

NO: R014

COUNCIL DATE: January 22, 2018

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **January 18, 2018**

FROM: **General Manager, Planning & Development** FILE: **3900-20**
3900-30
3900-50

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

RECOMMENDATION

The Planning & Development Department recommends that Council:

1. Receive this report as information;
2. Approve amendments to *Surrey Zoning By-law, 1993, No. 12000*, as documented in Appendix "I" of this report; and
3. Instruct the City Clerk to bring forward the necessary amendment bylaw for the required readings and to set a date for the related public hearing.

INTENT

The purpose of this report is to obtain Council approval of housekeeping and text amendments to *Surrey Zoning By-law, 1993, No. 12000* (the "Zoning By-law"), as documented in Appendix "I" of this report, which will clarify zoning regulations and ensure consistency with City policies.

BACKGROUND

The Zoning By-law was adopted in 1993 and has undergone several housekeeping and text amendments since it was adopted, so as to keep the by-law current and to address issues that are identified through the on-going administration of the by-law.

DISCUSSION

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

Text Amendments

Density Calculations in the General Provisions

The Zoning By-law's rounding provisions to calculate floor area ratio (FAR) density, described in Part 4 General Provisions, under Sub-section E.5.(a) Density Calculations, needs to be clarified.

Currently, FAR density is rounded as follows: “For the purpose of calculating *floor area ratio*, where the calculation of the *density* results in a fraction, any fraction less than 0.005 shall be disregarded and any fraction 0.005 or greater shall be considered equivalent to 0.01.” However, when FAR is expressed to one decimal place (e.g. “1.3”), it is unclear how the number will be rounded. To clarify the language, it is recommended that:

1. Where floor area ratio in the applicable zone is expressed to 2 decimal places, any fraction less than 0.005 shall be disregarded and any fraction 0.005 or greater shall be considered equivalent to 0.01.
2. Where floor area ratio in the applicable zone is expressed to 1 decimal place, any fraction less than 0.05 shall be disregarded and any fraction 0.05 or greater shall be considered equivalent to 0.10.

This would provide consistency in the rounding of FAR density. The proposed amendments are documented in Appendix “I.”

RH Zone Amendments

There is inconsistency between the criteria in the Density and Yards and Setbacks section of the Half-Acre Residential (RH) Zone in cases where the lot size is less than the minimum prescribed in the zone. In the Density section of the RH Zone, Sub-section D.3.(b)iii. states that where the lot is 1,500 square metres (16,000 sq. ft) or less, the RF Zone’s Section D. Density apply. In Section F. Yards and Setbacks of the RH Zone, it states that where the lot is 900 square metres (9,685 sq. ft) or less, the RF Zone’s Section F. Yards and Setbacks apply. The Density section and the Yards and Setback section mention two different minimum areas for the RF Zone to apply. This means that if a lot is 900 square metres (9,685 sq. ft) or less, the yard and setback requirements of the RF Zone apply, but the density requirements of the RH Zone still apply.

To address this inconsistency, and align Density and Yards and Setback sections for when the RF Zone rules apply, it is recommended that the figure 900 square metres (9,685 sq. ft) in Section F. Yards and Setbacks of the RH Zone be amended to 1,500 square metres (16,000 sq. ft) to be consistent with Section D. Density of the RH Zone. The proposed amendments are documented in Appendix “I.”

Lot Width Reduction in Small Single Family Zones

On October 24, 2016, Council approved Corporate Report No. R236; 2016, which added small lot single family zones (RF-9, RF-9C, RF-9S, RF-10, RF-10S, RF-12, RF-12C, RF-13) to the list of zones to which the General Provision that allows the Approving Officer to reduce the minimum lot width and/or the minimum lot area by up to 10% does not apply. This was done because lots in small lot single family zones were constrained in their size and dimensions and also to prevent the creation of lots that did not provide sufficient off-street parking and houses without appropriate setbacks and yard space.

Since the above-noted change, there have been several circumstances where a remainder lot in a subdivision is substantially larger than the minimum required in the zone. This scenario creates an inefficient use of land and has resulted in applications for Development Variance Permits for width relaxations. To avoid the need for future variances, it is recommended that the 10% lot width reduction at the discretion of the Approving Officer, be reinstated for the small lot single

family zones. The Approving Officer would use their discretion in applying the 10% width relaxation for the last lot, and would ensure, among other things, that sufficient parking could still be achieved on the subject lot prior to approval of any relaxation. The amendment applies only to lot width relaxations, and does not apply to lot area relaxations.

The applicable zones include the Single Family Residential (13) (RF-13), Single Family Residential (12) (RF-12), Single Family Residential (12) Coach House (RF-12C), Single Family Residential (10) (RF-10), Special Single Family Residential (10) (RF-10S), Single Family Residential (9) (RF-9), Single Family Residential (9) Coach House (RF-9C), and Special Single Family Residential (9) (RF-9S) Zones. This would be achieved by removing these small lot single family zones from Sub-section E.21.(g) of Part 4 General Provisions. The proposed amendments are documented in Appendix "I."

Landscaping in the RF-13 and RF-12 Zones

Section I. Landscaping of the RF-13 and RF-12 Zones requires at least 50% of the area of the required front yard to be landscaped, and must not include any non-porous or paved surfaces. The 50% landscaping requirement is unachievable for lots that are front-loaded once a driveway and front entrance pathway are provided.

If the front yard setback of a garage or carport is at least 6.0 metres (20 ft.), the front yard setback of the principal building may be reduced to a minimum of 4.0 metres (13 ft.) for up to 50% of the width of the front of the principal building. This has resulted in building permit applications where, for a typical RF-13 lot (where the driveway is located in the front yard), the driveway covers almost 65% of the front yard area and, combined with other impermeable surfaces in the front yard (e.g. a path), make up approximately 70% of the total non-porous or paved surfaces of the lot. This leaves a significantly reduced landscaped area that is closer to 30% of the front yard area rather than the required 50% of the front yard area.

To address this issue and to reduce the number of variances, it is recommended that, where the driveway is located in the front yard, a minimum of 75% of the required front yard, except the driveway, be landscaped, which will not include any non-porous or paved surfaces. This provision would apply regardless of the shape of the lot (rectangular, pie-shaped, etc.).

For lots where the driveway is not located in the front yard (e.g., the driveway is located in the rear yard), it is recommended that there be a provision that a minimum of 90% of the required front yard, except for a maximum 1.5 metres (5 ft.) wide entrance path and a maximum 1.0 metre (3 ft.) wide path leading to the side yard, be landscaped, which will not include any non-porous or paved surfaces. This would result in a front yard that has a landscaped area that is significantly larger than the required 50%, but would also allow for a path to the entrance of the house and a path leading to the side yard (providing access to the rear yard).

The proposed amendments are documented in Appendix "I."

RF-G Zone Amendments

At the December 18, 2017 Regular Council – Public Hearing, Council adopted *Surrey Zoning Bylaw, 1993, No. 12000, Text Amendment Bylaw, 2017, No. 19333*, which included staircases in the calculation of extended height floor area for the RF Zone, Single Family Residential Secondary Suite (RF-SS) Zone, and Single Family Residential Gross Density (RF-G) Zone, to address the issue

of building mass and size of newer houses being built in older, established single family neighbourhoods in these zones (described in Corporate Report No. L003; 2017).

After recent discussions with local house designers, it was found that inclusion of staircases in extended height calculations in the December 2017 text amendment, should not have applied to the RF-G Zone, because the RF-G Zone permits a significantly smaller maximum floor area (260 square metres or 2,800 sq. ft.) than the RF and RF-SS Zones (465 square metres or 5,000 sq. ft.). Hence, including staircases in the calculation of extended height floor area has a greater impact on livable space in the RF-G Zone than in the RF and RF-SS Zones.

In terms of maximum permitted floor area, the RF-G Zone is more similar to the RF-13 and RF-12 Zones. The RF-13 and RF-12 Zones permit a maximum floor area of 265 square metres (2,860 sq. ft.). Compared to the RF-G maximum floor area of 260 square metres (2,800 sq. ft.), the RF-13 and RF-12 Zones permit 5 square metres (60 sq. ft.) more floor area but exclude staircases from the calculation of extended height floor area. Therefore, it would be reasonable to exclude staircases from the calculation of extended height floor area for the RF-G Zone, which permits a smaller maximum floor area.

Further to this, to allow for enough additional floor area to adequately support a fourth bedroom (without any open to below area) in the RF-G Zone, the FAR could be increased slightly from 0.55 to 0.60.

Based on the above, it is recommended that, in the RF-G Zone, staircases be excluded from the calculation of extended height floor area and that the maximum FAR be increased to 0.60. The proposed amendments are documented in Appendix "I."

RF-SD Amendments

Several residential zones, including the Acreage Residential Gross Density (RA-G), RH, Half-Acre Residential Gross Density (RH-G), Cluster Residential (RC), Single Family Residential Oceanfront (RF-O), RF-G, RF-12C, and Duplex Residential (RM-D) Zones, state that "all covered areas used for parking shall be included in the calculation of *floor area ratio* unless the covered parking is located within the *basement*." The Semi-Detached Residential (RF-SD) Zone does not include this clause. To provide clarity and consistency with other residential single family zones, it is recommended that the RF-SD Zone be amended to explicitly state that the floor area for a garage would not be included in the floor area calculation if the garage is constructed within the basement. The proposed amendments are documented in Appendix "I."

Maximum Density in the RM-30 and RM-15 Zones

The City is currently receiving a number of townhouse applications with FARs of between 0.95 and 1.0, proposing Comprehensive Development (CD) Zones based on the Multiple Residential 30 (RM-30) Zone. Although these applications meet RM-30 Zone requirements, including maximum lot coverage, required indoor and outdoor amenity space, and typically supportable setbacks, they do not meet the RM-30 Zone's maximum permitted FAR of 0.9. As a result, the applications propose CD Zones.

The City has also received a few CD Zone applications based on the Multiple Residential 15 (RM-15) Zone, proposing densities slightly higher than the 0.6 FAR permitted in the RM-15 Zone.

The increase in FAR requested by the applications in both RM-30 Zone-based CD Zones and in RM-15 Zone-based CD Zones may be caused by a few factors. The rising cost of land has resulted in the need to maximize buildable floor space. The recently incorporated requirement in the City's townhouse zones that a maximum of 50% of all required resident parking spaces may be provided as tandem parking (the remainder required to be double side-by-side garages) has resulted in larger units, as well. In addition, there has been an increase in the number of proposed back-to-back townhouse units being incorporated into the plans to make the sites more efficient (although even without back-to-back units, a higher than the maximum permitted FAR has been achieved).

In the CD Zones based on the RM-30 Zone, the following applications have all received approval or approval in principle from Council and incorporate an FAR higher than 0.9:

1. 7911-0247-00, 14058 – 61 Avenue - FAR 1.02 – Final Adoption
2. 7916-0413-00, 1980, 1960, 1946 & 1906 - 164 Street, FAR 1.05 – Final Adoption
3. 7915-0414-00, 5933 & 5943 – 177B Street – FAR 1.0 – Final Adoption
4. 7915-0050-00, 19254, 19284 & 19312 – 72 Avenue – FAR 1.01 – Final Adoption
5. 7916-0174-00, 19342 & 19372 - 72 Avenue – FAR 1.0 – Third Reading
6. 7915-0158-00, 7145 & 7185 - 194A Street, 19392 - 72 Avenue – FAR 1.0 – Third Reading

There are also a number of pre-Council applications proposing an FAR of between 0.9 and 1.0.

In the CD Zones based on the RM-15 Zone, one project is proposing an FAR of 0.65.

Based on the above, it is recommended that the maximum permitted FAR in the RM-30 Zone be increased from 0.9 FAR to 1.00 FAR, and the maximum permitted FAR in the RM-15 Zone be increased from 0.60 FAR to 0.70. The proposed amendments are documented in Appendix "I."

Housekeeping Amendments

Independent School Act

The citation of the Independent School Act has changed and should be amended to "Independent School Act, R.S.B.C. 1996, Chapter 216" in the definition of "School – Private" and in Section L.8 in the Assembly Hall 1 (PA-1) Zone and Assembly Hall 2 (PA-2) Zone, as documented in Appendix "I."

Grammatical Corrections

Some grammatical errors were identified in the Zoning By-law. It is recommended that the following phrases be amended, as documented in Appendix "I:"

- Hanging "of" in Sub-section D.1.(a) in the Special Care Housing 1A (RMS-1A) Zone, Child Care (CCR) Zone, and Marina (CPM) Zone; and
- The location of "; and" in the Sub-sections of H.3.

Legal Services Review

Legal Services has reviewed this report and the proposed amendments to the Zoning By-law as documented in Appendix "I" 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

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

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

Original signed by
Jean Lamontagne
General Manager, Planning & Development

FW/ss

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

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. School – Private

Amend the definition of “School – Private”, as follows:

- Delete “Independent School Act” and insert “Independent School Act, R.S.B.C. 1996, Chapter 216, as amended” in its place.

AMENDMENTS TO PART 4 GENERAL PROVISIONS

1. Density Calculations

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

- Delete Sub-section E.5.(a) and insert the following in its place:

- “(a) For the purpose of calculating *floor area ratio*:
- i. Where *floor area ratio* in the applicable zone is expressed to 2 decimal places, and results in a fraction, any fraction less than 0.005 shall be disregarded and any fraction 0.005 or greater shall be considered equivalent to 0.01; and
 - ii. Where *floor area ratio* in the applicable zone is expressed to 1 decimal place, and results in a fraction, any fraction less than 0.05 shall be disregarded and any fraction 0.05 or greater shall be considered equivalent to 0.10.”

2. Subdivision

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

- Delete Sub-sections E.21.(g) and E.21.(h) and insert the following in their places:

- “(g) The Approving Officer may reduce the minimum *lot* width of a particular Zone by not more than 10% if the resultant *lot* area is substantially larger than the minimum area required in a particular Zone. This provision shall not apply to the RA-G, RH-G, or RF-G Zones.
- (h) Where the land being subdivided is such that only one *lot* to be created does not have the required minimum *lot* area, the subdivision may be approved provided that the area of this *lot* is not less than 90% of the minimum lot area requirement prescribed

in the Zone. This provision shall not apply to the RA-G, RH-G, RF-G, RF-13, RF-12, RF-12C, RF-10, RF-10S, RF-9, RF-9C, or RF-9S Zones.”

AMENDMENTS TO AGRICULTURAL ZONE

1. Part 14 RH Zone

Amend Section F. Yards and Setbacks, as follows:

- After the table, in the paragraph beside the double asterisks “**”, delete “900 square metres [9,685 sq.ft.]” and insert “1,500 square metres [16,000 sq. ft.]” in its place.

AMENDMENTS TO SINGLE FAMILY RESIDENTIAL ZONES

1. Part 16B RF-13 Zone

Amend Section I. Landscaping, as follows:

- Delete Section I.3 and insert the following in its place:

“3. *Landscaping in the front yard shall be as follows:*

- (a) Where the *driveway* is located in the *front yard*, a minimum of 75% of the required *front yard*, except the *driveway*, shall be landscaped, which shall not include any non-porous or paved surfaces; and
- (b) Where the *driveway* is not located in the *front yard*, a minimum of 90% of the required *front yard*, except for a maximum 1.5 metres [5 ft.] wide entrance path and a maximum 1.0 metre [3 ft.] wide path leading to the *side yard*, shall be landscaped, which shall not include any non-porous or paved surfaces.”

2. Part 17 RF-G Zone

Amend Section D. Density, as follows:

- Delete Sub-section D.4.(a)iv. and insert the following in its place:

“iv. Floor area including garages and covered parking with extended height exceeding 3.7 metres [12 feet] must be multiplied by 2, excluding:

- (a) staircases;
- (b) 19 square metres [200 sq. ft.]; and
- (c) floor area directly below a sloped ceiling less than 4.6 metres [15 ft.] in height, provided that the area has at least one wall 3.7 metres [12 ft.] or less in height.”

- In Sub-section D.4.(b), delete the number “0.55” and insert the number “0.60” in its place.

Amend Section H. Off-Street Parking and Loading/Unloading, as follows:

- In Sub-section H.3.(b), delete the word “and”.
- In Sub-section H.3.(c)ii., delete the word “and”.
- In Sub-section H.3.(c)iii., delete the period “.” and insert “; and” in its place.

3. Part 17A RF-12 Zone

Amend Section I. Landscaping, as follows:

- Delete Section I.3 and insert the following in its place:

“3. *Landscaping* in the *front yard* shall be as follows:

- (a) Where the *driveway* is located in the *front yard*, a minimum of 75% of the required *front yard*, except the *driveway*, shall be landscaped, which shall not include any non-porous or paved surfaces; and
- (b) Where the *driveway* is not located in the *front yard*, a minimum of 90% of the required *front yard*, except for a maximum 1.5 metres [5 ft.] wide entrance path and a maximum 1.0 metre [3 ft.] wide path leading to the *side yard*, shall be landscaped, which shall not include any non-porous or paved surfaces.”

AMENDMENTS TO MULTIPLE FAMILY RESIDENTIAL ZONES

1. Part 17H RF-SD

Amend Section D. Density, as follows:

- Delete Sub-section D.2.(c) and insert the following in its place:

“(c) Notwithstanding Sub-section D.2(a) of this Zone the maximum floor area of the *principal building*, including a garage or any portion thereof that is not in a basement, a carport, and *accessory buildings* and *structures*, shall be 181 square metres [1,950 sq. ft.]”

2. Part 21 RM-15 Zone

Amend Section D. Density, as follows:

- In Section D.2., delete the number “0.6” and insert the number “0.70” in its place.

3. Part 22 RM-30 Zone

Amend Section D. Density, as follows:

- In Section D.3., delete the number “0.9” and insert the number “1.00” in its place.

AMENDMENTS TO SPECIAL CARE HOUSING ZONE

1. Part 28A RMS-1A Zone

Amend Section D. Density, as follows:

- In Sub-section D.1.(a), delete “of;” and insert “of *floor area ratio*;” in its place.

AMENDMENTS TO ASSEMBLY HALL ZONES

1. Part 31 PA-1 Zone

Amend Section L. Other Regulations, as follows:

- In Section L.8., delete “Independent School Act S.B.C., 1989, c. 51” and insert “Independent School Act, R.S.B.C. 1996, Chapter 216, as amended” in its place.

2. Part 32 PA-2 Zone

Amend Section L. Other Regulations, as follows:

- In Section L.8., delete “Independent School Act S.B.C., 1989, c. 51” and insert “Independent School Act, R.S.B.C. 1996, Chapter 216, as amended” in its place.

AMENDMENTS TO CHILD CARE ZONE

1. Part 43 CCR Zone

Amend Section D. Density, as follows:

- In Sub-section D.1.(a), delete “of;” and insert “of *floor area ratio*;” in its place.

AMENDMENTS TO MARINA ZONE

1. Part 46 CPM Zone

Amend Section D. Density, as follows:

- In Sub-section D.1.(a), delete “of;” and insert “of *floor area ratio*;” in its place.