

# DRAFT LAND USE BYLAW AMENDMENTS FOR SECONDARY SUITES – PHASE 1

The following amendments to the Land Use Bylaw are proposed:

## **1. SECTION 2.5 - DEFINITIONS**

**DWELLING, SECONDARY SUITE**—means a subordinate dwelling unit located on a parcel in addition to the principal dwelling unit, which constitutes a self-contained living accommodation unit comprised of kitchen facilities (including 220 wiring to allow for a range, oven or cook top stove), sleeping amenities, and washroom facilities consisting of a full bathroom including tub and/or shower fixture and has a separate entrance or includes a door which can be physically closed or locked off from the remainder of the principal dwelling. A dwelling, secondary suite may include a secondary suite, principal, or a secondary suite, accessory, or a secondary suite, detached but does not include a Tourist Home.

**SECONDARY SUITE, PRINCIPAL** means a dwelling, secondary suite, located within the principal dwelling unit or above an attached garage in accordance with Section xx of this bylaw.

**SECONDARY SUITE, ACCESSORY** means a dwelling, secondary suite, located within an accessory building, detached garage, or arena, which is subordinate to the principal dwelling on the same parcel.

**SECONDARY SUITE, DETACHED** means a detached dwelling, secondary suite, which is subordinate to and smaller than the principal dwelling located on the same.

## **2. AGRICULTURAL DISTRICT AND AGRICULTURAL BUSINESS DISTRICT**

- Add the following uses to Section 12.1.4 and Section 12.2.4:
  - Secondary suite, principal – permitted use;
  - Secondary suite, accessory – permitted use
    - Secondary suite, detached – permitted use
- Add the following to Section 12.1.7 “Development Requirements”:
  - 12.1.7.8 Maximum Dwelling Density
    - a. The base density for parcels shall be one dwelling unit per parcel on under 80 acres and two dwelling units per parcel 80 acres or more in size. Additional dwelling units in the form of a secondary suite, or a dwelling, temporary may be considered in accordance the maximum density and in accordance with provisions under Section x on Suites and Section 10.10 on Dwellings.
      - a. Maximum dwelling unit density for parcels 80 acres and larger shall be three units per parcel;
      - b. Maximum dwelling unit density for parcels under 80 acres shall be two units per parcel.

## **COUNTRY RESIDENTIAL DISTRICT**

- Add the following uses to Section 13.1.5:
  - Secondary suite, principal - discretionary use
  - Secondary suite, accessory – discretionary use
  - Secondary suite, detached – discretionary use

- Add the following to Section 13.1.7 “Development Requirements”:
- 13.1.7.8 Maximum Dwelling Density
    - b. Maximum dwelling unit density for each parcel is one single family dwelling and either one secondary suite, or one dwelling, temporary in accordance with Section x Secondary Suites and Section 10.10 on Dwellings.

### 3. NEW SECTION - SECONDARY SUITE POLICIES:

#### 10.26 SECONDARY SUITES

- 10.26.1 A secondary suite may be located within a principal dwelling unit, within an accessory building or detached garage, or may be a secondary suite, detached as per the definitions in Section 2.5 in accordance with all provisions under this section;
- 10.26.2 A secondary suite shall be subordinate to a principal dwelling and shall only be located on a parcel where secondary suite, principal, secondary suite, accessory, or secondary suite detached is listed as a permitted or discretionary use under the appropriate land use district;
- 10.26.3 Where a secondary suites is a permitted use under the applicable land use district but does not meet all other provisions under this bylaw, it shall be considered a Discretionary use;
- 10.26.4 A Development Permit shall be obtained for all secondary suites in the Municipality;
- 10.26.5 All secondary suites shall have an approved building permit and shall comply with all applicable building and safety code requirements;
- 10.26.6 All secondary suites shall comply with the land Use and development requirements such as height requirements, setback regulations, dwelling density, and lot coverage, for the applicable land use district;
- 10.26.7 A secondary suite shall not be operated as a tourist home or as a short term vacation rental unit or include a home based business minor or major, or bed and breakfast;
- 10.26.8 A parcel shall be limited to **one** secondary suite;
- 10.26.9 Occupancy shall be restricted to a maximum of a maximum of two bedrooms per suite;
- 10.26.10 Secondary suites shall meet the following size requirements:
  - a. The maximum size of a secondary suite, principal shall be no larger than 40% of the gross floor area of the principal dwelling;

*For the purpose of determining secondary suite size, the gross floor area is the sum of the floor areas of all livable space contained within the external walls of the structure including the basement. This does not include the garage area, or basement areas used exclusively for storage or service to the building and areas devoted exclusively to mechanical or electrical equipment servicing the development.*

- b. The maximum size of a secondary suite, accessory shall be the lesser of the following:
    - i. 80 sq. m (861 sq. ft.) habitable floor area; or
    - ii. Maximum size equal to 50% of the gross floor area of the subject accessory building.
  - c. The maximum size of a secondary suite, detached shall be 80 sq. m (861 sq. ft.) habitable floor area and shall be limited to a one (1) storey building and shall not include a walkout basements.
- 10.26.11 In the case where an existing dwelling is to be used as a secondary suite, a variance may be considered on the maximum sq. ft. requirements in accordance with Section 5.6.
- 10.26.12 Existing unpermitted secondary suites may be allowed some variances, within one year from the date these provisions were passed under Bylaw xx/18, in accordance with Section 5.6 of this bylaw.
- 10.26.13 Secondary Suite, accessory and secondary suite, detached shall be considered as part of the total allowable number of accessory buildings and total accumulated area of accessory buildings in accordance with parcel size as identified in Table 4.2.1.7A of the Land Use Bylaw;
- 10.26.14 A Secondary Suite, detached shall be constructed in close proximity to the principal residence:
  - a. Minimum 5.6m (18.37 ft.) separation;
  - b. Maximum of 25m (82.02 ft.) separation between suite and principal dwelling;
- 10.26.15 All secondary suites shall provide proof of adequate water servicing and sanitary sewer servicing to the satisfaction of the Development Authority;
- 10.26.16 Each secondary suite shall provide a minimum of one on-site parking space per bedroom in accordance with Section 9.19 of this bylaw;
- 10.26.17 Each secondary suite shall have its own distinct Municipal address to facilitate accurate emergency response;
- 10.26.18 All restrictive covenants existing on title shall be submitted with applications for secondary suites. The Development Authority may refuse secondary suites on parcels where an additional dwelling unit is in contradiction with the covenant on title;
- 10.26.19 A detached secondary suite shall not be a mobile home;

### **Permit Considerations**

- 10.26.20 In considering a Development Permit application for secondary suites, the Development Authority may consider factors such as:
- a. Any significant adverse impacts on the adjacent properties and dwellings (for example: drainage, fire protection, access, etc.);
  - b. adequate water and waste water services for the additional use on the site;
  - c. the architectural character of the secondary suite, including:

- i. it is desirable that the materials and character of the secondary suite be similar to the principal dwelling on the site;
- ii. in the case of a secondary suite, principal, the use of design strategies that minimize structural changes to the exterior of the principal dwelling, so that it maintains the appearance of a single dwelling; and
- iii. the availability of an indoor storage area located on the property for use of the residents of the secondary suite to minimize visual impact to neighboring properties;
- d. site design features, including:
  - i. the location of the secondary suite, with preference for its close proximity to the principal dwelling so as to appear as a related building;
  - ii. the need for landscaping or screening to provide privacy between the secondary suite and adjacent properties and dwellings;
  - iii. the need for adequate space to accommodate parking and loading for use by residents of the secondary suite;
- e. such other considerations as the Development Authority may deem to be relevant.

All secondary suites, with a valid Development Permit will be recorded on the Secondary Suite Registry for public information;

#### 4. SECTION 5.6 VARIANCES

- 5.6.9 Within one year from the date the secondary suite provisions were adopted under Bylaw XX/18, **date**, the following variances may be considered:
- a) The Development Authority may issue a Development Permit for an oversized secondary suite if:
    - i. The secondary suite existed prior to the date of the adoption of these regulations;
    - ii. The secondary suite is no more than 25% greater than the size permitted under Section X.X Secondary Suites;
    - iii. A complete Development Permit application has been received within one year of the date of adoption of these land use bylaw provisions;
  - b) The Development Authority may issue a Development Permit for reduced building setbacks and/or separation distances for secondary suites existing prior to the date of the adoption of these regulations, where it does not materially interfere with or affect the use, enjoyment, or value of the neighboring properties.
- 5.6.10 The Development Authority may allow a variance to the maximum size requirements of a new secondary suite, where it does not materially interfere with or affect the use, enjoyment, or value of the neighboring properties.

#### 5. SECTION 9.19 PARKING

Add the following to Table 9.19 Parking Requirements for residential and residential related land uses:

- Secondary Suite - 1 additional on-site parking space per bedroom;

#### **6. SECTION 10.4 BED AND BREAKFAST**

Add the following section:

- A bed and breakfast shall not be operated from a secondary suite.

#### **7. SECTION 10.12 HOME BASED BUSINESS**

Add the following section - Section 10.12.7

- A home based business, minor or home based business major shall not be operated from a secondary suite.

#### **SECONDARY SUITE IMPLEMENTATION STRATEGY:**

- A registry will be created and published on our Municipal website including all secondary suites that have obtained an approved Development Permit
  - This will allow all prospective tenants, landowners, realtors, and other interested parties to search legalized secondary suites located in the Municipality.
- Residents will be granted a one year period with which they have to bring existing unpermitted secondary suites into compliance and get all necessary approvals before commencement of enforcement.
  - Any suites reported/or found after the grace period has expired, will be subject to enforcement;
- The Building department will inspect existing secondary suites, upon request by the landowner, (for a fee set by Council added to the fee schedule), prior to application for Development Permit being made, and indicate to the landowner all requirements to bring the suite into compliance.
  - This will assist the landowners in knowing if the development can be upgraded to compliance or if they need to just remove the suite.
- Enforcement of non-compliance may consist of measures such as:
  - i. Removal of the secondary suite from the property.
    - i. All legal fees incurred by the MD to complete enforcement may be responsibility of the landowner.
  - ii. Development Permit fee will be double (**2X original application fee**) for those secondary suites being brought into compliance after the one year grace period has expired;
  - iii. Non-compliance fine may be established and imposed on secondary suites that proceed without the appropriate municipal approvals.