

Bylaw 15036

A Bylaw to amend Bylaw 12800, as amended,
The Edmonton Zoning Bylaw
Amendment No. 1010

WHEREAS City Council at its meeting of February 22, 2001, gave third reading to Bylaw 12800, as amended; and

WHEREAS Council considers it desirable to amend the Zoning Bylaw including Section 822 Edmonton-Strathcona County Joint Planning Study Area Secondary and Garage Suites Overlay; and

WHEREAS Council considers it desirable to amend the text of the Edmonton Zoning Bylaw;

NOW THEREFORE after due compliance with the relevant provisions of the Municipal Government Act RSA 2000, ch. M-26, as amended, the Municipal Council of the City of Edmonton duly assembled enacts as follows:

1. Bylaw 12800, as amended, The Edmonton Zoning Bylaw is hereby further amended by:

a) deleting subsection 7.2(3) and replacing it with:

Garage Suite means an Accessory Dwelling located above a detached Garage (above Grade); or a single-storey Accessory Dwelling attached to the side or rear of, a detached Garage (at Grade). A Garage Suite is Accessory to a building in which the principal Use is Single Detached Housing. A Garage Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. A Garage Suite has an entrance separate from the vehicle entrance to the detached Garage, either from a common indoor landing or directly from the exterior of the structure. This Use Class does not include Secondary Suites or Garden Suites.

b) adding a new subsection 7.2(4) as follows:

Garden Suite means a single-storey Accessory Dwelling, which is located in a building separate from the principal Use which is Single Detached Housing. A Garden Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. This Use Class does not include Secondary Suites or Garage Suites.

c) renumbering subsection 7.2 accordingly;

- d) deleting subsection 7.2(7) and replacing it with:

Secondary Suite means development consisting of a Dwelling located within, and Accessory to, a structure in which the principal use is Single Detached Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from the side or rear of the structure. This Use Class includes the Development or Conversion of Basement space or above-grade space to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. This Use Class does not include Duplex Housing, Semi-detached Housing, or Apartment Housing, and does not include Garage Suites, Garden Suites, or Boarding and Lodging Houses.

- e) adding subsections 48.2(4) and 48.3(6) (within Section 48, Separation Space) as follows

No minimum Privacy Zone is required for Garden Suites or Garage Suites at-Grade.

- f) deleting subsection 50.3 (1), and replacing it with:

an Accessory Building or Structure shall not be used as a Dwelling, except where it contains a Garage Suite or Garden Suite in accordance with Section 87.

- g) deleting subsection 50.3 (3) and replacing it with:

3. a. the Site Coverage of Accessory Buildings, with or without a Garage Suite, or Structures shall not exceed 12%, with the following exceptions:

- i. the RPL Zone, where the Site Coverage shall not exceed 17%;
- ii. the RF4 Zone, where the Site Coverage shall not exceed 17% where the Site Width is less than 9.2 m;
- iii. the GLG and RF5g zones, where the Site Coverage shall not exceed 14%;
- iv. the RF5t Zone, where the Site Coverage shall not exceed 15%.where the Site Width is less than 9.2 m.

- b. notwithstanding (a) above, the maximum Site Coverage of Accessory Buildings may be increased only where a detached Garage and a Garden Suite or a detached Garage and a Garage Suite (at Grade) are both developed on the same Site, in accordance with the following:

- i. the total maximum Site Coverage of Accessory Buildings may not exceed 18%;

- ii. the total maximum Site Coverage including Accessory Buildings and the principal Dwelling shall not exceed the total maximum Site Coverage as prescribed by the regulations of the Zone.
- h) adding, under the first column under number 2 of Schedule 1 in subsection 54.2, “Garden Suite” under “Garage Suite” and above “Secondary Suite.”
- i) deleting the second column under number 2 of Schedule 1 in subsection 54.2 and replacing it with:

1 parking space per 2 Sleeping Units in addition to the parking requirements for primary Dwelling.

Tandem Parking is allowed for Secondary Suites, Garage Suites and Garden Suites.

- j) deleting subsection 75(10) and replacing it with:

a Major Home Based Business shall not be allowed within the same principal Dwelling containing a Secondary Suite or within the same Site containing a Garage Suite or a Garden Suite and an associated principal Dwelling, unless the Home Based Business is a Bed and Breakfast Operation and the Secondary Suite or the Garage Suite or the Garden Suite is an integral part of the Bed and Breakfast Operation.

- k) deleting subsection 79(3) and replacing it with:

a Group Home or Limited Group Home shall not be allowed within the same principal Dwelling containing a Secondary Suite or within the same Site containing a Garage Suite or a Garden Suite and an associated principal Dwelling.

- l) deleting Section 86 Secondary Suites in its entirety and replacing it with :

86. Secondary Suites

A Secondary Suite shall comply with the following regulations:

1. the minimum Site area for a Single Detached Dwelling containing a Secondary Suite is 360 m² except in the case of the RR Zone, where it shall be the same as the minimum Site area for the Zone.
2. the maximum Floor Area of the Secondary Suite shall be as follows:
 - a. in the case of a Secondary Suite located completely below the first storey of a Single Detached Dwelling (other than stairways or a common landing), the Floor Area (excluding the area covered by stairways) shall not exceed the Floor Area of the first storey of the associated principal Dwelling.
 - b. in the case of a Secondary Suite developed completely or partially above grade, the Floor Area (excluding the area covered by stairways) shall not

exceed 40% of the total Floor Area above grade of the building containing the associated principal Dwelling, nor 70 m², whichever is the lesser.

3. the minimum Floor Area for a Secondary Suite shall be not less than 30 m².
4. a Secondary Suite shall be developed in such a manner that the exterior of the principal building containing the Secondary Suite shall appear as a single Dwelling.
5. only one of a Secondary Suite, a Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling.
6. a Secondary Suite shall not be developed within the same principal Dwelling containing a Group Home or Limited Group Home, or a Major Home Based Business, unless the Secondary Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business;
7. notwithstanding subsection 6.1(37) of this Bylaw, the number of unrelated persons occupying a Secondary Suite shall not exceed three.
8. the Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision.
9. Secondary Suites shall not be included in the calculation of densities in this Bylaw.
10. notwithstanding Secondary Suites being listed as Permitted or Discretionary Uses within any Zone, they shall be subject to the regulations of the Edmonton-Strathcona County Joint Planning Study Area Secondary, Garage and Garden Suites Overlay in Section 822 of this Bylaw.

m) deleting Section 87 Garage Suites in its entirety and replacing it with:

87. Garage and Garden Suites

Garage and Garden Suites shall be developed in accordance with the following regulations:

1. the minimum Site Area shall be as follows:
 - a. Garage Suite (above Grade): the minimum Site Area is that area required for the principal Single Detached Dwelling plus 100 m², except in the case of the RPL and RSL Zone, where the minimum Site area shall be 460 m² and in the RR Zone, where it shall be the same as the minimum Site area for the Zone.
 - b. Garden Suite and Garage Suite (at Grade): the minimum Site area shall be 525 m² except in the RR Zone, where it shall be the same as the minimum Site area for the Zone.

2. the maximum Height shall be as follows:
 - a. Garage containing a Garage Suite (above Grade):
 - i. 6.5 m or the Height of the principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of 4/12 (18.4°) or greater.
 - ii. 5.5 m or the Height of the principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of less than 4/12 (18.4°).
 - iii. notwithstanding (i) and (ii) above, in the case of the TSDR, TSLR and the GLG zones, the maximum height shall be 7.5m.
 - b. Garden Suite and Garage Suite (at Grade): the maximum height shall be 4.3 m.
3. the maximum Floor Area shall be:
 - a. 60 m² for a Garage Suite (above Grade).
 - b. 50 m² for a Garden Suite and for a Garage Suite (at Grade).
 - c. notwithstanding (a) and (b) above, the maximum floor area may be increased by up to 7.5 m², only where this additional floor area comprises the area of a Platform Structure associated with the Garage Suite or Garden Suite.
4. the minimum Floor Area of a Garage Suite or Garden Suite shall be 30 m².
5. the minimum Site width for a Site with a Garden Suite, or a Garage Suite (at Grade) shall be 15 m, except in the case of the RR Zone, where it shall be the same as the minimum Site width for the Zone.
6. the minimum Side Yard shall be:
 - a. for that portion of a detached Garage that contains a Garage Suite, the same as that for the principal Dwelling in the applicable Zone.
 - b. for a Garden Suite, the same as that for the principal Dwelling in the applicable Zone.
 - c. on a corner Site where a Garage Suite or Garden Suite abuts a flanking public roadway, other than a Lane, the required Side Yard shall not be less than that provided for the principal structure.

7. the minimum distance between a detached Garage containing a Garage Suite, and a Garden Suite and the principal Dwelling on the same Site, shall be 4 m.
8. windows contained within the Garage Suite portion of the detached Garage or the Garden Suite shall be placed and sized such that they minimize overlook into yards and windows of abutting properties through one or more of the following:
 - a. off-setting window placement to limit direct views of abutting rear or side yard amenity areas, or direct view into a Garage Suite or Garden Suite window on an abutting Site;
 - b. strategic placement of windows in conjunction with landscaping or the placement of other accessory buildings; and
 - c. placing larger windows such as living room windows, to face a lane, a flanking street, or the larger of any Side Yard abutting another property.
9. no decks on Garage Suite or Garden Suite roofs shall be allowed.
10. Platform Structures, including balconies, shall be allowed as part of a Garage Suite developed above a detached Garage only where the balcony faces the lane or a flanking roadway.
11. only one of a Secondary Suite, Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling.
12. notwithstanding subsection 6.1(37) of this Bylaw, the number of unrelated persons occupying a Garage Suite or Garden Suite shall not exceed three.
13. a Garage Suite or Garden Suite shall not be allowed within the same Site containing a Group Home or Limited Group Home, or a Major Home Based Business and an associated principal Dwelling, unless the Garage Suite or Garden Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business.
14. where Garage Suites or Garden Suites are Discretionary within the applicable Zone, the Development Officer may exercise discretion in considering a Garage Suite having regard to:
 - a. compatibility of the Use with the siting, Grade elevations, Height, roof slopes and building types and materials characteristic of surrounding low density ground-oriented housing and development;
 - b. the effect on the privacy of adjacent properties;
 - c. the policies and guidelines for Garage Suites and Garden Suites contained in a Statutory Plan for the area.

15. a Garage Suite or Garden Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision.
16. Garage Suites and Garden Suites shall not be included in the calculation of densities in this Bylaw.
17. notwithstanding Garage Suites and Garden Suites being listed as Permitted or Discretionary Uses within any Zone, they shall be subject to the regulations of the Edmonton- Strathcona County Joint Planning Study Area Secondary and Garage Suites Overlay in Section 822 of this Bylaw.

- n) deleting subsections 110.2 (3), 120.2 (3) and 140.2(4) and replacing these with the following as a Permitted Use:

Secondary Suites

- o) adding new subsections 950.6(2)(g) and 950.7(2)(f) as a Permitted Use:

Secondary Suites

- p) renumbering subsections 950.6(2) and 950.7(2) accordingly;
- q) adding a new subsection 910.4(5)(e), 950.6(3)(r), 950.7(3)(q):

Secondary Suites shall comply with Section 86 of this Bylaw.

- r) renumbering subsections 950.6(3) and 950.7(3) accordingly;
- s) deleting 140.3(4) and replacing it with the following as a Discretionary Use:

Duplex Housing other than where Permitted.

- t) deleting 110.3(2), 120.3(3), 130.3(2), 140.3(6), 150.3(2) and replacing these with the following as a Discretionary Use:

Garage Suites:

- a. on corner lots; or
- b. on lots fronting onto a service road; or
- c. lots backing onto a lane adjacent to an arterial road that is separated from the lane by a landscaped boulevard; or
- d. lots where a Side or Rear Lot Line abuts a Site in a Row Housing, Apartment, or Community Services Zone, or any Site in a Zone where Public Parks are a Permitted Use, or is not separated from these Sites by a public roadway more than 10.0 m wide.

- u) adding as a Discretionary Use in 940.5(4)(b):

Garage Suites:

- i. on corner lots; or
- ii. on lots fronting onto a service road; or
- iii. lots backing onto a lane adjacent to an arterial road that is separated from the lane by a landscaped boulevard; or
- iv. lots where a Side or Rear Lot Line abuts a Site in a Row Housing, Apartment, or Community Services Zone, or any Site in a Zone where Public Parks are a Permitted Use, or is not separated from these Sites by a public roadway more than 10.0 m wide.

- v) renumbering subsection 940.5(4) accordingly;

- w) adding as a Discretionary Use in 910.4(3)(e):

Garage Suites

- x) renumbering subsection 910.4(3) accordingly;

- y) adding as a Discretionary Use in the following new subsections of the following Zones: 110.3(3), 115.3(3), 120.3(4); 130.3(3), 140.3(7), 150.3(3),

Garden Suites:

- a. on corner lots; or
- b. on lots fronting onto a service road; or
- c. lots backing onto a lane adjacent to an arterial road that is separated from the lane by a landscaped boulevard; or
- d. lots where a Side or Rear Lot Line abuts a Site in a Row Housing, Apartment, or Community Services Zone, or any Site in a Zone where Public Parks are a Permitted Use, or is not separated from these Sites by a public roadway more than 10.0 m wide.

- z) renumbering subsections 110.3, 115.3, 120.3; 130.3, 140.3 and 150.3 accordingly.

- aa) adding as a Discretionary Use in the following new subsections of the following Zones: 920.8(3)(c), 920.9(3)(c), 940.5(4)(c) the following:

Garden Suites:

- i. on corner lots; or

- ii. on lots fronting onto a service road; or
 - iii. lots backing onto a lane adjacent to an arterial road that is separated from the lane by a landscaped boulevard; or
 - iv. lots where a Side or Rear Lot Line abuts a Site in a Row Housing, Apartment, or Community Services Zone, or any Site in a Zone where Public Parks are a Permitted Use, or is not separated from these Sites by a public roadway more than 10.0 m wide.
- bb) renumbering 920.8(3), 920.9(3) and 940.5(4) accordingly;
- cc) adding as a Discretionary Use in the following new subsections of the following Zones: 160.3(3), 170.3(3); 210.3(7), 220.3(7), 230.3(9), 240.3(4), 910.4(3)(f) the following:
- Garden Suite
- dd) renumbering subsections 160.3; 170.3; 210.3, 220.3, 230.3, 240.3, 910.4(3)
- ee) deleting subsections 110.5 (2), 115.5 (2), 120.5 (2), 130.4(20), 140.5(3), 150.4(16) and 240.5(2), 920.8(5)(c), 920.9(5)(c), and 940.9(6) and replacing these with:
- Garage Suites and Garden Suites shall comply with Section 87 of this Bylaw.
- ff) adding a new subsection in 910.4(5)(f) and 940.5(5)(m):
- Garage Suites and Garden Suites shall comply with Section 87 of this Bylaw.
- gg) renumbering subsection 940.5(5) accordingly;
- hh) adding as a Discretionary Use in 910.4(3)(m), after the renumbering of subsection 910.4(3) in amendment (bb) above:
- Secondary Suites
- ii) renumbering subsection 910.4(3) accordingly;
- jj) deleting subsection 160.5(1) and replacing it with:
- Notwithstanding subsection 160.4, Single Detached Housing in this Zone shall be developed in accordance with the provisions of the RF1 Zone and Semi-detached Housing, Secondary Suites, Garage Suites and Garden Suites in this Zone shall be developed in accordance with the provisions of the RF4 Zone.
- kk) deleting subsection 170.5(1) and replacing it with:
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Notwithstanding subsection 170.4, Single Detached Housing in this Zone shall be developed in accordance with the provisions of the RF1 Zone, and Duplex and Semi-detached Housing. Secondary Suites, Garage Suites and Garden Suites in this Zone shall be developed in accordance with the provisions of the RF4 Zone.

- ll) deleting subsection 210.5(1) and replacing it with:
Notwithstanding subsection 210.4, Single Detached, Semi-detached Duplex Housing, Secondary Suites, Garage Suites and Garden Suites in this Zone shall be developed in accordance with the provisions of the RF4 Zone.

- mm) deleting subsection 220.6 (1) and replacing it with:

Notwithstanding subsection 220.4, Single Detached, Semi-detached, and Duplex Housing, Secondary Suites, Garage Suites and Garden Suites in this Zone shall be developed in accordance with the provisions of the RF4 Zone.

- nn) deleting subsection 230.5(1) and replacing it with:

Notwithstanding subsection 230.4, Single Detached, Semi-detached and Duplex Housing, Secondary Suites, Garage Suites and Garden Suites in this Zone shall be developed in accordance with the provisions of the RF4 Zone.

- oo) deleting subsection 110.1 and replacing it with:

The purpose of this Zone is to provide primarily for Single Detached Housing and Secondary Suites under certain conditions.

- pp) deleting subsections 110.4(9), 120.4(9) and 140.4(9) and replacing these with:

Separation Space shall be provided between two or more Dwellings or portions thereof on the same Site in accordance with Section 48 of this Bylaw, except that it shall not be required between a Garage Suite or a Garden Suite and the associated principal Dwelling on the same Site.

- qq) deleting subsections 115.4(10), 130.4(9), 150.4(12), and replacing these with:

Separation Space shall be provided in accordance with Section 48 of this Bylaw, except that Separation Space shall not be required:

- a. between Dwellings where a minimum Side Yard of 1.2 m has been provided on the abutting Site, and
- b. between a Garage Suite or a Garden Suite and the associated principal Dwelling on the same Site.

- rr) deleting subsections 160.4(7), 170.4(7), 210.4(9), 220.4(9) and 230.4(8) and replacing these with:

Separation Space shall be provided in accordance with Section 48 of this Bylaw, except that it shall not be required between a Garage Suite or a Garden Suite and the associated principal Dwelling on the same Site.

- ss) deleting subsections 920.8(4)(j) (a) and (b) and 920.9(4)(j) (a) and (b), renumbering the (a) and (b) as (i) and (ii) and replacing these with:

- i. the width of a front Privacy Zone shall not be required to exceed the width of the minimum Front Yard specified in this Zone;
- ii. it shall not be required between a Garage Suite or Garden Suite and the associated principal Dwelling on the same Site.

- tt) deleting 940.7(f) and replacing it with:

Separation Space shall be provided in accordance with Section 48 of this Bylaw, except that it is not applicable where the building faces a public roadway, other than a lane, and it shall not be required between a Garage Suite or a Garden Suite and the associated principal Dwelling on the same Site.

- uu) deleting subsections 110.4(10), 115.4(12) and 120.4(10) and replacing these with:

Except where Semi-detached Housing, Duplex Housing, Secondary Suites, Garage Suites and Garden Suites are allowed in this Zone, and may thereby constitute two Dwellings on a lot, a maximum of one Dwelling per lot shall be allowed.

- vv) deleting subsection 130.4(18) and replacing these with:

Except where Secondary Suites, Garage Suites or Garden Suites are allowed in this Zone and may thereby constitute two Dwellings on a lot, a maximum of one Dwelling per lot shall be allowed.

- ww) deleting subsection 140.4(11) and replacing it with:

The maximum number of Dwellings per lot shall be as follows:

- a. where Single Detached Housing is developed in this Zone, a maximum of one Single Detached Dwelling and, where the provisions of this Bylaw are met, up to one Secondary Suite, Garage Suite, or Garden Suite per lot shall be allowed;
- b. where Semi-detached Housing or Duplex Housing are allowed in this Zone, a maximum of two Dwellings per lot shall be allowed;
- c. where Apartment Housing, Stacked Row Housing, or Row Housing are allowed in this Zone, a maximum of four Dwellings per lot shall be allowed.

- xx) deleting subsection 150.4(14) (b) and replacing it with:

Where Single Detached Housing is developed in this Zone, a maximum of one Single Detached Dwelling per lot or Bare Land Condominium Unit, and, where the provisions of this Bylaw are met, up to one Secondary Suite, Garage Suite or Garden Suite per lot or Bare Land Condominium Unit shall be allowed.

- yy) deleting subsection 240.4(9) and replacing it with:

The maximum number of Dwellings per Site shall be one Single Detached Dwelling, and, where the provisions of this Bylaw are met, up to one of either a Secondary Suite, Garage Suite, or Garden Suite per Site shall be allowed.

- zz) deleting subsections 940.5(5)(p)(i) and 940.9(5)(o)(i) and replacing these with:

where Single Detached Housing is developed in this Zone, a maximum of one Single Detached Dwelling per lot, and, where the provisions of this Bylaw are met, up to one Secondary Suite, Garage Suite or Garden Suite per lot shall be allowed;

- aaa) deleting 950.7(3)(c) and replacing it with:

The minimum Site area shall be 312 m² per Single Detached Dwelling.

2. Bylaw 12800, as amended, The Edmonton Zoning Bylaw is hereby amended by:

- a) deleting the title of Section 822 and replacing it with the following:

“Edmonton-Strathcona County Joint Planning Study Area Secondary, Garage and Garden Suites Overlay”

- b) deleting subsection 822.1 and replacing it with the following:

The purpose of this Overlay is to limit the expansion of Secondary Suites and to limit the creation of any Garage and Garden Suites within a portion of the Edmonton-Strathcona County Joint Planning Study Area to the Use opportunity that existed prior to the adoption of Bylaw 14750, in order to limit residential intensification in proximity to industrial uses until such time as more definitive criteria may be established to prescribe residential development within the Study Area, at which time this Overlay may be subject to amendment.

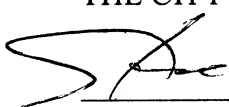

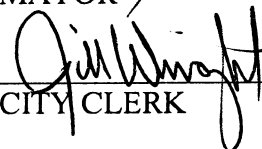
- c) deleting subsection 822.3(2) and replacing it with:

Notwithstanding Garage Suites and Garden Suites being listed as Permitted or Discretionary Uses within any Zone, Garage and Garden Suites shall be prohibited within the portion of the proposed Edmonton-Strathcona County Joint Planning Area contained within the City of Edmonton, representing a buffer area 1.5 km wide, as shown in Appendix 1.

- d) deleting Appendix 1 to Section 822 and replacing it with Appendix 1 as attached hereto as Schedule "A" and forming part of this bylaw.

READ a first time this	2nd	day of	February	, A. D. 2009;
READ a second time this	2nd	day of	February	, A. D. 2009;
READ a third time this	2nd	day of	February	, A. D. 2009
SIGNED and PASSED this	2nd	day of	February	, A. D. 2009.

THE CITY OF EDMONTON

	
MAYOR	
	
A/ CITY CLERK	

**Edmonton - Strathcona County Joint
Planning Study Area
Secondary Garage and Garden Suites Overlay
Appendix I to Section 822 of Bylaw 12800**

