

**BYLAW 1587/22
AMENDMENT TO LAND USE BYLAW 1385/17
STURGEON COUNTY, MORINVILLE, ALBERTA**

A BYLAW OF STURGEON COUNTY, ALBERTA FOR THE PURPOSE OF AMENDING LAND USE BYLAW 1385/17.

WHEREAS, the *Municipal Government Act*, RSA 2000 c M-26, any regulations thereunder, and any amendments or successor legislation thereto, authorize Council to establish and amend the Land Use Bylaw 1385/17;

AND WHEREAS, the Council of Sturgeon County has directed Administration to amend Land Use Bylaw 1385/17;

NOW THEREFORE, the Council of Sturgeon County, in the Province of Alberta, duly assembled, enacts as follows:

1. Title

- 1.1. This Bylaw may be referred to as the “Accessory Dwelling Unit Amendments to Land Use Bylaw 1385/17”.

2. Purpose

- 2.1. The purpose of this Bylaw is to amend the Land Use Bylaw to revise the terminology and regulations replacing suites with accessory dwelling units and to modify the regulations related to secondary dwellings.

3. Application

- 3.1. Land Use Bylaw 1385/17 is amended as follows:

- a. In section 1.6 add the following terminology for a *Principal Dwelling*:

Principal Dwelling means the main dwelling unit on a parcel, typically the first dwelling unit constructed on a parcel.

- b. In section 1.6 revise the terminology of *Basement* to:

Basement means a portion of a building or dwelling, partly or wholly below grade and has no more than 1.8m of its clear height above grade and lies below the finished level of the floor directly above. A basement does not constitute a storey for the purpose of the Bylaw.

- c. In section 1.6 add the following terminology for a *Garage suite*:

Garage suite means a separate single storey dwelling unit developed within or above a detached garage or attached to the side or rear of a detached garage which shall be accessory to a principal dwelling

- d. In section 1.6 add the following terminology for a *Garden suite*:
Garden suite means a separate single-storey dwelling unit which shall be accessory to a principal dwelling
- e. In section 1.6 add the following terminology for a *Secondary suite*:
Secondary suite means a dwelling unit developed within, or attached to, a principal dwelling
- f. Change section 5.5 to read as follows:
 In all districts which allow a dwelling, only one dwelling shall be permitted per parcel as the principal dwelling, all others shall be considered as Accessory Dwelling Units unless otherwise specified in Sections 6.1A and 6.13A, and Parts 10 through 17 of this Bylaw.
- g. In part 6, replace and amalgamate all references to garden suites, secondary suites, garage suites and secondary dwelling with accessory dwelling unit.
- h. Add section 6.1A Accessory Dwelling Unit as shown in Appendix 1 attached to this Bylaw.
- i. Remove section 6.24 Secondary Dwelling in its entirety.
- j. Remove section 6.25 Suites in its entirety.
- k. Replace all references to section 6.24 and section 6.25 with section 6.1A
- l. In part 9 table 9.2 replace as follows:

Secondary suite, garden suite, or garage suite Accessory dwelling unit	1 per bedroom
Accessory dwelling unit	1 for 80m ² and under 2 for over 80m ²

- m. In Part 10 replace and amalgamate all references to garden suites, secondary suites, and garage suites with accessory dwelling unit.
- n. In section 11.1 replace and amalgamate all references to Garden Suites, Secondary Suites, Secondary Dwelling and Garage Suites with Accessory dwelling unit as a permitted and discretionary use as per section 6.1A.1.b.
- o. In Part 12 replace and amalgamate all references to garden suites, secondary suites, and garage suites with accessory dwelling unit.
- p. In section 12.1 replace and amalgamate all references to Garden Suites, Secondary Suites, Secondary Dwelling and Garage Suites with Accessory dwelling unit as a permitted and discretionary use as per section 6.1A.1.b.
- q. In Part 16 replace and amalgamate all references to Garden Suites, Secondary Suites, and Garage Suites with Accessory dwelling unit.
- r. In Part 18 remove the following definitions:

~~Garage suite means a separate single storey dwelling unit developed within or above a detached garage or attached to the side or rear of a detached garage at grade which shall be accessory to a principal dwelling, single detached and shall conform to the Safety Codes Act.~~

~~Garden suite means a single storey dwelling unit developed at grade which shall be accessory to a principal dwelling, single detached and shall conform to the Safety Codes Act. This does not include a dwelling, semi-detached or duplex.~~

~~Secondary suite means a dwelling unit developed within, or attached to, the principal dwelling, single detached and shall conform to the Safety Codes Act. This does not include a dwelling, semi-detached or a duplex.~~

~~Secondary dwelling means a development comprised of a second single detached dwelling on a parcel. A secondary dwelling is not a garden or garage suite.~~

- s. In Part 18 move Figure 18.3 and 18.4 to Part 1 section 1.6.
- t. In Part 18 add the following definition for Accessory Dwelling Unit:

Accessory dwelling unit means a self-contained dwelling unit, that is located either within or on the same titled parcel, and accessory to a principal dwelling and meets the Alberta Building Code. Accessory dwelling units within the same building may or may not share access to the outside and/or other facilities with the principal dwelling. Accessory dwelling units include but are not limited to garden suites; garage suites; and secondary suites.

4. Severability

- 4.1. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

5. Effective Date

- 5.1. This Bylaw shall come into force upon being passed.

Read a first time this ___ day of _____ 20__.

Read a second time this ___ day of _____ 20__.

Read a third time this ___ day of _____ 20__.

Alanna Hnatiw
MAYOR

Reegan McCullough
COUNTY COMMISSIONER

DATE SIGNED

Appendix 1

6.1A ACCESSORY DWELLING UNIT

1. General Regulations
 - a. A maximum of one accessory dwelling unit shall be considered per principal dwelling and shall be subordinate to the principal dwelling in all districts except AG-Major and AG-Minor parcels within the Agriculture District which may allow up to two accessory dwelling units.
 - b. An accessory dwelling unit located within or attached to a principal dwelling as a secondary suite shall be a permitted use in the AG and R1 Districts.
 - c. Shall be constructed on a permanent foundation which may or may not include a basement.
 - d. Shall not be separated from the principal dwelling by condominium conversion or subdivision.
 - e. Shall be designed and finished to match or compliment the exterior finish of the principal dwelling.
 - f. Accessory dwelling units should connect to municipal water and sanitary services where available.
 - g. An application for an accessory dwelling unit shall verify that the development meets the current Alberta Private Sewage Systems Standard of Practice.
 - h. Provision for on-site parking shall be in accordance with Part 9 of this Bylaw.
 - i. Shall not be permitted on the same parcel containing a group home (major or minor), family day home, farm help accommodation, bed and breakfast, visitor accommodation or home-based business (level 3).
 - j. Shall have an entrance separate from any vehicle entrance and be either from a common indoor landing or directly from the exterior of the structure.
 - k. The minimum distance between an accessory dwelling unit and principal dwelling shall be 4.8m (15.7ft) or as per the Alberta Building Code.
 - l. Accessory dwelling units developed as garden or garage suites shall meet the development regulations for accessory buildings of the applicable district.
2. Accessory Dwelling Unit floor area
 - a. Maximum floor area of Accessory Dwelling Units shall be: 115m² (1,237ft²) in the R1 district and on AG-Residential parcels within the AG District, and 80m² (861sqft) in all other residential districts. There shall be no maximum floor area regulations on AG-Major and AG-Minor parcels within the AG district.
 - b. Notwithstanding the above, an accessory dwelling unit located entirely within a basement may have a maximum floor area up to the gross floor area of the main floor of the principal dwelling.
 - c. Specifically for accessory dwelling units developed within an accessory building such as a detached garage, the combined floor area shall not exceed the maximum floor area regulations for an accessory building of the applicable district.
 - d. Specifically in determining maximum floor area for accessory dwelling units shared mechanical rooms, stairways and attached garages shall be excluded from the floor area calculations.