

LAND USE BYLAW AMENDMENTS FOR SECONDARY SUITES ON PARCELS 2 ACRES OR LARGER

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, 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, 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.

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

Add the following to Section 12.1.7 “Development Requirements”:

12.1.7.8 Maximum Dwelling Density

Maximum dwelling unit density for a parcel under 80 acres 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.

Maximum dwelling unit density for a parcel 80 acres or larger in size is two single family dwellings and either one secondary suite, or one dwelling, temporary in accordance with Section x Secondary Suites and Section 10.10 on Dwellings.

COUNTRY RESIDENTIAL DISTRICT

Add the following uses to Section 13.1.5:

- Secondary suite, principal - discretionary use
- Secondary suite, accessory – discretionary use

Add the following to Section 13.1.7 “Development Requirements”:

13.1.7.8 Maximum Dwelling Density

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 or attached garage, or within an accessory building or detached garage, 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 or secondary suite, accessory 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. Secondary suite, principal:
 - i. Minimum habitable area: 37 sq. m. (400 sq. ft.)
 - ii. Maximum size: no larger than 40% of the habitable area of the principal dwelling to a maximum of 83.6 sq. m. (900 sq. ft.) in size
For the purpose of determining secondary suite size, the habitable 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. Secondary suite, accessory:
 - i. Minimum Habitable area: 37 sq. m. (400 sq. ft.)
 - ii. Maximum size: up to 50% of the gross floor area of the accessory building to a maximum of 83.6 sq. m. (900 sq. ft.) |

- 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 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;
- 10.26.15 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 A 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 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. 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
 - ii. 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 need for landscaping or screening to provide privacy between the secondary suite and adjacent properties and dwellings;
 - ii. 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 on previously existing suites:
- 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; and
 - ii. The secondary suite is no more than 25% greater than the size permitted under Section X.X Secondary Suites; and
 - 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 a 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 10% variance to the maximum size requirements of a new secondary suite, where the Development Authority is of the opinion it will 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.