



Corporate

NO: R210

Report

COUNCIL DATE: October 1, 2001

REGULAR COUNCIL			
TO:	Mayor & Council	DATE:	September 28, 2001
FROM:	General Manager, Planning & Development	FILE:	5591-001
SUBJECT:	Proposed Zoning By-law Housekeeping Amendments		

RECOMMENDATION

The Planning & Development Department recommends that Council:

1. Approve the proposed changes to Zoning By-law, 1993, No. 12000, as described in this report and as outlined in the attached Appendix I; and
2. Authorize the Acting City Clerk to bring forward the necessary amendment by-law for the required readings and to set a date for the Public Hearing.

INTENT

The intent of this report to seek Council approval for proposed changes to the Zoning By-law. Changes pertain to regulating house sizes in the RA Zone, regulating truck parking in the RA Zone, regulating garages in in-ground basements, regulating house sizes in the RF-SS Zone, amending the application of "undevelopable areas" in the RF Zone and RF-SS Zone, and regulating the maximum height of communication antennas on top of buildings.

BACKGROUND

Zoning By-law No. 12000 was adopted in 1993 and has undergone several amendments since it was adopted. The changes proposed in this report have been identified through the process of administering the By-law.

DISCUSSION

House Size in the RA Zone

Lots created in the RA Zone must have a minimum parcel size of 4,047 square metres (one acre) and a minimum frontage of 50 metres (164 feet). A number of RA-zoned lots were created prior to the adoption of Zoning By-law No. 12000 that have smaller, more urban-sized lot dimensions more consistent with the width and size of RF-zoned lots.

The RA Zone was initially drafted to require side yard setbacks of 4.5 metres (15 feet) whereas the RF Zone requires side yard setbacks of 1.8 metres (6 feet). However, unlike the RF Zone, the RA Zone did not limit the size of dwelling that could be built on a lot.

In 1994, in response to concerns from owners of narrow RA lots that setbacks were too restrictive and, from other City residents that the lack of floor area ratio limits in the RA Zone permitted the construction of excessively large homes on these small lots, amendments were made to the RA Zone. The RA Zone was amended so that, for RA-zoned lots less than 900 square metres (9,700 square feet) in area, the density, lot coverage, setbacks and parking requirements of the RF Zone would apply.

Although the 1994 amendments to the RA Zone addressed lots less than 900 square metres (9,700 square feet) in area, there are also a number of RA-zoned lots, greater than 900 square metres (9,700 square feet) in area but less than 1,858 sq. metres (0.50 acre), that also have widths of 18 metres (59 feet) to 20 metres (66 feet). These types of RA lots, however, are still governed by the requirements of the RA Zone. As a result, a number of applications have been made recently to the Board of Variance, requesting that the Board vary the required 4.5-metre (15-ft.) side yard setbacks to allow the construction of a typical single family dwelling. Most of these applications to the Board of Variance to reduce side yards have been approved.

There is, however, no maximum density prescribed in the RA Zone. Relaxing side yard setbacks, therefore, has permitted land owners to build large houses, up to 454 square metres (5,000 square feet) in area, which is well above the maximum house size of 330 square metres (3,550 square feet) permitted on RF-zoned lots with similar widths.

To reduce the need for owners of RA-zoned lands between 900 square metres (9,700 square feet) and 1,858 square metres (0.50 acre) in area from having to seek setback relaxations from the Board of Variance, it is proposed that Section F of the RA Zone be amended so that on lots less than 1,858 square metres (0.5 acre) in area, setback requirements of the RF Zone apply. Further, to ensure that dwellings being constructed on RA-zoned lots with narrower frontages are consistent with the size of dwellings being built on RF-zoned lots with similar frontages, it is proposed that Sections D, E and H of the RA Zone be amended so that on lots less than 1,858 square metres (0.50 acre) in area, density, lot coverage and off-street parking requirements of the RF Zone apply.

Most of the narrower and smaller RA-zoned lots are located in denser, more built up areas of Surrey where it is important that the massing and siting of dwellings are consistent with the dwellings on surrounding properties. In suburban areas, where lots tend to be larger and dwellings more widely spaced, the concern for consistency and compatibility is reduced. As a result, it is proposed that RF regulations apply to only those RA lots less than 1,858 square metres (0.5 acres) that are located in areas designated Urban and Multiple Residential under Surrey's Official Community Plan.

Truck Parking in the RA Zone

Recently a request was made by the By-law Enforcement and Licensing Section to consider allowing the parking of one non-farm vehicle over 5,000 kg GVW on any RA-zoned lot exceeding two acres in size.

Currently, overweight vehicles are permitted to be parked on lands zoned IL Light Impact Industrial subject to certain conditions. In addition, the A-1 General Agricultural Zone and the A-2 Intensive Agriculture Zone permit one non-farm vehicle over 5,000 kg GVW to be parked on the lot, provided the vehicle is ancillary to the residential use (i.e. there must be a dwelling on the site) and is owned or operated by the owner or occupant of the lot.

The By-law Enforcement and Licensing Section has commented that many overweight vehicle parking complaints being investigated are related to RA-zoned lots. In most cases, the parking is of a truck tractor only (i.e. no trailer component). Although contrary to the RA Zone, there generally appears to be minimal impact on the immediate neighbourhood.

To ensure impact is minimized, and recognizing that RA-zoned lots vary in size (including being less than one acre), it is recommended that the parking of one non-farm vehicle over 5,000 kg GVW be permitted on any RA-zoned lot subject to the following:

- the lot exceeds two acres in size;
- the use is ancillary to the residential use;
- the vehicle is owned or operated by the owner or occupant of the lot;
- the vehicle is restricted to truck tractors without trailers; and
- the vehicle is not parked within the required setbacks.

Garages Located in In-Ground Basements Of Single Family Dwellings and Duplexes

Zoning By-law No. 12000 prescribes how the floor area ratio (FAR) is to be calculated for each zone. For all single family zones, except the RA Zone and RA-G Zone, the FAR excludes the basement, but includes the ancillary garage or carport. Basement is defined as being that portion of the building with at least one-half its volume below the finished grade.

When a site is sloped, it is possible to locate the garage in the basement. Under this circumstance, although the basement is typically excluded from the floor area ratio (FAR) calculation, the portion used by the garage is included in the FAR calculation.

Recently, a developer has indicated that this regulation has resulted in an unfair situation whereby the houses on the "high" side of the street are in essence penalized for locating the garage in the basement (resulting in part of the basement being included as part of the FAR), versus the houses on the "low" side of the street that can locate the garage at grade (and have the full basement excluded from the FAR). For example, the RF Zone permits a maximum floor area ratio (FAR) of 0.52 provided that 37 square metres (400 sq.ft.) is reserved for use only as a garage. For a "high" side house with the garage in the basement, the area of the garage is not excluded from the FAR calculation and only the area of the basement less the garage is excluded. For a "low" side house with a garage at grade, the area of the garage is not excluded, however the basement is fully excluded.

Since locating a garage in the basement will not increase the overall mass of the house which is the objective of the FAR restriction, it is reasonable to exclude the in-ground garage from the floor area ratio calculation. The result of this amendment will be homes with an equal amount of living space, irrespective of being on the high or low side of the street.

Maximum Dwelling Size in the RF-SS Zone

The density provisions within the Single Family Residential (RF) Zone prescribe the maximum size of dwelling that can be built on a lot based on the size of the lot and other factors. There is also a regulation within the RF zone indicating that, irrespective of the size of the single family lot, there is a maximum floor area that can be built within any RF zoned lot.

The maximum floor area permitted on a lot in the RF Zone is

- (i) 270 square metres (2,900 square feet) for lots of 560 square metres (6,000 square feet) or less; and
- (ii) 330 square metres (3,550 square feet) for lots in excess of 560 square metres (6,000 square feet).

The density provisions within the Single Family Residential Secondary Suite (RF-SS) Zone are the same as those of the RF Zone, with the exception that there are no regulations restricting the maximum floor area of the building that can be built in the RF-SS Zone.

To ensure consistency in the building massing and floor area between the RF and RF-SS zones, it is proposed that Zoning By-law No. 12000 be amended to establish a maximum floor area for the RF-SS Zone consistent with the RF Zone.

Application of Non-Developable Area Definition in the RF and RF-SS Zones

In the RF and RF-SS zones, the size of dwelling that can be built on a lot depends on the area of the lot. In calculating the area of the lot, however, the Zoning By-law stipulates that all "undevelopable areas" of a lot must be excluded from the area of the lot. Undevelopable areas are defined in Zoning By-law No. 12000 as utility rights-of-way and, ravines and rivers, plus an area of 5 metres (16 feet) from the top-of-bank of the ravine and river.

The exclusion of undevelopable area from the calculation of lot area in the RF and RF-SS zones restricts the construction of larger dwellings on lots that are encumbered by large areas of undevelopable land.

As discussed above, the maximum size of dwelling is currently regulated in the RF Zone and is proposed to be regulated in the RF-SS Zone, irrespective of the area of lot. As a result, it is no longer necessary to remove undevelopable area from the calculation of lot area in the RF and RF-SS Zones to restrict the size of a dwelling that can be built on the lot.

It is proposed, therefore, that, in the RF Zone and the RF-SS Zone, undevelopable areas no longer be excluded from the area of a lot to calculate the size of house that can be built on the lot.

Height of Telecommunication Towers on the Top of Buildings

Surrey Zoning By-law No. 12000 regulates the height of telecommunication towers erected upon a building such that:

- (i) in zones where the height of the building is prescribed, the combined height of the building and the tower shall not exceed the maximum height of the principal building prescribed for the zone plus 3.0 m (10 ft.), and
- (ii) in zones where there is no maximum height for buildings, the combined height of the building and the tower shall not exceed 12 metres (40 feet).

There are some zones, that allow buildings with a relatively high maximum height. In such zones, if the existing building is not at the allowable maximum, it could be argued that a tall communication tower could be constructed on the building to make up the difference in height between the height of the building and maximum height allowed in the zone.

Therefore, in order to prevent unreasonably tall towers from being constructed on the roofs of buildings it is proposed that the Part 4 General Provisions of Zoning By-law No. 12000 be amended such that telecommunication towers affixed to a building would be permitted in all zones, irrespective of the maximum height restriction of the zone, but that such telecommunication towers would be restricted to 3 metres (10 ft.) in height above the height of the existing roof structure on which the telecommunications tower is located.

CONCLUSION

The proposed amendments to Zoning By-law No. 12000, are documented in Appendix I. These amendments have been reviewed by the Assistant City Solicitor and found acceptable. It is recommended that Council endorse the proposed amendments and instruct the Acting City Clerk to bring forward the necessary amendment by-law for the required readings and set a date for the Public Hearing.

Murray D. Dinwoodie
General Manager
Planning & Development Department

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

c.c. - City Solicitor
- Manager, By-law Enforcement & Licensing Services

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Appendix I

Proposed Amendments to Surrey Zoning By-law No. 12000

It is recommended that Surrey Zoning By-law, 1993, No. 12000, as amended be further amended as follows:

1. That Part 1 Definitions, be amended by deleting "RF, RF-SS" and "(FAR)" from Sub-section (b) of Density - Floor Area Ratio.

2. That Part 4 General Provisions, be amended by deleting Sub-section A.1.(a)ii.c and replacing it with the following:

"c. in the case of towers erected upon a *building*, the height of the tower shall not exceed 3.0 metres [10 ft.] above the roof on which it is located; and"

3. That Part 12 One-Acre Residential Zone (RA) be amended as follows:

- Amend Sub-section D.1 by deleting "900 square metres [9,685 sq.ft.] in area or less" and replacing with "1,858 square metres [0.5 ac.] in area or less for any *urban* or *multiple residential lot*".
- Amend Section E by deleting "900 square metres [9,685 sq. ft.] in area or less" and replacing with "1,858 square metres [0.5 ac.] in area or less for any *urban* or *multiple residential lot*".
- Delete Section H and replace with the following:

"1. *Lots* greater than 1,858 square metres [0.5 ac.] in area shall comply with the following:

(a) Parking requirements in Table C.6 of Part 5 Off-Street Parking and Loading/Unloading of this By-law shall apply; and

(b) Outside parking or storage of *campers*, boats and *vehicles* including cars, trucks and *house trailers* ancillary to the residential use shall be limited as follows:

i. A maximum of 2 cars or trucks;

i. *House trailers*, *campers* or boats, provided that the combined total shall not exceed 3; and

i. The total amount permitted under (i) and (ii) shall not exceed 5.

2. Notwithstanding Sub-section B.11 of Part 4 General Provisions of this By-law, where the *lot* is 2 acres or more, one of the trucks permitted in Sub-section H.1(b)i may be a *vehicle* over 5,000 kilograms [11,023 lbs.] *G.V.W.*, provided that:

(a) The *vehicle* is limited to a truck tractor as defined in the Commercial Transport Act, R.S.B.C. 1996, c.58, as amended;

(b) The use of the *vehicle* is ancillary to the permitted residential use on the *lot*;

(c) The *vehicle* is owned or operated by the owner or occupant of the *lot*;

(d) The *vehicle* shall not be parked within the required *setbacks* for the *principal building* of this Zone; and

(e) Only 1 such *vehicle* is permitted to be parked on a *lot*.

3. Where the *lot* is 1,858 square metres [0.5 ac.] in area or less, the requirements in Section H of Part 16 Single Family Residential Zone RF shall apply."

4. That Part 14 Half-Acre Residential Zone (RH) be amended as follows:

- Delete Sub-section D.3.(a) and replace with the following:

"(a) For the purpose of this Section and notwithstanding the definition of *floor area ratio* in Part 1 Definitions of this By-law, 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*; and"

5. That Part 15 Half-Acre Residential Gross Density Zone (RH-G) be amended as follows:

- Delete Sub-section D.4.(a) and replace with the following:

"(a) For the purpose of this Section and notwithstanding the definition of *floor area ratio* in Part 1 Definitions of this By-law, 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*; and"

6. That Part 15A Cluster Residential Zone (RC) be amended as follows:

- Delete Sub-section D.3.(a) and replace with the following:

"(a) For the purpose of this Section and notwithstanding the definition of *floor area ratio* in Part 1 Definitions of this By-law, 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*; and"

7. That Part 16 Single Family Residential Zone (RF) be amended as follows:

- Delete Sub-section D.2.(a) and replace with the following:

"(a) For the purpose of this Section and notwithstanding the definition of *floor area ratio* in Part 1 Definitions of this By-law, 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*; and"

8. That Part 16A Single Family Residential Secondary Suite Zone (RF-SS) be amended as follows:

- Delete Sub-section D.1.(a) and replace with the following:

"(a) For the purpose of this Section and notwithstanding the definition of *floor area ratio* in Part 1 Definitions of this By-law, 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*; and"

- Amend Sub-section D.1.(b)i. by deleting "and" after "*floor area ratio*;"
- Amend Sub-section D.1.(b)ii. by deleting the period (.) after "thereof" and replacing it with "; and"
- Add Sub-section D.1.(b)iii. as follows:

"iii. notwithstanding the above, the maximum allowable floor area shall be as follows:

a. 270 square metres [2,900 sq.ft.] for *lots* of 560 square metres [6,000 sq.ft.] or less;
and

b. 330 square metres [3,550 sq.ft.] for *lots* in excess of 560 square metres [6,000 sq.ft]."

9. That Part 17 Single Family Residential Gross Density Zone (RF-G) be amended as follows:

- Delete Sub-section D.4.(a) and replace with the following:

"(a) For the purpose of this Section and notwithstanding the definition of *floor area ratio* in Part 1 Definitions of this By-law, 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*;"

- Amend Sub-section D.4.(b) by deleting "floor area ratio; and" and replacing it with "*floor area ratio*;"
- Amend Sub-section D.4.(c) by deleting the period (.) after "thereof" and replacing it with "; and"
- Add Sub-section D.4.(d) as follows:

"(d) notwithstanding the above, the maximum allowable floor area shall be as follows:

i. 180 square metres [2,000 sq. ft.] for *lots* of less than 370 square metres [4,000 sq. ft.]; and

ii. 205 square metres [2,200 sq. ft.] for *lots* of 370 square metres [4,000 sq. ft.] or more."

10. That Part 18 Duplex Residential Zone (RM-D) be amended as follows:

- Delete Sub-section D.1(a) and replace with the following:

"(a) For the purpose of this Section and notwithstanding the definition of *floor area ratio* in

Part 1 Definitions of this By-law, 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*; and"

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