

BYLAW 45-2024
A BYLAW TO AMEND BYLAW 24-2024 THE LAND USE BYLAW

The *Municipal Government Act*, RSA 2000, c M-26, as amended, provides that a land use bylaw must divide the municipality into districts of the number and area the council considers appropriate, and that a bylaw may be amended; and

The purpose of this bylaw is to amend the text of Land Use Bylaw 24-2024 to expand opportunities for garden suites to be considered on large lots and lots accessed by a rear lane in the urban area and update regulations related to this housing form in both rural and urban contexts.

Council enacts:

Amendments 1 Bylaw 24-2024 is amended as follows:

- (a) In part 1, section 1.16, within the definition Garden suite*, delete the text "Only one garden suite may be considered per lot.";
- (b) in part 4, section 4.5, subsection 4.5(2), after the text "secondary suite" and before the text "is not required where:", add the following text:

"or garden suite";
- (c) in part 6, section 6.2, delete the text of subsection 6.2(4)(a), and replace it with the following text:

"only one agricultural dwelling shall be considered on a temporary basis on a lot greater than 16.0 ha and less than or equal to 32.0 ha; and";
- (d) in part 6, section 6.2, subsection 6.2(4), after 6.2(4)(a) and before 6.2(5), add the following text as subsection 6.2(4)(b):

"an agricultural dwelling shall not be considered on a lot containing a garden suite.";
- (e) in part 6, section 6.2, delete the text of subsection 6.2(6) and replace it with the following text:

"The following regulations shall apply to a garden suite:

- (a) unless otherwise stated within this bylaw, regulations related to accessory buildings shall apply to garden suites;
 - (b) only one garden suite shall be considered on a lot;
 - (c) a garden suite should include exterior finishing, roof pitch and form that is complementary in design, colour and material to the principal dwelling, to the satisfaction of the development officer;
 - (d) the location of the garden suite and window placement should consider the privacy of adjacent residential development;
 - (e) access to a garden suite located on a lot that is less than 0.125 ha in size shall only be from a lane;
 - (f) a garden suite shall not be considered on a lot containing an agricultural dwelling, a temporary care dwelling, group home minor or group home major;
 - (g) a garden suite shall not be considered on a lot containing an existing secondary suite unless the lot is 0.4 ha or greater in size;
 - (h) a garden suite shall not contain a basement;
 - (i) subject to the maximum ground floor area of the relevant zone, a garden suite shall not exceed:
 - (i) 68 m² in floor area, where located on a lot that is less than 0.4 ha in size; and
 - (ii) 125 m² in floor area, where located on a lot that is 0.4 ha or greater in size; and
 - (j) the maximum height for a building that includes a garden suite shall be the greater of:
 - (i) the maximum height of an accessory building within the relevant zone; or
 - (ii) 1.5 storeys and 6.8 m to the peak where a garden suite is constructed above a detached garage that is not accessed by a lane; or
 - (iii) 2 storeys and 8.0 m to peak where a garden suite is constructed above a detached garage that is accessed by a lane.”;
- (f) in part 6, section 6.2, delete the text of subsection 6.2(10), and replace it with the following text:

“The following regulations shall apply to a temporary care dwelling:

- (a) only one temporary care dwelling shall be considered on a lot;
- (b) a temporary care dwelling shall not exceed 125 m² in floor area;

- (c) where a temporary care dwelling is proposed within an accessory building in the RCL zone, the accessory building shall have a maximum height of 4.5 m; and
- (d) a temporary care dwelling shall not be considered on a lot containing a garden suite.”;

(g) in part 6, section 6.6, delete subsection 6.6(5)(c);

(h) in part 12, section 12.1, delete subsection 12.1(3);

(i) in part 12, section 12.1, table 12.1(E), delete subsection 12.1(E)(b);

(j) in part 12, section 12.2, delete subsection 12.2(3);

(k) in part 12, section 12.2, table 12.2(D), delete subsection 12.2(D)(b);

(l) in part 12, section 12.3, delete subsection 12.3(3)(c);

(m) in part 12, section 12.3, delete subsection 12.3(3)(d);

(n) in part 12, section 12.3, table 12.3(D), delete subsection 12.3(D)(b);

(o) in part 12, section 12.5, table 12.5(F), delete subsection 12.5(F)(b);

(p) in part 12, section 12.6, table 12.6(A), under the Permitted uses column, before the text “Group home minor”, add the following text:

“Garden suite*”;

(q) in part 12, section 12.6, table 12.6(D), after subsection (a) and before the “Minimum setbacks” heading, add the following text in the table as subsection (a.1):

“

(a.1)	Despite anything else in this bylaw, the maximum height for a building that includes a garden suite constructed above a detached garage	1.5 storeys and 6.8 m to peak
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”

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(r) in part 12, section 12.6, table 12.6(D), after subsection (d) and before subsection (e), add the following text in the table as subsection (d.1):

(d.1)	From a side lot line that abuts a lot in a residential zone shall be increased by 0.5 m for a building that includes a garden suite above a detached garage
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(s) in part 12, section 12.6, table 12.6(D), after subsection (e) and before subsection (f), add the following text in the table as subsection (e.1):

"	(e.1)	From a rear lot line that abuts a lot in a Residential Zone, shall be increased by 1.0 m for a building that includes a garden suite above a detached garage	"
			;

(t) in part 12, section 12.6, table 12.6(D), after subsection (h) and before table 12.6(E), add the following text in the table as a new heading and as subsection (i):

Additional regulations for garden suites	
(i)	Despite anything else in this bylaw, access to a garden suite may be provided from a road or a lane

(u) in part 12, section 12.7, table 12.7(A), under the Permitted uses column, before the text "Group home minor", add the following text:

"Garden suite*";

(v) in part 12, section 12.7, table 12.7(D), after subsection (a) and before the "Minimum setbacks" heading, add the following text in the table as subsection (a.1):

"	(a.1)	Despite anything else in this bylaw, the maximum height for a building that includes a garden suite constructed above a detached garage	1.5 storeys and 6.8 m to peak	" ;
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(w) in part 12, section 12.8, table 12.8(A), under the Permitted uses column, before the text "Group home minor", add the following text:

"Garden suite*";

(x) in part 12, section 12.8, table 12.8(D), after subsection (a) and before the "Minimum setbacks" heading, add the following text in the table as subsection (a.1):

"	(a.1)	Despite anything else in this bylaw, the maximum height for a building that includes a garden suite constructed above a detached garage	1.5 storeys and 6.8 m to peak	" ;
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(y) in part 12, section 12.13, table 12.13(A), under the Permitted uses column, before the text "Group home minor, add the following text"

"Garden suite*";

(z) in part 12, section 12.17, delete subsection 12.17(3);

(aa) in part 12, section 12.17, table 12.17(E), delete subsection (b);

(bb) in part 12, section 12.19, table 12.19(A), under the Permitted uses column, after the text "Bed and breakfast*" and before the text "Group home minor", add the following text:

"Garden suite*";

(cc) in part 12, section 12.19, table 12.19(A), under the Discretionary uses column, delete the text "Garden suite*";

(dd) in part 12, section 12.19, delete subsection 12.19(3)(b);

(ee) in part 12, section 12.21, table 12.21(A), under the Permitted uses column, before the text "Group home minor", add the following text:

"Garden suite*";

(ff) in part 12, section 12.21, table 12.21(A), under the
Discretionary uses column, delete the text "Garden suite*";
and

(gg) in part 12, section 12.21, delete subsection 12.21(3)(b).

FIRST READING:_____

SECOND READING:_____

THIRD READING:_____

SIGNED THIS ____ day of _____, 20____.

MAYOR

DIRECTOR, LEGISLATIVE AND LEGAL
SERVICES