2. Housekeeping Amendments

Amend Section B. Uses Permitted in Specific Zones, as follows:

- In Sub-section B.4.(b), insert the word “*mixed employment*” following the word “*commercial*.”
- In Section B.5., insert the word “*mixed employment*” following the word “*commercial*.”

Amending Section C. Uses Prohibited in All Zones as follows:

- Insert a new Sub-section C.1(l) as follows:

"(l) *marijuana dispensaries* ”.

## 3. Authority to Withhold Permits

Amend Section E. Regulations Applicable to All Zones by inserting the following Sub-section:

“30. *Authority to Withhold Permits*

The General Manager of Planning and Development, or delegate, is authorized to withhold the issuance of any permit related to the construction of any *building* or *structure* where the design could accommodate:

- (a) more *dwelling units* than permitted within the applicable *Zone*; or
- (b) an increase of the floor area greater than permitted in the applicable *Zone*; or
- (c) a future contravention of any provision of this By-law.”

## AMENDMENTS TO PART 5 OFF-STREET PARKING AND LOADING/UNLOADING

Amend Part 5, Table C.1 as follows:

- Delete the text in the box “*Required Parking Spaces*” for the “*Industry – Transportation* (e.g. Warehouses, Distribution Centres)” use, and replace it with the following in its place:

“1 *parking space* per 100 m<sup>2</sup> [1,075 ft<sup>2</sup>] of floor area used for warehousing and distribution;  
**plus**

Parking requirements for office uses; **plus**

Parking requirements for retail uses; **plus**

2 *parking spaces* per vehicle servicing bay.”

## AMENDMENTS TO RESIDENTIAL ZONES

### Part 12 RA Zone

- In Sub-section D.2.(a) insert the words “*suburban-urban reserve*” following the word “suburban” and before the word “lot.”
- In sub-section D.2.(c) insert the words “*suburban – urban reserve*” following the word “suburban” and before the word “lot.”
- In Sub-section E.2. (a) insert the words “*suburban – urban reserve*” following the word “suburban” and before the word “lot.”
- In Section F, under the second footer (\*\*) of the table, insert the words “suburban – urban reserve” following the word “suburban” and before the word “lot.”

### Part 13 RA-G Zone

- In Sub-section D.4.(a), insert the text “*floor area ratio*, unless the covered parking is located within the *basement*” after the words “included in the calculation of” and before the text “; and”.

## AMENDMENTS TO COMMERCIAL ZONES

### Part 39 CHI Zone

- In Section F. Yards and Setbacks, under the footer (\*) of the table, insert the words “*mixed employment*” following the word “commercial” and before the words “or industrial.”

## AMENDMENTS TO INDUSTRIAL ZONES

### Part 47C IB-3 Zone

- In Sub-section F.1, under the footer (\*) of the table, insert the words “*mixed employment*” following the word “*commercial*” and before the words “*or industrial.*”

### Part 48 IL Zone

- In Section F. Yards and Setbacks, under the footer (\*) of the table, insert the words “*mixed employment*” following the word “*commercial*” and before the words “*or industrial.*”

### Part 48A IL-1 Zone

- In Section F. Yards and Setbacks, under the footer (\*) of the table, insert the words “*mixed employment*” following the word “*commercial*” and before the words “*or industrial.*”
- In Section I.2 and in Section I.3, delete the words “of Land” after the words “Subdivision and Development” and before the word “By-law.”