

July 28, 2008

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SUBJECT: **Text Amendment to Zoning Bylaw No. 12800:  
Definitions of *Secondary Suite* and *Cooking Facilities*; and  
Development Permit Regulation for Secondary Suites**

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The definition of *Secondary Suite* as currently stated in the Edmonton Zoning Bylaw does not include the conversion of above-grade space to a *Secondary Suite*. It has always been the intent that the definition of *Secondary Suite* include the Conversion of above-grade space to a *Secondary Suite* in a Single-detached House. For example, the current regulations regarding Secondary Suites (Section 86) refer to an “Above Grade Suite” which technically is not possible within the current definition of *Secondary Suite*.

*Cooking Facilities* is currently defined within the definition of *Secondary Suites* which adds unnecessary complexity and potential confusion for users of the Zoning Bylaw.

The construction of a new Secondary Suite at the same time as the Principal Dwelling has the potential to be classified as a Duplex under certain circumstances. Duplexes, however, have different zoning requirements (eg. minimum site size), different building code requirements, can be “condominiumized”, and other important differences. Development of new Secondary Suites within new Principal Dwellings should be distinguished from development of a Duplex within the Secondary Suites regulations.

In order to remedy the above concerns, the following amendments to the Zoning Bylaw are proposed:

- Incorporate “above-grade space” to the definition of *Secondary Suite*.
- Extract the definition of *Cooking Facilities* from the definition of *Secondary Suites* and inserted into the General Definitions section of the Zoning Bylaw.

- Simplify the definition wording of *Secondary Suite* by removing the phrase “where the structure was initially designed for two or more Dwellings” as this is redundant. Duplex Housing, Semi-detached Housing, and Apartment Housing by definition include multiple Dwellings.
- Add a regulation that stipulates the development of a Secondary Suite must be developed with a Development Permit that is separate from the Development Permit for the Principal Dwelling. This potentially avoids any confusion with Duplex which, by definition, is constructed as two dwellings at the time of initial construction (ie. approved under the same Development Permit).

Furthermore, it allows the Planning & Development Department to maintain control of determining the appropriateness of a Secondary Suite for the Principal Dwelling because it ensures that proposed development of a Secondary Suite will always be considered separately from development of the Principal Dwelling. For example, it allows a Development Permit for the Principal Dwelling as a Permitted Use to be issued and still deal with the development of a Secondary Suite in that Principal Dwelling separately, where the Secondary Suite may only be considered a Discretionary Use.

Please reply with your comments on the attached proposed Text Amendments by end of business on Friday, August 15, 2008. If we have not yet received a response by that due date, we will assume that you have no comments or concerns and are not opposed to these Text Amendments.

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Enclosures:

1. Proposed Zoning Bylaw Text Amendments for *Secondary Suite* and *Cooking Facilities* Definitions and Development Permit Regulation for Secondary Suites – Table of Proposed Changes and Rationale
2. Proposed Zoning Bylaw Text Amendments for *Secondary Suite* and *Cooking Facilities* Definitions and Development Permit Regulation for Secondary Suites

**Proposed Zoning Bylaw Text Amendments for Secondary Suite and Cooking Facilities Definitions and Development Permit Regulation for Secondary Suites – Table of Proposed Changes and Rationale**

July 28, 2008

Item	Current Zoning Bylaw	Proposed Amendment	Rationale
<b>1. Definition of Secondary Suite</b>			
1.01	<p>Section 7.2(6):</p> <p><i>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.</i></p>	<p>Section 7.2(6):</p> <p><i>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. <del>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.</del> 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 <u>or above-grade space</u> to a <u>separate</u> 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, <del>or Apartment Housing, where the structure was initially designed for two or more Dwellings, and does not include Boarding and Lodging Houses</del> or Boarding and Lodging Houses.</i></p>	<ul style="list-style-type: none"> <li>• The definition of <i>Secondary Suite</i> as currently stated does not include the conversion of above-grade space to a <i>Secondary Suite</i>. It has always been the intent that definition of <i>Secondary Suite</i> include the Conversion of above-grade space to a <i>Secondary Suite</i> in a Single-detached House. For example, the current regulations regarding <i>Secondary Suites</i> (Section 86) refer to an "Above Grade Suite" which technically is not possible with the current definition of <i>Secondary Suite</i>. The proposed amendment alleviates this unintended omission by adding the phrase "or above-grade space".</li> <li>• The phrase "where the structure was initially designed for two or more Dwellings" is redundant as Duplex Housing, Semi-detached Housing, and Apartment Housing by definition include multiple Dwellings. The proposed amendment removes the redundant phrase and simplifies the wording of the resulting sentence.</li> <li>• The definition of <i>Cooking Facilities</i> is being extracted and inserted as a separate definition in the Zoning Bylaw. See Item 3.01 below.</li> </ul>

**Proposed Zoning Bylaw Text Amendments for Secondary Suite and Cooking Facilities Definitions and Development Permit Regulation for Secondary Suites – Table of Proposed Changes and Rationale**

July 28, 2008

<i>Item</i>	<i>Current Zoning Bylaw</i>	<i>Proposed Amendment</i>	<i>Rationale</i>
<b>2. Separate Development Permit Requirement for Secondary Suites</b>			
2.01	<i>Not applicable.</i>	<p>Section 86.9:</p> <p><u><i>Development of a Secondary Suite shall only occur with a Development Permit that is separate from a Development Permit for the Principal Dwelling.</i></u></p>	<ul style="list-style-type: none"> <li>• This regulation helps clarify the process for the development of a Secondary Suite and the development of a Principal Dwelling where these may occur at the same time.</li> <li>• It ensures that a Secondary Suite is developed as <i>Accessory to</i> the Principal Dwelling, as per the definition of a Secondary Suite, and does not confuse development of a Secondary Suite combined with the Principal Dwelling with the development of a Duplex.</li> <li>• It allows the Planning &amp; Development Department to maintain control of determining the appropriateness of a Secondary Suite as it ensures that proposed development of a Secondary Suite will always be considered separately from development of the Principal Dwelling. For example, it allows the Planning and Development Department to issue a Development Permit for the Principal Dwelling as a Permitted Use and still deal with the development of a Secondary Suite in that Principal Dwelling separately, where the Secondary Suite may only be considered a Discretionary Use.</li> </ul>

**Proposed Zoning Bylaw Text Amendments for Secondary Suite and Cooking Facilities Definitions and Development Permit Regulation for Secondary Suites – Table of Proposed Changes and Rationale**

July 28, 2008

<i>Item</i>	<i>Current Zoning Bylaw</i>	<i>Proposed Amendment</i>	<i>Rationale</i>
<b>3. Definition of Cooking Facilities</b>			
3.01	<i>Not applicable.</i>	<p>Section 6.1(15):</p> <p><u><i>Cooking Facilities means facilities used or designated to be used for the cooking or preparation of food, and 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.</i></u></p>	<ul style="list-style-type: none"> <li>• <i>Cooking Facilities</i> is currently defined within the definition of Secondary Suites which adds unnecessary complexity and potential confusion for users of the Zoning Bylaw. Instead of providing a definition for Cooking Facilities within the definition of Secondary Suites, this definition is being extracted and inserted into the General Definitions section of the Zoning Bylaw.</li> <li>• The phrase “<i>facilities used or designated to be used for the cooking or preparation of food</i>” came from the City of Calgary’s Land Use Bylaw.</li> </ul>
3.02	Sections 6.1(15) to 6.1(84).	Renumber Sections 6.1(15) to 6.1(84) accordingly.	<p>This text amendment is being proposed for the following reason:</p> <ul style="list-style-type: none"> <li>• To accommodate insertion of the term <i>Cooking Facilities</i> (Item 3.01 above) in correct alphabetical order into the definitions section of the Zoning Bylaw.</li> </ul>

## **Proposed Zoning Bylaw Text Amendments for *Secondary Suite* and *Cooking Facilities* Definitions; and Development Permit Regulation for Secondary Suites**

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### **Secondary Suite Definition**

- 7.2(6) **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. 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 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, Apartment Housing, or Boarding and Lodging Houses.

### **Secondary Suite Development Permit Regulation**

- 86.9. Development of a Secondary Suite shall only occur with a Development Permit that is separate from a Development Permit for the Principal Dwelling.

### **Cooking Facilities**

- 6.1(15) **Cooking Facilities** means facilities used or designated to be used for the cooking or preparation of food, and 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.