

VILLAGE OF HARVEY  
A By-Law to Amend the Zoning By-Law  
By-Law 2012-7

1. BE IT ENACTED by the Village Council of the Village of Harvey as follows:  
The Zoning By-Law, being By-Law No. 87-2 is amended by adding section 13.3, 13.4, 13.5 Garden Suites, In-Law and Rental Suites, and Special Requirements for Converted Dwellings as follows:

### **13.3 Garden Suites**

- (1) A *garden suite* shall in any case be considered an *accessory building* and not a second *main building*.
- (2) Where permitted under this By-law, a *garden suite* is subject to the following requirements:
  - (a) notwithstanding the *yard* requirements for the zone in which it is to be located, it shall be located not less than 1.5 m from any *side lot line* or 2.5 m from the *rear lot line*;
  - (b) it shall not exceed 4.25 m in *height*;
  - (c) it shall be located on a lot that where the *main building* is a detached *single-family dwelling*;
  - (d) it shall not exceed 75 m<sup>2</sup> of *gross floor area*;
  - (e) the *lot* shall be fully serviced by municipal sanitary sewer or an on-site sewage disposal system;
  - (f) one *parking space* shall be required in addition to the parking required for the *main use* of the *lot*;
  - (g) it shall not be placed, *erected* or *altered* so that it is closer to the *front lot line* than the required *front yard* for the *main building*;
  - (h) only one *garden suite* is permitted on a *lot*;
  - (i) it shall not be placed, *erected* or *altered* so that is closer to the *side* or *rear lot line* than the required *rear* or *side yard*;
  - (j) the *driveway* access to the *street* must be common to both the *main building* and the *garden suite*;
  - (k) a *garden suite* is not permitted on a *lot* with an *in-law suite*, *tourist home*, *boarding or rooming house* or a *rental suite*.
  - (l) it shall not be rented for monetary purposes to a *person(s)* who is not a member of the *family* residing in the *main building*; and
  - (m) it shall not be located any closer to the *front lot line* than the *main building*.

### **13.4 In-law and Rental Suites**

Where permitted under this By-law, an *in-law* or *rental suite* is subject to the following requirements:

- (a) it shall be located within a *single-family dwelling*;
- (b) it shall be contained within the *main building*;
- (c) it shall not result in more than two *dwelling units* contained in any *single-family dwelling*;
- (d) it shall contain a maximum of 2 bedrooms with the *floor area* of each bedroom not exceeding 20 m<sup>2</sup> (215.3 ft<sup>2</sup>);
- (e) it shall be secondary to the *main building* and not exceed thirty-five percent (35%) of the *main building's* overall *gross floor area*;

- (f) the *lot* shall be fully serviced by municipal sanitary sewer or an on-site sewage disposal system;
- (g) one *parking space* shall be required in addition to the parking required for the *main use* of the *lot*;  
and
- (h) the *driveway* access to the *street* must be common to both the *main building* and the *in-law* or *rental suite*.

### 13.5 Special Requirements for Converted Dwellings

(1) A *converted dwelling* with more than 2 *dwelling units* shall be considered synonymous with a *multiple-unit dwelling* in terms of permitted *uses*, *lot* requirements, parking requirements, *landscaping* and *amenity space*.

(2) In addition to all other regulations, an existing *building* or *structure* in certain residential *zones* may be converted to between two and more *dwelling units* subject to the requirements of the *zone* and the following special requirements:

- (a) no *alteration* may be undertaken which changes the roof line or increases the *height* of the *structure* except for the addition of dormers;
- (b) no *alteration* may be undertaken which will extend into the *front* or *side yard* of the *lot*;
- (c) the total *lot coverage* shall not exceed 50 %;
- (d) parking for *converted dwellings* with more than 2 *dwelling units* shall not be provided between the *main building* and the *front lot line side* or *rear* of the *lot*;
- (e) no *alteration* may be undertaken to increase the number of entrances in the front of the *building*;  
and
- (f) the minimum *floor area* requirements established in 10(a)(b)(c) are met.

2. The said Zoning By-Law is further amended by adding immediately after paragraph 8(a)(v) thereof, a subheading 8(a)(vi) follows:

(vi) Garden Suites, and In-law and Rental Suites

3. This By-Law shall be deemed to have come into force on August 15th, 2012.

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Winston Gamblin  
Mayor

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Amber Binney  
Clerk

Read the first time the 11<sup>th</sup> day of July, 2012.  
Read the second time the 11<sup>th</sup> day of July, 2012.  
Read the third time the 15<sup>th</sup> day of August, 2012.