

Bylaw 14750

Amendments to the Text of the Zoning Bylaw to Increase the Opportunity for Secondary and Garage Suites

Purpose

The proposed amendments increase and/or introduce the opportunity for Secondary Suites on a Permitted Use basis and Garage Suites on a Discretionary Use basis in Single Detached Housing in most residential land use zones throughout the City.

Readings

Bylaw 14750 is ready for three readings after the public hearing has been held.

If Council wishes to give three readings during a single meeting, then prior to moving third reading, Council must unanimously agree "That Bylaw 14750 be considered for third reading."

Advertising and Signing

This Bylaw has been advertised in the Edmonton Journal on Friday, November 23, 2007, and Sunday, December 2, 2007. The Bylaw can be signed and thereby passed following third reading.

Position of Administration

Administration supports this Bylaw.

Previous Council/Committee Action

- At the July 17, 2007, City Council meeting, Council passed the following motion:

That Administration's phased-in approach to expand the opportunity for Secondary and Garage Suites, as outlined in the June 22, 2007, Planning and

Development Department report 2007PDP038, be approved.

- At the January 30, 2007, City Council meeting, Council passed a number of motions concerning land use planning measures for affordable housing, including:

That Administration prepare:

- b. Amendments to the Edmonton Zoning Bylaw to broaden the opportunity for secondary suites in low density residential land use zones.

Report Summary

This report summarizes:

- the proposed changes to the Zoning Bylaw to increase opportunities for Secondary and Garage Suites throughout the city; and
- the consultation process undertaken to obtain feedback on the proposed changes to the Zoning Bylaw.

Policy

Bylaw 14750 supports Plan Edmonton direction to:

- Provide for choices regarding the types of developments in which people want to live and do business.
- Provide for a range of housing types and densities in each residential neighbourhood.

This report was finalized prior to Council's consideration of a proposed Plan Edmonton amendment (Bylaw 14767) at the November 15, 2007, City Council Public Hearing to identify affordable housing as a priority.

Focus Area

Bylaw 14750 relates to the Diverse Communities focus area to provide affordable housing. Secondary and Garage Suites are recognized as sources of affordable housing and provide a "mortgage helper" to home owners.

Report

The opportunity for secondary suites and garage suites in most residential land uses zones is restricted by:

- being either a discretionary use opportunity or not a listed use opportunity at all;
- lot area requirements; and
- locational criteria (e.g., the lot being in a specific location).

Bylaw 14750 implements the first of two phases to broaden the opportunity for secondary and garage suites associated with single detached dwelling throughout the City. This first phase increases the opportunity for suite development in suburban areas and to a lesser extent in mature areas. The second phase will allow for adjustments undertaken in the first phase and will broaden the opportunity for suite development in mature areas more fully. Attachment 3 (Implementation) provides an overview of the two-phased approach to increasing the opportunity for Secondary and Garage Suites.

To achieve the first phase, Bylaw 14750:

- Establishes Secondary Suites as a Permitted Use and reduces the minimum lot area associated with Secondary Suite development in all residential zones;
- Modifies the locational requirements for Secondary Suites (increases the

number of eligible sites) within the RF1 and RF2 Zones (and RF3 in the permitted case) which predominate in mature areas;

- Deletes the locational requirements for Secondary Suites, where they currently exist in the remaining residential zones;
- Introduces the opportunity for garage suites on the second storey of detached garages, within most low density residential zones, on a discretionary basis;
- Introduces design, siting, and privacy criteria for garage suites; and
- Includes amendments to regulate the physical characteristics (e.g., minimum and maximum size) of Secondary and Garage Suites.

The above changes are further outlined in Attachment 2.

Based on the experience of other Canadian cities, Administration anticipates between 10% and 15% of land owners will pursue the opportunity to develop a secondary or garage suite created through Bylaw 14750.

To ensure secondary and garage suites have a positive impact on affordable housing, Administration will establish education and incentive programs to inform land owners about suite opportunities and to encourage the development of new and renovated suites in compliance with the proposed revised zoning regulations and Building and Fire Code requirements.

Public Consultation

A draft of Bylaw 14750 was circulated to:

- Administration and to outside agencies and jurisdictions;

- the Edmonton Federation of Community Leagues (EFCL);
- the Urban Development Institute (UDI); and
- the Canadian Home Builders' Association (CHBA Edmonton).

Other consultation occurred and input was received through:

- Meetings with Edmonton Federation of Community Leagues Planning and Development Committee in April and September 2007;
- Meetings with stakeholder groups June 2007 prior to the non-statutory public hearing on June 13, 2007;
- A special non-statutory public hearing of Executive Committee on June 13, 2007 (10 panel speakers representing various constituencies);
- A "Secondary Suites" web site providing background information on the general direction to expand suite opportunities;
- A random telephone survey of 402 Edmontonians conducted in June 2007;
- A web survey with 46 respondents conducted between June and August 2007;
- Three open houses hosted on September 13, 18, 20, 2007 (Strathcona Community League, Clareview Recreation Centre and MacEwan College West) through which 17 questionnaires and submissions were received.

At the July 11, 2007, Executive Committee meeting, EFCL stated its support for an expansion of suite opportunities on condition:

- suites remain a discretionary use in all zones; and
- the principal dwelling associated with the suite must be owner occupied.

Although identified by a number of stakeholders as being either desirable or necessary for their support, Bylaw 14750 does not include a requirement that suites only be allowed where the associated principle dwelling is owner occupied. As previously noted by Administration, the *Municipal Government Act* does not allow the Zoning Bylaw to regulate on the basis of tenure.

Strathcona County objected to the draft Bylaw on the basis that the expansion of suite opportunities would intensify residential development within 1.5 km of the County's heavy industrial areas and increase the potential for conflict between residents and industry relative to nuisance (odour, dust, noise) and environmental hazard (fire, explosion, and accidental release). In response, Administration amended the draft bylaw to add an Overlay (Section 822) to maintain the current suite opportunities for a 1.5 km wide strip of land along the common boundary with the County. Based on the addition of the Overlay, Strathcona County has withdrawn its objection to Bylaw 14750.

In the absence of an opportunity to make a presentation on Bylaw 14750 at an EFCL General Meeting, Administration sent a summary of changes proposed under the Bylaw to the 150-plus-member community leagues (as of the week of November 12, 2007).

Attachments

1. Bylaw 14750
2. Summary of Proposed Amendments
3. Implementation

Background Information Available on Request

The following are available on the web site: www.edmonton.ca/secondariesuites

1. Summary of Issues and Concerns
2. Non-statutory Public Hearing Summary (June 13, 2007)
3. Open House Summary of Responses (Sept. 2007)
4. Opportunity and Uptake of Secondary Suites with Zoning Bylaw Amendments
5. 2007 PDP038 Secondary Suites and Multi-family Development Report, June 22, 2007 (presented to Council July 17, 2007, item E.14).
6. 2007PDP132 Secondary Suites: Zoning Bylaw Options: June 13, 2007, presented at the June 13, 2007 Public Hearing (item E.10).
7. Other background information on secondary suites.

Bylaw 14750

A Bylaw to amend Bylaw 12800, as amended,
The Edmonton Zoning Bylaw
Amendment No. 870

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 to implement proposed 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 6.1(35)(b) and replacing it with:

The average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20 degrees; provided that in such cases the ridge line of the roof shall not extend more than 1.5 m above the maximum permitted building Height of the Zone or in the case of a Garage Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

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

Garage Suite means a self-contained Dwelling located above a rear detached Garage which is Accessory to a structure in which the principal Use is Single Detached Housing. A Garage Suite has cooking, food preparation, sleeping and bathing facilities which are separate from those of the principal Dwelling located on the Site. For the purpose of this clause, "cooking facilities" includes any stove, hotplate, oven, microwave oven, toaster oven or electric griddle, as well as any wiring or piping containing the energy or power source for such facilities. A Garage Suite has an entrance separate from the vehicle entrance to the rear detached Garage, either from a common indoor landing or directly from the exterior of the structure. This Use Class does not include Secondary Suites.

- c) adding a new subsection 7.2(7) as follows:

Secondary Suite means development consisting of a self-contained Dwelling located within, and Accessory to, a structure in which the principal use is Single Detached Housing. A Secondary Suite has cooking, food preparation, sleeping and bathing facilities which are separate from those of the principal Dwelling within the structure. For the purpose of this clause, "cooking facilities" includes any stove, hotplate, oven, microwave oven, toaster oven or electric griddle, as well as any wiring or piping containing the energy or power source for such facilities. 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 exterior of the structure. This Use Class includes Conversion of Basement space to a 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, where the structure was initially designed for two or more Dwellings, and does not include Boarding and Lodging Houses.

- d) renumbering subsection 7.2 accordingly.
- e) deleting subsection 41.2 and replacing it with:

41.2 Minimum Site Area Exceptions for Single Detached, Semi-detached and Duplex Housing

1. The Development Officer shall not refuse an application for a Development Permit for Single Detached Housing on a Site with a depth of at least 30.0 m and a width of at least 10.0 m, or Semi-detached Housing or Duplex Housing on a Site with a Site area of at least 470 m² and a width of at least 13.5 m only for the reason that the Site does not meet the minimum area and dimensions set out in this Bylaw, if:
 - a. the Site in question is a lot, which was created prior to October 2, 1961; or
 - b. the Site in question is a lot approved by the Subdivision Authority; or
 - c. in the case of Single Detached Housing within the RF4 Zone, the Site is within a Zone Outline Plan area or Area Structure Plan area and the subdivision creating the Site was approved by the Municipal Planning Commission prior to the effective date of Bylaw 6934, that being June 14, 1982.

- f) deleting 48.2(a) and 48.3 (a) and replacing these with:

- a. local public roadway including a Lane.

- g) deleting subsections 50.3 (1), (2) and (3) and replacing these with:

1. an Accessory Building or Structure shall not be used as a Dwelling, except where the Accessory Building is a Detached Garage containing a Garage Suite in accordance with Section 87.

2. an Accessory Building or Structure shall not exceed 3.7 m nor one Storey in Height, except:
 - a. as provided in the RPLt, RF4t, RF5t, TSDR, and TSLR Zones, where the maximum Garage Height shall not exceed 5.0 m;
 - b. in the case of a Garage containing a Garage Suite where listed as a Permitted or Discretionary Use, where the height shall be in accordance with Section 87.
 - c. as provided in subsections 50.4, 50.5.
 3. the Site Coverage of Accessory Buildings, with or without a Garage Suite, or Structures shall not exceed 12%, except for the RPL Zone, where the Site Coverage shall not exceed 17%; and the GLG Zone, where the Site Coverage shall not exceed 14%.
- h) deleting subsection 50.3 (4)(b), and replacing it with:
- a. an Accessory Building or Structure shall be located not less than 0.9 m from the Side Lot Line, except where it is a mutual Garage erected on the common property line to the satisfaction of the Development Officer, or where a Garage is placed on the common property line in accordance with the provisions of the RPL Zone, or where the Accessory Building does not exceed the permitted fence height or in the case of Garage Suites, where the minimum Side Yard shall be in accordance with Section 87.
- i) deleting subsection 50.3 (4) (e), (f) and (g) and replacing with:
- e. where the Accessory Building is a detached Garage and where the vehicle doors of the detached Garage face a Lane abutting the Site, no portion of the Garage shall be located less than 4.88 m from the Rear Lot Line, except in the following cases:
 - i. on any Site governed by the RPL Zone, the minimum distance from the Rear Lot Line to a detached Garage where the vehicle doors face the Lane shall be 2.75 m;
 - ii. on any Site zoned RF4 that has a Site width of less than 10.4 m, the minimum distance from the Rear Lot Line to a detached Garage where the vehicle doors face the Lane shall be 2.75 m;
 - iii. those lots within the Mature Neighbourhood Overlay, where the regulations in Section 814.3 shall apply;
 - iv. if the principal building was developed before October 2, 1961, this distance may be reduced, provided that the placement of the proposed Garage is consistent with the placement of other existing Garages in the same block.
- j) 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 and Garage Suites.

- k) adding a new subsection 75(10):

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 and an associated principal Dwelling, unless the Home Based Business is a Bed and Breakfast Operation and the Secondary Suite or the Garage Suite is an integral part of the Bed and Breakfast Operation.

- l) adding a new subsection 79(3):

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 and an associated principal Dwelling.

- m) deleting Section 86 in its entirety and substituting therefore:

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 the minimum Site area 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. only one of a Secondary Suite or a Garage Suite may be developed in conjunction with a principal Dwelling.
5. 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;
6. notwithstanding subsection 6.1(36) of this Bylaw, the number of unrelated persons occupying a Secondary Suite shall not exceed three.

7. the Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion.

8. 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 and Garage Suites Overlay in Section 822 of this Bylaw.

n) adding a new Section 87 as follows:

87. Garage Suites

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

1. the minimum Site Area for a Garage Suite shall be the minimum Site area required for the principal Dwelling plus 100 m², except in the case of the RPL Zone and the RSL Zone, where the minimum Site area for a Single Detached Dwelling with Garage Suite shall be 460 m² and in the case of the RR Zone, where the minimum Site area shall be the same as the minimum Site area for the Zone.
2. the maximum Height for a Garage containing a Garage Suite shall be:
 - a. 6 m or the Height of the principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser;
 - b. notwithstanding (a) above, in the case of the TSDR, TSLR and the GLG Zone, the maximum height shall be 7.5m.
3. the maximum Floor Area of a Garage Suite shall be 60 m².
4. the minimum Floor Area of a Garage Suite shall be 30 m².
5. the minimum Side Yard for that portion of a detached Garage that contains a Garage Suite shall be the same as that for the principal Dwelling in the applicable Zone.
6. on a corner Site where a Garage 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 the principal Dwelling on the same Site shall be 3 m.
8. windows contained within the Garage Suite portion of the Detached Garage 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 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 roofs shall be allowed.
- 10. balconies shall be allowed as part of a Garage Suite only where the balcony faces the lane or a flanking roadway.
- 11. only one of a Secondary Suite or a Garage Suite may be developed in conjunction with a principal Dwelling.
- 12. notwithstanding subsection 6.1(36) of this Bylaw, the number of unrelated persons occupying a Garage Suite shall not exceed three.
- 13. a Garage 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 is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business.
- 14. where Garage 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 contained in a Statutory Plan for the area.
- 15. notwithstanding Garage 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.
- o) renumbering Sections 87 through 90 within Special Land Use Provisions accordingly.
- p) deleting subsection 110.1 and replacing it with:

The purpose of this Zone is to provide primarily for Single Detached Housing, with a limited opportunity for Secondary Suites under certain conditions.
- q) adding as a Permitted Use in subsections 110.2 (3), 120.2 (3) and 140.2(4), the following:

Secondary Suites on corner lots and lots fronting onto a service road and where a Side or Rear Lot Line abuts a Site in an Industrial, Commercial, Row Housing or Apartment Zone, or is not separated from it by a public roadway more than 10.0 m wide.

- r) renumbering Sections 110.2, 120.2 and 140.2 accordingly.
- s) adding as a Discretionary Use in 110.3(2), 120.3(3) and 140.3(6), the following:
Garage Suites on corner lots and lots fronting onto a service road and where a Side or Rear Lot Line abuts a Site in an Industrial, Commercial, Row Housing or Apartment Zone, or is not separated from it by a public roadway more than 10.0 m wide.
- t) deleting subsection 110.3 (6) and 115.3(6) and replacing it with:
Semi-detached Housing and Duplex Housing where a Side Lot Line abuts a lot in an Industrial, Commercial, Row Housing, or Apartment Zone, or is not separated from it by a public roadway more than 10.0 m wide.
- u) renumbering Sections 110.3, 120.3 and 140.3 accordingly.
- v) deleting subsection 110.4(1), 115.4(1) and 920.8(4)(a) and replacing it with:
The minimum Site area shall be 360 m² for each Single Detached Dwelling.
- w) deleting subsection 110.4(9), 120.4(9) and 140.4(9) and replacing it 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 and the associated principal Dwelling on the same Site.
- x) deleting subsection 110.4(10), 120.4(10) and 140.4(11) and replacing it with:
Except where Semi-detached Housing, Duplex Housing, Secondary Suites and Garage 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.
- y) adding in 110.4(11), 115.4(11), 120.4(11), 130.4(19), 140.4(12), 150.4(15), 240.4 (10), 920.8(4)(p), 920.9(4)(q), 940.5(5)(l) and 940.9(5)(p), the following:
Secondary Suites shall comply with Section 86 of this Bylaw.
- z) renumbering subsections 110.4, 115.4, 120.4, 130.4, 140.4, 150.4, 240.4, 920.8, 920.9, 940.5 and 940.9 accordingly.
- aa) deleting subsection 110.5 and replacing it with:
 1. Notwithstanding Section 110.4, Semi-detached and Duplex Housing shall be developed in accordance with the provisions of the RF2 Zone.
 2. Garage Suites shall comply with Section 87 of this Bylaw.
- bb) deleting subsection 115.1 and replacing it with:
The purpose of this Zone is to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites.

- cc) adding as a Permitted Use in 115.2 (3), 130.2(3); 150.2(3); 240.2(3), 920.8(2)(c), 920.9(2)(c), 940.5(e) and 940.9(3)(g), the following:

Secondary Suites

- dd) renumbering subsections 115.2, 130.2, 150.2, 240.2, 920.8, 920.9, 940.5 and 940.9 accordingly.
- ee) adding as a Discretionary Use to the following subsections: 115.3(2), 130.3(2), 150.3(2), 160.3(2), 170.3(3), 210.3(6), 220.3(6), 230.3(7) and 240.3(3), the following:

Garage Suites

- ff) renumbering subsections 115.3, 130.3, 150.3, 160.3, 170.3, 210.3, 220.3, 230.3 and 240.3 accordingly.

- gg) deleting subsection 115.5 and replacing it with:

1. Notwithstanding subsection 115.4, Semi-detached and Duplex Housing in this Zone shall be developed in accordance with the provisions of the RF2 Zone.
2. Garage Suites shall comply with Section 87 of this Bylaw.

- hh) deleting subsection 120.1 and replacing it with:

The purpose of the Zone is to retain Single Detached Housing, while allowing sensitive infill at a slightly higher density, including Secondary Suites under certain conditions.

- ii) deleting subsection 120.3(2) under Permitted Use and subsection 140.2(1) under Discretionary Uses and replacing it with:

Duplex Housing where a Side Lot Line abuts a lot in an Industrial, Commercial, Row Housing, or Apartment Zone, or is not separated from it by a public roadway more than 10.0 m wide.

- jj) deleting subsection 120.4(1) and replacing it with:

The minimum Site area shall be 360 m² for each Single Detached Dwelling and 300 m² for each Duplex or Semi-detached Dwelling.

- kk) deleting subsection 120.5 and replacing it with:

1. The Development Officer may exercise discretion in considering Duplex, or Semi-detached Housing development having regard to:
 - a. compatibility of the Duplex or Semi-detached Housing Use with the siting, Grade elevations, Height, 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 Duplex and Semi-detached Housing development contained in a Statutory Plan for the area.

2. Garage Suites shall comply with Section 87 of this Bylaw.

- ll) deleting subsection 130.1 and replacing it with:

The purpose of this Zone is to provide for small lot Single Detached Housing that provides the opportunity for the more efficient utilization of suburban areas, while maintaining the privacy and independence afforded by Single Detached Housing forms; and also, a Zone that provides greater flexibility for infill development and the opportunity for Secondary Suites.

- mm) deleting subsection 115.4(10) , 130.4(9) and 150.4(12) and replacing it 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 and the associated principal Dwelling on the same site.

- nn) deleting subsection 130.4(18) and replacing it with:

Except where Secondary Suites or Garage 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.

- oo) adding to the following subsections: 130.4(20), 140.5(3), 150.4(16) and 240.5(2):

Garage Suites shall comply with Section 87 of this Bylaw.

- pp) renumbering subsections 130.4, 140.5, 150.4 and 240.5 accordingly;

- qq) deleting subsection 140.1 and replacing it with:

The purpose of this Zone is to provide primarily for Single Detached and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to housing forms containing up to four Dwellings per building, and including Secondary Suites under certain conditions.

- rr) deleting subsection 140.4(1)(e) ;

- ss) renumbering subsection 140.4(1) accordingly;

- tt) deleting the following subsections: 150.3(7), 920.8(3)(g) and 920.9(3)(g) from the list of Discretionary Uses.

- uu) renumbering subsections 150.3, 920.8 and 920.9 accordingly.

- vv) deleting subsection 150.4(1)(d) and replacing it with

notwithstanding 1(b) and (c), 300 m² for each Semi-detached, or Duplex Dwelling for Sites in neighbourhoods located within the boundary of the Mature Neighbourhood Overlay.

- ww) 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 and Garage Suites in this Zone shall be developed in accordance with the provisions of the RF4 Zone.

- xx) deleting subsection 160.4(7), 170.4(7), 210.4(9), 220.4(9) and 230.4(8) and replacing it 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 and the associated principal Dwelling on the same Site.

- yy) deleting subsection 170.5(1) and replacing it with:

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 and Garage Suites in this Zone shall be developed in accordance with the provisions of the RF4 Zone.

- zz) deleting subsection 210.5(1) and replacing it with:

Notwithstanding subsection 210.4, Single Detached, Semi-detached Duplex Housing, Secondary Suites and Garage Suites in this Zone shall be developed in accordance with the provisions of the RF4 Zone.

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

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

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

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

- ccc) 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 or Garage Suite per Site shall be allowed.

- ddd) deleting subsection 920.4(3)(f), 920.5(3)(h) and 920.6(3)(m) and replacing it with:

the maximum Height for a detached Garage shall not exceed 5.0 m, except in the case of a Garage Suite, where the maximum height shall be in accordance with Section 87 of this Bylaw.

eee) deleting subsection 920.5(3)(b) and replacing it with:

the minimum Site Area shall be 360 m² for a Single Detached Dwelling and 225 m² for each Semi-detached or Duplex Dwelling.

fff) deleting subsection 920.6(3)(e) and replacing it with:

the minimum Site Area shall be as follows:

- i. 360 m² for each Single Detached Dwelling;
- ii. 225 m² for each Semi-detached or Duplex Dwelling; and
- iii. 183 m² for each Row Housing or Linked Housing and Dwelling.

ggg) deleting subsection 920.8(1) and replacing it with:

The purpose of this Zone is to provide for street oriented Single Detached Housing, with the opportunity for Secondary Suite development.

hhh) deleting subsection 920.9(1) and replacing it with:

The purpose of this Zone is to provide for street oriented Single Detached Housing on small lots as a more intensive form of development on small lots, with the opportunity for Secondary Suite development.

iii) deleting subsections 920.8(4)(i) and 920.9(4)(j) and replacing them with:

- i. Separation Space shall be provided between two or more Dwellings on separate Sites or between portions of Dwellings on the same Site, in accordance with Section 48 of this Bylaw, except that:
 - a. the width of a front Privacy Zone shall not be required to exceed the width of the minimum Front Yard specified in this Zone;
 - b. it shall not be required between a Garage Suite and the associated principal Dwelling on the same Site.

jjj) deleting subsection 920.8(5)(a) and replacing it with:

the minimum Site Area shall be 300 m² for each Semi-detached or Duplex Dwelling.

kkk) deleting subsection 920.8(5)(c) (d) and (e); 920.9(5)(c) (d) and (e) and 940.(9)(6) and replacing it with:

Garage Suites shall comply with Section 87 of this Bylaw.

lll) deleting subsection 920.9(4)(a) and replacing it with:

the minimum Site Area shall be 312 m² for each Single Detached Dwelling

mmm) deleting subsection 920.9(5)(a) and replacing it with:

the minimum Site Area shall be 300 m² for each Semi-detached or Duplex Dwelling.

nnn) deleting 940.5(1) and replacing it with:

To provide for street oriented low density housing with opportunities for a limited amount of Row Housing and Secondary Suites under certain conditions, in accordance with the design objectives in the Griesbach Neighbourhood Area Structure Plan.

ooo) deleting 940.5(5)(o) and replacing it with:

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

- i. 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 per lot shall be allowed;
- ii. where Semi-detached Housing, Duplex Housing are developed in this Zone, a maximum of two Dwellings per lot shall be allowed.;
- iii. Where Row Housing is developed in this Zone, a maximum of sixteen Dwellings per lot shall be allowed.

ppp) 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 to where the building faces a public roadway, other than a lane, and it shall not be required between a Garage Suite and the associated principal Dwelling on the same Site.

qqq) deleting 940.9(1) and replacing it with:

To provide for street oriented low density housing with opportunities for a limited number of Garage Suites and Secondary Suites and Row Housing under certain conditions, in accordance with the design objectives in the Griesbach Neighbourhood Area Structure Plan

rrr) deleting 940.9(5)(o) and replacing it with:

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

- i. where Single Detached Housing is developed in this Zone, a maximum of one Dwelling per lot and, where the provisions of this Bylaw are met, up to one of either a Secondary Suite or Garage Suite per lot shall be allowed.
- ii. where Semi-detached Housing, Duplex Housing are developed in this Zone, a maximum of two Dwellings per lot shall be allowed;
- iii. where Row Housing is developed in this Zone, a maximum of sixteen Dwellings per lot shall be allowed.

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

- a) adding new Section "Section 822 Edmonton-Strathcona County Joint Planning Study Area Secondary and Garage Suites Overlay" attached hereto as Schedule "A and forming part of this bylaw.

READ a first time this	day of	, A. D. 2007;
READ a second time this	day of	, A. D. 2007;
READ a third time this	day of	, A. D. 2007;
SIGNED and PASSED this	day of	, A. D. 2007.

THE CITY OF EDMONTON

MAYOR

CITY CLERK

SCHEDULE "A"**822 Edmonton-Strathcona County Joint Planning Study Area Secondary and Garage Suites Overlay****822.1 General Purpose**

The purpose of this Overlay is to limit the expansion of Secondary Suite and to limit the creation of any Garage Suites within the Strathcona-Edmonton Joint Planning Study Area to the Use opportunity that existed prior to the adoption of Bylaw 14750, in order to limit residential intensification in close 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.

822.2 Application

Notwithstanding any provisions of the Zoning Bylaw respecting the area of application of Overlays, this Overlay applies to all Zones on those lands shown in Appendix 1 to this Overlay.

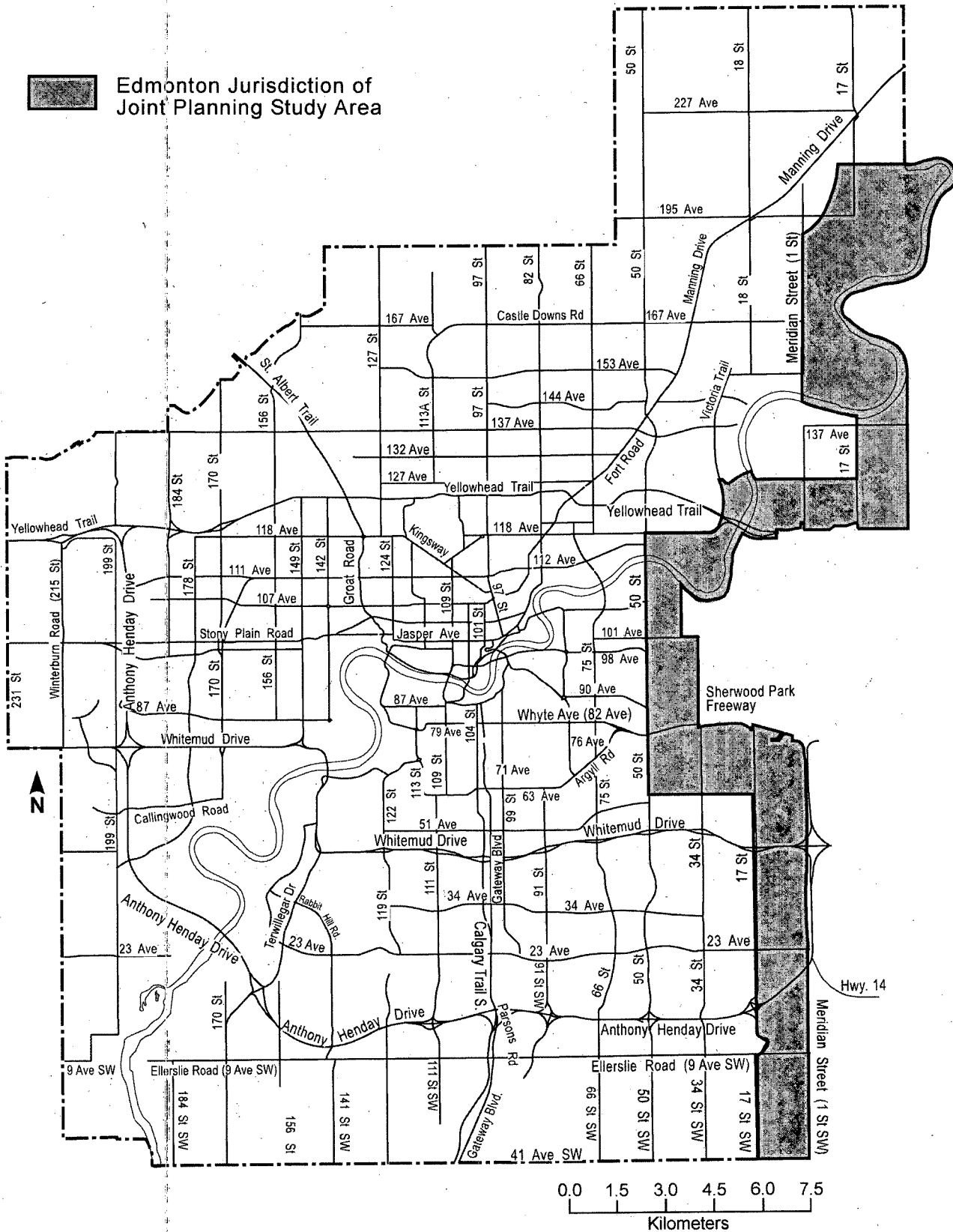
822.3 Development Regulations

1. Notwithstanding Secondary Suites being listed as Permitted or Discretionary Uses within any Zone, Secondary Suites shall only be allowed 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, in accordance with the following:
 - a. Secondary Suites shall be Discretionary Uses within the RF1, RF2 and RSL Zones where the Side Lot Line abuts a lot in an Industrial, Commercial, Row Housing, or Apartment Zone, or is not separated from it by a public roadway more than 10.0 m wide.
 - b. Secondary Suites shall be a Permitted Use within the RF3 Zone where the Side Lot Line abuts a lot in an Industrial, Commercial, Row Housing, or Apartment Zone, or is not separated from it by a public roadway more than 10.0 m wide.
 - c. Secondary Suites shall be a Discretionary Use within the RF4 Zone.
 - d. Secondary Suites shall not be allowed within the RPL and RR Zones.

- e. Notwithstanding 86(2), the minimum Site size for a Secondary Suite in any Zone shall be 100 m² in addition to the minimum required Site size for the principal Dwelling.
- 2. Notwithstanding Garage Suites being listed as Permitted or Discretionary Uses within any Zone, Garage 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.

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

 **Edmonton Jurisdiction of
Joint Planning Study Area**



Secondary/Garage Suites – Summary of Proposed Phase 1 Zoning Bylaw Amendments

(Revised Nov 16, 2007)

Table 1: SECONDARY SUITES

Land Use Zones by Existing & Proposed Density Controls (permissions, minimum lot area, locational criteria)

Zone	Permissions ¹		Minimum Lot Area		Locational Criteria	
Low Density Residential Zones						
	Existing	Proposed	Existing ³	Proposed	Existing	Proposed
RF1	Discretionary ²	Permitted	460 m2	360 m2	Yes ²	Yes ⁴
RF2	Discretionary ²	Permitted	460 m2	360 m2	Yes ²	Yes ⁴
RF3	Permitted ² Discretionary	Permitted Discretionary	460 m2 460 m2	360 m2 360 m2	Yes ² None	Yes ⁴ None
RF4/RF4t	Discretionary	Permitted	460 m2	360 m2	None	None
RSL	Discretionary ²	Permitted	412 m2	360 m2	Yes	None
RPL/RPLt	None	Permitted	N/A	360 m2	N/A	None
GLD	None	Permitted	N/A	360 m2	N/A	None
GLG	None	Permitted	N/A	360 m2	N/A	None
TSDR	Discretionary	Permitted	460 m2	360 m2	None	None
TSLR	Discretionary	Permitted	412 m2	360 m2	None	None
RR	None	Permitted	N/A	1 ha (Zone min.)	N/A	None
RMH	None	None	N/A	N/A	N/A	N/A
Medium-High Density Residential Zones						
RF5/RF5g/RF5t	Discretionary	Discretionary	460 m2	360 m2	None	None
RF6	Discretionary	Discretionary	460 m2	360 m2	None	None
RA7/RA7g	Discretionary	Discretionary	460 m2	360 m2	None	None
RA8	Discretionary	Discretionary	460 m2	360 m2	None	None
RA9	Discretionary	Discretionary	460 m2	360 m2	None	None

Notes:

- Permitted Uses will be approved by the Development Officer, provided that the Use meets all provisions of the Zoning Bylaw. No notification of adjacent landowners is required.

Discretionary Uses are Uses that *may* be approved by the Development Officer. They require notification of adjacent landowners and are subject to appeal.
- The current RF1, RF2, RF3 (Permitted case only) and RSL Secondary Suite opportunity is conditional based on location as follows: "where the Side Lot Line abuts a lot in an Industrial, Commercial, Row Housing, or Apartment Zone, or is not separated from it by a public roadway more than 10.0 m wide."
- The current Secondary Suite opportunity in all zones is conditional based on an additional 100m2 in lot area over Single Detached minimum lot size.
- The proposed locational criteria is proposed to allow Secondary Suites under the same criteria as in note (2) above, but with the addition of allowing Secondary Suites where a Rear Lot Line (in addition to a Side Lot Line) abuts the zones noted in note (2) above, and also expanding the opportunity to corner lots and lots fronting onto service roads in the Permitted case for the RF1, RF2 and RF3 zones. A locational restriction is not proposed for the Discretionary case in the RF3 Zone.

Table 2: GARAGE SUITES¹**Land Use Zones by Existing & Proposed Density Controls (permissions, minimum lot area, locational criteria)**

Zone	Permissions ²		Minimum Lot Area		Locational Criteria	
	Existing ¹	Proposed	Existing ³	Proposed	Existing	Proposed
Low Density Residential Zones						
RF1	None	Discretionary	N/A	460 m2	N/A	Yes ⁴
RF2	None	Discretionary	N/A	460 m2	N/A	Yes ⁴
RF3	None	Discretionary	N/A	460 m2	N/A	Yes ⁴
RF4/RF4t	None	Discretionary	N/A	460 m2	N/A	None
RSL	None	Discretionary	N/A	460 m2	N/A	N/A
RPL/RPLt	None	Discretionary	N/A	460 m2	N/A	None
GLD	None	None	N/A	N/A	N/A	N/A
GLG	Permitted	Permitted	370 m2	370 m2	None	None
TSDR	Discretionary	Discretionary	460 m2	460 m2	None	None
TSLR	Discretionary	Discretionary	412 m2	412 m2	None	None
RR	None	Discretionary	NA	1 ha (Zone min.)	None	None
RMH	None	None	N/A	N/A	N/A	N/A
Medium-High Density Residential Zones						
RF5/RF5g/RF5t	None	Discretionary	460 m2	460 m2	N/A	None
RF6	None	Discretionary	460 m2	460 m2	N/A	None
RA7/RA7g	None	Discretionary	460 m2	460 m2	N/A	None
RA8	None	Discretionary	460 m2	460 m2	N/A	None
RA9	None	Discretionary	460 m2	460 m2	N/A	None

Notes:

- Garage Suites are currently only Permitted in the GLG Zone and Discretionary in the TSDR and TSLR Zones. Phase One proposes to significantly increase the opportunity for Garage Suites, but on a Discretionary, rather than Permitted basis.
- Permitted and Discretionary Uses. See Note 1 under Table 1.
- The current Garage Suite opportunity in all zones is conditional based on an additional 100m2 in lot area over Single Detached minimum lot size.
- The proposed locational criteria in the RF1, RF2 and RF3 Zones is the same as that proposed for Secondary Suites (in Phase 1) for the RF1 and RF2 Zones (and RF3 in the Permitted case), that being restricting the Use to situations including "...corner lots and lots fronting onto service roads and in cases where the Side Lot Line or Rear Lot Line abuts a lot in an Industrial, Commercial, Row Housing, or Apartment Zone, or is not separated from it by a public roadway more than 10.0 m wide."

Table 3: SECONDARY AND GARAGE SUITES		
Existing & Proposed Regulations -Applicable to Most Residential Zones		
	Existing Regulations	Proposed Regulations
Built Form	<p>Within, or on same lot as, Single Detached Housing only</p> <p>Garage Suites only above a rear detached Garage</p>	<p>Same</p> <p>Same</p>
Parking	<p>Min. 3 on-site parking spaces required (1 space/2 sleeping units for the Suite plus 2 spaces required for the primary dwelling).</p> <p>Tandem parking is not allowed for secondary suites and Garage Suites (but is allowed for Principal Dwelling)</p>	<p>Same</p> <p>Tandem parking will be allowed for the Secondary or Garage Suite.</p>
Maximum # of Suites	Maximum of one Secondary Suite or Garage Suite, where Permitted or Discretionary	Same
Garage Heights/yards/ privacy	<p>Maximum height of Garage limited to 3.7 m for most low density residential zones.</p> <p>Minimum side yards setbacks are 0.9 m in the case of a detached garage 3.7 m or less in height and 1.2 m above 3.7 m in height.</p> <p>Separation Space regulations applies in some zones.</p> <p>Terwillegar Town Zones address privacy of Garage Suites through Discretionary provisions.</p>	<p>Increase maximum overall Garage height to accommodate suite over Garage to 6 m, or the height of the principal dwelling, whichever is the lesser, where a Garage Suite use is proposed.</p> <p>The minimum Side Yard for that portion of a detached Garage that contains a Garage Suite shall be the same as that for the principal Dwelling in the applicable Zone.</p> <p>Regulations exempt Separation Space Requirements between a Garage Suite and its associated Principal Dwelling.</p> <p>Regulations require attention to window and balcony placement and prohibit Garage Suite roof decks to minimize impacts on the privacy of adjacent properties.</p>
New Requirements (proposed)		
Other Uses	Secondary and Garage Suites shall not to be developed in combination with Major Home Based Business Uses (except where an integral part of a Bed and Breakfast Operation as a Home Based Business) nor Group Homes or Limited Group Homes.	
Suite Size	<p>Minimum Area of Secondary Suite or Garage Suite: 30 m²</p> <p>Secondary Suite below first storey must be not more than the total Floor Area of the first storey of the building containing the Principal Dwelling</p> <p>Secondary Suites developed completely or partially above grade cannot exceed 40% of the total Floor Area of the building containing the Principal Dwelling, or 70 m², whichever is the lesser.</p> <p>Garage Suite maximum area of 60 m².</p>	
Entryway Location	Secondary Suites and Garage suites to have separate access, either through entryway at the side or rear of the Dwelling, or through a separate entrance within a common landing.	
Definition & Regulation	Make clear in the Use Definition that a Secondary Suite is accessory to the principal use being a Single Detached Dwelling. Regulation requires that Secondary Suite shall not be separated from the principal use through a condominium conversion.	

Implementation: Secondary Suites and Garage Suites

1. Phased Approach

The rationale for a two-phased approach to increasing the opportunity for Secondary Suites is threefold:

- a. Smart Choices is undergoing Low Density Infill Design Guidelines in Mature Areas, and the final balance of infill opportunity is subject to the final Design Principles.
- b. The greatest concern regarding Secondary Suite opportunities has been expressed by residents of established neighbourhoods.
- c. A phased approach will allow for monitoring of Secondary and Garage Suite issues in Phase 1, allowing for adaptation and refinement, prior to considering increasing the opportunity for Secondary Suites and Garage Suites in the RF1 and RF2 Zones (and expanding the Permitted opportunity in the RF3 Zone) in Phase 2.

Phase 2

At the July 17, 2007 Council meeting (Report 2007PDP038), Staff proposed that Phase 2 occur 12-18 months after the adoption of the Phase 1 amendments (see Background Available on Request. #5).

Phase 2 will include:

- Revision, or elimination, if appropriate, the locational restrictions in the RF1 and RF2 Zones (and RF3 in the permitted case).
- Changes that may be required to ensure consistency with the Smart Choices Low Density Infill Design Guidelines.
- Potential creation of the opportunity and requirements for Garden Suites, and first storey Garage Suites
- Potentially broadening opportunity for Duplex development in all residential zones.
- Further community review of options for Bylaw changes in Phase 2.

2. Considerations in the final Bylaw

The following discusses the principle changes to the proposed Bylaw as a result of the input received. There were other concerns expressed prior to, and subsequent to, the circulation of the Bylaw. These are discussed in "Background Available on Request #1, available on the web site:

www.edmonton.ca/secondariesuites.

a. Owner occupancy requirement – not in the Bylaw

An owner occupancy requirement for secondary suites and Garage Suites appears to have a relatively high degree of support. EFCL supports an owner occupancy requirement, however the random survey conducted in June 2007 (by Banister Consulting) showed a divided response (45% support and 41% against). A summary of the support of the input received on this issue is in "Background Information Available on Request" #1.

The concern is that properties that are not owner occupied are not maintained to the same standards as those that are owner occupied, and, secondly, that tenant behaviour is positively impacted through owner occupation on the same property. However, tenant or owner behaviour is not a Zoning Bylaw issue. The City does have a Nuisance Bylaw 10406 (unsightly property, weed control, etc.) to address property upkeep, and a Noise Bylaw 7255 as well to address neighbourhood peace and enjoyment. These Bylaws have been consolidated into the Community Standards Bylaw, which will come into effect on April 1, 2008.

Staff have indicated previously that the *Municipal Government Act* does not have provisions to regulate users, only uses, and therefore a requirement restricting Dwellings with Suites to having an owner occupancy requirement is seen as a requirement beyond the municipal jurisdiction regarding regulation of land uses, and may be subject to legal challenge (Attachment 1 in 2007PDP132 June 13, 2007 Report to Executive Committee, item E 10, see "Background Information Available on Request").

b. Secondary Suite maximum Floor Area. The circulated Bylaw 14750 proposed that the maximum size of a Secondary Suite should be less than the total Floor Area of the remainder of the principal dwelling above grade. The maximum Floor Area has been modified due to the potential impact of above-grade Secondary Suites on the character of Single Detached homes, and to prevent them from becoming essentially de-facto Semi-detached units within a Single Detached Principal Use. Due to the complexity of creating above-grade Secondary Suites compared with basement Secondary Suites, it is expected that the increase in such forms of Secondary Suites will be small in comparison.

The revised regulation in Section 86(3) provides a maximum Floor Area that is different depending on whether the Secondary Suite is a basement suite (below the first storey) or partially or completely developed above grade. Where the Secondary Suite is below grade, it is not proposed that there be an absolute limit on Floor Area, given the relatively limited impact on the character of Single Detached Homes, and limits to the practicality of portioning off sections of basement development within homes that have larger building footprints. Similar to the initially proposed regulation, for a below-grade Secondary Suite, the Floor Area must not exceed the Floor Area of the first storey of the building containing the Principal Dwelling (i.e., basement Floor Area would not normally exceed, but

would be slightly less than, the first storey of a Single Detached house). As for above-grade Secondary Suites, the Floor Area shall not exceed 40% of the total Floor Area of the building containing the Principal Dwelling above grade, or 70 m², whichever is the lesser. The intent here is to maintain the character of Single Detached Housing, and to prevent additions to existing Single Detached Dwellings that could essentially create very large Secondary Suites that in some cases should be more appropriately subject to a change of use application development permit (or rezoning application) to a Semi-detached or Duplex form of housing.

c. Privacy Regulations for Garage Suites

At the open houses, there were relatively more concerns expressed about Garage Suites as opposed to Secondary Suites (in Phase 1 Garage Suites proposed only for the second storey above a detached garage). Concerns included:

- they are seen as invasive, with potential impacts on the privacy of neighbouring back yards depending on the location of windows;
- They are not seen as being compatible with the character of single detached neighbourhoods,
- maximum allowable height, which had been proposed to be 6 m,

The City of Edmonton has had little experience with Garage Suites, which are Discretionary in the TSDR and TSLR Terwillegar Town zones, and Permitted in the GLG Griesbach Zone. Within these neighbourhoods, buyers are fully aware of the allowance for second storey Garage Suites, and the homes in these zones are mostly two-storey homes, being slightly shorter than a second storey garage suite. Take-up of the opportunity has been relatively low. Part of the reason is assumed to be the relatively high cost of Garage Suite development.

As a result of the concerns expressed, the Bylaw has been amended to include revisions to add more specific requirements to address the privacy of neighbouring properties.

Section 87 (Garage Suite Regulations) has been revised to include requirements that windows and balconies be placed such as to minimize privacy impact on adjacent properties. A further height restriction has been added, which would not allow a garage suite to exceed the height of the principal dwelling on the same lot. This is intended to address compatibility of buildings on the same lot. The Garage Height restriction does not apply to the Terwillegar Town and Griesbach Zones, as existing regulations already allow for a maximum height of 7.5 m for Garage Suites.

d. General Purpose statements.

Where Secondary Suites are proposed to be a Permitted Use within the low density residential zones, the accommodation of Secondary Suites within the Zone has been added to the General Purpose statements.

e. Secondary Suites as Discretionary Uses in the medium and high density zones.

Initially, Secondary suites were proposed to be a Permitted Use within almost all residential zones (except the RMH Essential Mobile Home Zone). However, given that Single Detached Housing is a Discretionary Use in the medium and high density zones (RF5 - RA9 Zones), the opportunity for Secondary Suites has been changed to Discretionary (as it is in the current bylaw within these zones).

f. Garage Suites have been added as a Discretionary Use in the RSL Zone.

Initially, Garage Suites were not proposed as a Discretionary Use in the RSL Zone, given that homes within this Zone require a front attached garage. A suite that is contained above an attached garage would be deemed to be a secondary suite in accordance with the latitude of the definition in the Zoning Bylaw. However, an inquiry into the potential development of a rear detached garage within a very large RSL lot with rear lane access has shown that there is the potential for second (detached) garages within this zone. Site coverage limits would be a limitation within most RSL lots, however, larger lots with enough room for a second garage may be able to accommodate both a detached garage and a garage suite.

g. Minor Home Based Businesses

The limitation of combining a Minor Home Based Business in conjunction with a Secondary or Garage Suite has been removed. As Minor Home Based Businesses does not generate more than one visit a day, and this is seen as acceptable in conjunction with a Secondary or Garage Suite Use.

h. Major Home Based Businesses

Major Home Based Businesses in the initial Bylaw were not allowed in conjunction with a Secondary or Garage Suite. However, as a Secondary Suite or Garage Suite may be used for accommodation purposes in a Bed and Breakfast Operation (the Use falls within Major Home Based Business), exceptions have been made to allow both a Bed and Breakfast Operation, provided that the Secondary Suite or Garage Suite is an integral part of the Bed and Breakfast Operation.

3. Corporate Resource Team

A Special Resource Team comprised of Staff resources from various Departments will work to provide a coordinated service to implement the new Bylaw. The tasks of such a team would include:

- manage expected increased numbers of zoning, development, and building code inquiries,
- process an increased numbers of development permit applications,
- assist in developing the education and incentive programs,
- respond to a potential increase in bylaw enforcement requests relating to secondary and Garage Suites.

It is expected that the team will require some increase in human resources, and will have additional funding requirements.

4. Inventive Program – Office of Housing, Asset Management and Public Works

Incentives to develop new Secondary Suites and to renovate existing suites to comply with both Zoning and Fire Code requirements, along with an amnesty program to encourage non-conforming suite owners to comply with Fire Code and Zoning Regulations, will increase the number of safe Secondary Suites and Garage Suites.

The Housing Branch in the Asset Management and Public Works Department has been developing a plan to facilitate and encourage the development of Secondary Suites, based on "Cornerstones: Edmonton's Plan for Affordable Housing" (2005), that includes forgivable loans or grants for secondary suite construction and renovation.

The proposed programs will assist:

1. construction of new Secondary Suites in new homes
2. the renovation of existing suites to meet Fire Code and Zoning Bylaw requirements.
3. the creation of Secondary Suites in existing homes

The funds parts 1 and 2 are to come from Provincial block funding for housing expected to be in the amount of \$45.26 million per year between 2007-2009. Funding for part 3 will be from existing Canadian Mortgage and Housing (CMHC) RRAP funding.

Details and exact amounts to be dedicated to the proposed new Secondary Suites and the renovation of Secondary Suites program have not yet been confirmed. The Housing Branch, Asset Management and Public Works is currently in negotiations over the details of the Provincial block funding that is

available, and will be coming back with a report to Council once negotiations are completed. Confirmation of program details is expected by December 2007.

5. Education Program

An Education Program is being developed in order to inform prospective Secondary and Garage Suite developers of the new changes to the Zoning Bylaw. The program will encompass the Zoning Bylaw requirements, the Alberta Building Code and Fire Code requirements and also provide information on potential financial assistance, including the incentive program being developed by the Housing Branch, Asset Management and Public Works, and other funds available, through sources such as CMHC. A new brochure will be created, along with updated web site background information. The program is being developed by the Planning and Development Department (Zoning Bylaw Implementation, Smart Choices, Development Approvals, Safety Codes (Building Permits) as well as the Housing in the Asset Management and Public Works Department. The Housing Branch is currently working on an education program to provide information on the upcoming incentive program for development of new Secondary Suites and the renovation of existing suites.