

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 m² 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 m² (215.3 ft²);
- (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.

Winston Gamblin
Mayor

Amber Binney
Clerk

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