



Corporate Report

NO: R093

COUNCIL DATE: May 5, 2003

REGULAR COUNCIL

TO: Mayor & Council **DATE: April 30, 2003**
FROM: General Manager, Planning & Development **FILE: 3900-20-09011**
SUBJECT: Amendments to the Surrey Building By-law, 1987, No. 9011 House Moving Provisions

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information;
2. Approve amendments to Surrey Building By-law, 1987, No. 9011 (the "Building By-law"), as documented in Appendix I of this report, that relate to the moving of a dwelling onto agricultural land in the City; and
3. Authorize the Acting City Clerk to bring forward the necessary amendment by law for the required readings.

INTENT

The intent of this report is to provide Council with information regarding the current limitations in the Building By-law related to moving buildings onto agricultural properties and to seek Council approval for a text amendment to the Building By-law to broaden the opportunities to move a house onto agricultural land in the City.

BACKGROUND

The owner of the property at 16975 - 64 Avenue has recently approached City staff with an inquiry regarding the potential to move his existing dwelling from the subject property that is currently being developed as a townhouse site to the property that is to the immediate north at 16948 - 66 Avenue. This other site is approximately 9 acres in size, is located in the Agricultural Land Reserve (the "ALR") and is zoned "RA" One Acre Residential, a zone that permits agricultural uses when the lot is over 2.0 hectares (5 acres) in area. The lots on both sides of 66 Avenue, east of 168 Street, are rural in nature and are within the ALR.

Staff has inspected the dwelling that is proposed to be moved and has determined that it cannot be moved under the current provisions of the Building By-law, by virtue of its age and architectural style in comparison to the dwellings that exist on the nearby urban lots. However, given the quality of the house and the significant separation between the location to which the house will be moved and the dwellings on surrounding properties, there is concern that the current provisions of the Building By-law may be overly restrictive.

DISCUSSION

The Building By-law specifies the conditions that must be satisfied for a building to be moved from outside the City into Surrey or from one lot to another within the City. The conditions are primarily intended to ensure that the moved building fits in the context of the immediate neighbourhood within which it is moved. This is particularly important in an urban context where properties are relatively small and in close proximity to each other. The conditions in the Building By-law include restrictions to ensure that the age and architectural style/character of the moved building is similar to the surrounding development.

Provisions in Surrey Building By-law, 1987, No. 9011

Section 23 of the Building By-law permits the moving of a building, subject to the following conditions (among other conditions), with Sections 5, 6 and 7 being the primary focus of this report:

"(1) No person shall move any building or structure from one parcel of land to another parcel of land without first obtaining a permit.

(2) Every application for a permit to move a building shall designate the site of the building to be moved and the site to which the building is to be moved. Permission to use the public streets shall be obtained from the proper authority.

(3) Notice of disconnections from City Water and Sewerage Systems shall be given to the proper authority and such disconnections must be done under City supervision.

(4) No building that is to be used as a dwelling may be moved into the City.

(5) A building situated within the City may be moved within the City provided:

(a) The building is not older than the majority of the buildings situated on lots within one hundred and fifty-five (155) metres of the lot to which it is proposed to move the building; and

(b) It conforms to the structural and architectural standards of the majority of the buildings situated on lots within one hundred and fifty-five (155) metres of the lot to which it is proposed to move the building.

(6) No building may be moved on to a lot unless the lot is within one hundred and fifty-five (155) metres of a lot occupied by a building at the date of application to move the building and in no event shall a building be moved on to any lot within a registered plan of subdivision containing more than two (2) lots if no buildings exist on any of the lots within the said subdivision at the date of application to move the building.

(7) The provisions of Subsection (6) of this section shall not apply to the moving of any buildings onto lands which are zoned Agricultural pursuant to the provisions of the "SURREY ZONING BY-LAW" in force at the date of the application to move the building."

Concerns with the Current By-law Provisions:

- The physical separation between houses in agricultural areas is generally large and the issue of compatibility with neighbouring buildings, in terms of design and age, is less critical.
- Opportunities for the continued use of existing houses on new sites appear to be overly restricted by the Building By-law provisions, particularly in rural areas where City policies ensure that functional and effective buffering is installed between agricultural land uses and new development on adjacent non-agricultural lands.

Proposed Revisions to Surrey Building By-law, 1987, No. 9011

To address the above concerns, it is proposed that the Building By-law be amended to allow buildings to be moved onto agricultural properties under certain conditions without the need to satisfy the requirements of Subsections (5) and (6) of Section 23 of the Building By-law, as documented above, which will continue to apply to all other building moves. The conditions that are proposed as the basis for exempting the moving of a dwelling from the requirements of Subsections (5) and (6) are as follows:

- (1) The land to which the dwelling is moved is:
 - (a) located within the Agricultural Land Reserve,
 - (b) designated "Agricultural" in the Official Community Plan,
 - (c) zoned to permit agricultural uses, and
 - (d) a minimum of 2.0 hectares (5 acres) in area; and
- (2) The moved dwelling must be sited such that it has a minimum separation of 100 metres (330 feet) from the boundary between the land that is designated "Agricultural" in the Official Community Plan (OCP) and other OCP land use designations.

If these conditions are adopted by Council in the form of an amendment to the Building By-law, the house move proposal, as documented in the Background Section of this report, could proceed.

This report and the proposed by-law amendments have been reviewed by Legal Services.

CONCLUSION

The Planning and Development Department recommends that Council approve amendments to the Building By-law, as documented Appendix I to this report, that will broaden the opportunities for houses to be moved onto agricultural properties in the City. It is further recommended that Council authorize the Acting City Clerk to bring forward the related Building By-law Amendment By-law for the required readings.

Original signed by

Murray Dinwoodie
General Manager
Planning and Development

BK/kms/saw

Appendix I - Proposed Revisions to Surrey Building By-law, 1987, No. 9011

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Appendix I

Proposed Amendments to the Surrey Building By-law, 1987, No.

9011

The following amendments are proposed to the Surrey Building By-law, 1987, No. 9011:

That Subsection (7) of Section 23 of Surrey Building By-law, 1987, No. 9011 be replaced with the following:

- "(7) The provisions of Subsections (5) and (6) of this Section shall not apply if:
- (a) the building being moved is to be used as a dwelling; and
 - (b) the lot onto which the building is to be moved is:
 - (i) located within the Agricultural Land Reserve,
 - (ii) designated "Agricultural" in the Surrey Official Community Plan By-law,
 - (iii) zoned to permit agricultural uses, and
 - (iv) a minimum of 2.0 hectares (5 acres) in area; and
 - (c) the moved building is sited such that it has a minimum separation of 100 metres (330 feet) from every point along the boundary separating lands designated "Agricultural" in the Surrey Official Community Plan By-law (OCP) from lands with any other OCP designation."