

NO: **R131**

COUNCIL DATE: **June 11, 2012**

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **June 11, 2012**

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

FILE: **0340-01**

SUBJECT: **Proposed Amendments to City Policy O-45 – "Issuance of Building Permits for Replacement Single Family Dwellings"**

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information; and
2. Approve revisions to City Policy No. O-45 – "Building Permits for Replacement Single Family Dwellings" as generally documented in this report and as included in the revised version of the Policy that is attached to this report as Appendix I.

INTENT

City Policy O-45 (the "Policy"), which allows an existing single family dwelling to remain temporarily in place on a lot during the period of construction of a replacement single family dwelling on the same lot was adopted by Council in 1999 and has not been amended since its adoption. This report discusses updates to the Policy to address non-compliance issues related to the Policy and current land development scenarios. Minor housekeeping amendments related to formatting are also included in the revised Policy to make it consistent with the "City's Policy Initiative" currently being undertaken by Legislative Services.

BACKGROUND

Surrey Zoning By-law, 1993, No. 12000 (the "Zoning By-law") allows a "replacement single family dwelling" to be constructed as an accessory use on a lot while the registered owner of the lot continues to occupy the existing single family dwelling on the same lot. Amendments to the Zoning By-law to permit a "replacement single family dwelling" were adopted by Council on January 17, 2000 by way of Zoning By-law Text Amendment By-law, 1999, No. 13915.

Council has also adopted City Policy O-45 – "Issuance of Building Permits for Replacement Single Family Dwellings" that authorizes the Building Inspector to issue a building permit for a replacement single family dwelling, subject to the following conditions:

- A Letter of Credit or cash in the amount of \$5,000 is provided to act as security in relation to the removal of the existing single family dwelling once the new dwelling has been granted final inspection approval; and
- A restrictive covenant is registered on title of the property, which stipulates the owner will remove the existing single family dwelling (or where permitted, convert the existing single family dwelling to an accessory building) within 30 days of the replacement single family dwelling being given final inspection approval, but in any case, within 18 months of the building permit being issued for the replacement single family dwelling.

The Policy also sets out a process to be undertaken when the owner of the property fails to remove the existing single family dwelling within the prescribed timelines as follows:

- The owner will be advised that the City will begin legal action to enforce the terms of the restrictive covenant if the existing single family dwelling is not removed within a further 30 days and the \$5,000 security will be forfeited; and
- If the necessary action has not been taken after the further 30 days, the City will then undertake to remove the existing single family dwelling.

DISCUSSION

The security amount of \$5,000 as currently stipulated in the Policy is not sufficiently large to motivate the owner of the property to remove the existing single family dwelling upon completion of the replacement single family dwelling. In some circumstances property owners are retaining the existing and/or the replacement single family dwellings as a revenue property.

To increase the financial consequences in the event that the owner fails to remove the existing single family dwelling in the specified timeframe and to reduce the likelihood of the City having to take action to remove an existing single family dwelling, the following amendments are proposed to the Policy:

- That the Letter of Credit or cash security be increased from \$5,000 to \$30,000; and
- That the Building Inspector be authorized to withhold issuance of a building permit for a replacement single family dwelling on a lot for which there is an application for subdivision.

SUSTAINABILITY CONSIDERATIONS

The proposed amendments to this Policy addresses objectives of the *Sustainability Charter* that relate to sustainable land use, development and building practices, including:

- EC9: Quality of design in new development and redevelopment;
- EN9: Sustainable land use planning and development practices.

As a number of replacement dwellings are constructed on farm parcels, the proposed amendments also relate to objective EC12 of the *Sustainability Charter*, protecting Surrey's productive agricultural land base.


CONCLUSION

Based on the above discussion, it is recommended that Council approve revisions to City Policy No. O-45 – "Building Permits for Replacement Single Family Dwellings" as generally documented in this report and as included in the revised version of the Policy that is attached to this report as Appendix I.

Original signed by
Jean Lamontagne
General Manager,
Planning and Development

HC/kms/dlg/saw

Attachment:
Appendix I Amended City Policy O-45

 CITY OF SURREY	<h1>City of Surrey Policy</h1>
Policy Number: Policy Title: Approval Date: Revision Date: Department:	O-45 BUILDING PERMITS FOR REPLACEMENT SINGLE FAMILY DWELLINGS 28 JUNE 1999 (RES.S99-63) SPECIAL COUNCIL MINUTES 13 JUNE 1999 Planning and Development

Policy Statement

The Building Inspector is authorized to issue a building permit for a replacement single family dwelling on a lot without first requiring the removal of the existing single family dwelling on the same lot subject to conditions including, among other things, the provision of security in relation to the removal of the existing single family dwelling.

1. Reason for Policy

This policy is intended to support compliance with the Zoning By-law by ensuring the removal of an existing single family dwelling from a lot upon completion of a replacement single family dwelling on the same lot.

2. Responsibilities

2.1. When the owner of a property on which a single family dwelling is located chooses to exercise the provision of the Zoning By-law, which allows a replacement single family dwelling to be constructed on a lot without first removing the existing single family dwelling from the same lot, the Building Inspector is authorized to issue a building permit for the replacement single family dwelling without first requiring the removal of the existing single family dwelling subject to the following conditions being satisfied:

- The owner providing a satisfactory Letter of Credit or cash in the amount of \$30,000 to the City which the City will hold until the owner of the lot has removed the existing single family dwelling from the lot to the satisfaction of the Building Inspector or if construction of the replacement single family dwelling has not commenced until the building permit for the replacement single family dwelling has been cancelled by the City.
- The owner registering a restrictive covenant on the title of the property which stipulates that the owner will remove the existing single family dwelling from the property or, where permitted, convert the existing single family dwelling to an accessory building within 30 days of the replacement single family dwelling being given final inspection approval by the City, but in any case within 18 months of the building permit being issued for the replacement single family dwelling. Where the existing single family dwelling is converted to an accessory building, such conversion will be subject to siting requirements for accessory buildings as stipulated by the Zoning By-law. The conversion shall include the removal of those amenities normally associated with the residential use, but may permit the heating system, and subject to acceptance of the sanitary sewer facility, a water closet and sink. The building must also meet the requirements of the electrical code.

This policy is subject to any specific provisions of the Local Government Act, or other relevant legislation or Union agreement.

- 2.2. If the owner of the property does not, within 30 days of the receipt of final inspection approval on the replacement single family dwelling or in any case within 18 months of the issuance of the building permit for the replacement single family dwelling, remove the existing single family dwelling from the property or complete the conversion of the existing single family dwelling to an accessory building where such conversion is permitted, the Building Inspector is to advise the owner that the City may commence legal action to enforce the terms of the restrictive covenant if the existing single family dwelling is not removed within a further 30 days and that the \$30,000 security provided to the City may be forfeited to the City.
- 2.3. If after the further 30 days the owner has not taken the necessary action, the Building Inspector may take such actions as are necessary in consultation with the City Solicitor to have the removal of the existing single family dwelling completed.
- 2.4. The Building Inspector may withhold issuance of a building permit for a replacement single family dwelling on properties that are under application for subdivision.

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This policy is subject to any specific provisions of the Local Government Act, or other relevant legislation or Union agreement.

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