

**CITY WIDE – LAND USE BYLAW AMENDMENTS
MISCELLANEOUS
BYLAW 23P2016**

EXECUTIVE SUMMARY

Based on previous feedback received from a variety of stakeholders through open houses and public hearings on the topic of accessory suites Council has directed the Administration to amend the rules in the Land Use Bylaw for Secondary Suites and Backyard Suites.

The proposed amendment would remove specific parcel depth and area requirements, reduce the parcel width to the typical minimum for the district or 9.0 metres, whichever is greater, and increase the allowable floor area for suites to 100.0 square metres. The proposed amendments would not change which districts allow accessory suites.

PREVIOUS COUNCIL DIRECTION

At the 2015 November 23 meeting of Council Councillor Carra moved and Councillor Chabot sponsored Notice of Motion NM2015-29 (APPENDIX III) to amend the rules of the Land Use Bylaw with regard to Secondary Suites and Backyard Suites. Council approved the amended motion as follows:

ADOPT, Moved by Councillor Carra, Seconded by Councillor Chabot, that bullets a) through e) of Councillors Carra and Chabot's Motion NM2015-29 be adopted, as follows:

NOW THEREFORE BE IT RESOLVED that Council direct the Administration to report to the Calgary Planning Commission by no later than Q2 of 2016 with amendments to Land Use Bylaw 1P2007 to:

- a) Delete the rules that require specific parcel dimensions for the R-C1s and R-1s land use districts;
- b) Amend the minimum lot width requirements in the R-C1N, R-C2, R-1N and R-2 land use districts so that the minimum parcel width required for a Secondary Suite or a Backyard Suite is 9.0 metres;
- c) Explore opportunities to reduce or eliminate the minimum parcel width requirements when all the required parking stalls are provided;
- d) Delete the minimum parcel depth and minimum parcel area rules for Secondary Suites and Backyard Suites in all districts in which they appear; and
- e) Where the maximum floor area of a Secondary Suite or Backyard Suite is regulated, increase the allowable floor area to 100.0 square metres.

ADMINISTRATION RECOMMENDATION(S)

2016 March 10

That Calgary Planning Commission recommends **APPROVAL** of the proposed amendments to the Land Use Bylaw 1P2007.

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RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaw 23P2016; and

1. **ADOPT** the proposed amendments to the Land Use Bylaw (1P2007), in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 23P2016.

REASON(S) FOR RECOMMENDATION:

Administration recommends approval of the proposed amendments because they reduce barriers to the approval of legal suites in districts where they are already allowed. Accessory suites will continue to be managed by rules regulating maximum building coverage, building envelope size, parking requirements and amenity space requirements. The proposed amendments would simplify the rules for accessory suites while continuing to regulate for the specific needs and impacts of a suite.

ATTACHMENTS

1. Proposed Bylaw 23P2016
2. Public Submissions

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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed amendments to Land Use Bylaw 1P2007 (APPENDIX II).

Moved by: G.-C. Carra
Absent: G. Morrow

Carried: 7 – 1
Opposed: J. Gondek

Reasons for Approval from Ms. Wade:

- Support secondary suites.
- Consider tandem parking as counting as a stall when you have a garage and a driveway that can accommodate 3 parking stalls. There is a way to manage parking. This is very limiting to intensification.

Reasons for Opposition from Ms. Gondek:

- Until we can get past the notion that parking trumps housing, I have trouble supporting any changes to an existing problematic policy.
- The somewhat arbitrary 100 square metre (or 1,076 square feet) suite size is an issue. This means an 1,100 square foot suite will not pass.
- I feel that making secondary suites permitted in all single dwelling land use areas is key. All other issues can be addressed at the development permit stage. The development permit review will let you monitor parking, size, etc.

2016 March 10

AMENDMENT: Amend proposed amendment “(g)”, subsection “(c)” after “Secondary Suite where” and before “are provided on the parcel.” delete “3.0 or more motor vehicle parking stalls” and insert “the required motor vehicle parking stalls for all uses on the parcel”.

Moved by: M. Wade

WITHDRAWN

AMENDMENT: Amend proposed amendment “(j)”, subsection “(a.2)” after “Secondary Suite where” and before “are provided on the parcel.” delete “3.0 or more motor vehicle parking stalls” and insert “the required motor vehicle parking stalls for all uses on the parcel”.

Moved by: M. Wade

WITHDRAWN

AMENDMENT: Amend proposed amendment “(q)”, subsection “(c)” after “Secondary Suite where” and before “are provided on the parcel.” delete “3.0 or more motor vehicle parking stalls” and insert “the required motor vehicle parking stalls for all uses on the parcel”.

Moved by: M. Wade

WITHDRAWN

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AMENDMENT: Amend proposed amendment “(t)”, subsection “(a.2)” after “Secondary Suite where” and before “are provided on the parcel.” delete “3.0 or more motor vehicle parking stalls” and insert “the required motor vehicle parking stalls for all uses on the parcel”.

Moved by: M. Wade

WITHDRAWN

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DESCRIPTION OF AMENDMENTS

The proposed bylaw would amend the Land Use Bylaw to:

- delete the specific parcel dimension requirements for R-C1Ls, R-C1s and R-C1 parcels;
- delete the minimum parcel depth and minimum parcel area rules specific to backyard suites and secondary suites;
- reduce the minimum parcel width for all accessory suites to 9.0 metres or the district minimum, whichever is greater;
- reduce the minimum parcel width requirement to 7.5 metres in the R-C1N, R-C2, R-1N and R-2 districts when all of the required parking stalls are provided on site; and
- increase the maximum floor area of a secondary suite, where it is currently regulated, from 70 square metres to 100 square metres and from 75 square metres to 100 square metres for backyard suites.

Parcel Depth and Parcel Area

Building coverage and building envelope regulations limit the size and scale of buildings on a parcel generally, whether those buildings contain a primary residence, a suite, a garage, a home office or any other of a number of options. Accessory suites provide a homeowner with several options to adapt the building space allowed on their lot. These options are available in districts that allow suites, but are limited for homeowners with smaller or shallower lots, even when a suite fits within the allowable building envelope and all the parking can be provided.

The attached bylaw proposes to delete the minimum parcel depth and minimum parcel area requirements for accessory suites. The area and depth of a parcel is otherwise regulated for single detached dwellings in all the districts where these deletions are proposed. Removing these rules will result in the standard base parcel dimensions applying to all single detached dwellings, whether or not the parcel also contains an accessory suite.

Parcel Width

Unlike parcel depth and parcel area, the width of a parcel may impact the capacity of the parcel to meet the additional parking requirements for a suite. In all districts that allow parcels narrower than 9.0 metres the parking requirement for a single detached dwelling is generally two stalls and an accessory suite requires one additional. In order to accommodate three parking stalls of adequate width a parcel generally needs to be 9.0 metres wide or wider. There are exceptions where narrower parcels are able to accommodate three parking stalls, such as on corner parcels, on pie lots or on parcels with side laneway access, and in these cases it may be reasonable to allow a suite.

Administration has outlined three different approaches to allow suites on narrower parcels where all the required parking is provided. These are detailed in APPENDIX IV. Of the three options Administration recommends that a rule be adopted that reduces the minimum parcel width requirement to the district minimum of 7.5 metres when all of the required parking stalls are provided on the parcel. This approach would have the least impact on the application process and provides the clearest direction.

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The amendments proposed would reduce the minimum parcel width requirement to 9.0 metres in all districts where lots narrower than 9.0 metres are allowed (R-C1N, R-C2, R-1N and R-2) and would reduce the minimum parcel width to the district minimum of 7.5 metres for applications where all of the required parking stalls are provided on site.

Floor Area

The total building area allowed on a lot is limited by rules that regulate overall building coverage and building envelope. The floor area rules for accessory suites limit the amount of buildable area that is allowed to be considered part of a suite. Increasing the allowable size of secondary suite will not increase the buildable area on a parcel; rather it will allow more of that buildable area to be considered part of a suite. Increasing the maximum floor area of a backyard suite adds an additional 25 square metres of livable space on a parcel, but would not increase overall building coverage.

A suite is required to contain at least two rooms and accommodate space for cooking, living, sleeping and sanitary facilities. Depending where it is located in a building it may also contain a room for mechanical functions, such as a furnace and hot water heater. When a suite is located in the basement of a house it can be difficult and inefficient to differentiate shared or excluded space, such as laundry, mechanical and storage facilities, from the secondary suite. When it is implausible to differentiate these spaces it results in a secondary suite that is measured as occupying a larger floor area than the actual livable space. This results in the need for a relaxation and the potential of a refusal.

The proposed maximum floor area of 100 square metres allows for a suite of a reasonable size and reduces the likelihood that a homeowner will need to consider an inefficient layout to reduce the floor area of the suite relative to the primary residence or the accessory residential building.

APPENDIX I contains a table listing relating each proposed amendment to Council's motion.

INDUSTRY AND COMMUNITY CONSULTATION

No specific consultation was undertaken to respond to this notice of motion. The direction in the motion of Council follows from the feedback that Council has received at multiple public hearings for individual land use applications to accommodate accessory suites and from public hearings for city wide land use bylaw and policy amendments addressing accessory suites.

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APPENDIX I

PROPOSED AMENDMENTS TO LAND USE BYLAW 1P2007

Council Motion	Amending Bylaw Subsections (Appendix II)
a) Delete the rules that require specific parcel dimensions for the R-C1s and R-1s land use districts;	R-C1Ls amended in subsection (c). R-C1s amended in subsections (d), (e) and (f). R-1s amended in subsections (n), (o) and (p).
b) Amend the minimum lot width requirements in the R-C1N, R-C2, R-1N and R-2 land use districts so that the minimum parcel width required for a Secondary Suite or a Backyard Suite is 9.0 metres;	R-C1N amended in subsection (g). R-C2 amended in subsections (j) and (k). R-1N amended in subsection (q). R-2 amended in subsections (t) and (u). R-2M amended in subsection (x).
c) Explore opportunities to reduce or eliminate the minimum parcel width requirements when all the required parking stalls are provided;	R-C1N amended in subsection (g). R-C2 amended in subsection (j). R-1N amended in subsection (q). R-2 amended in subsection (t).
d) Delete the minimum parcel depth and minimum parcel area rules for Secondary Suites and Backyard Suites in all districts in which they appear; and	R-C1N amended in subsections (h) and (i). R-C2 amended in subsections (l) and (m). R-1N amended in subsections (r) and (s). R-2 amended in subsections (v) and (w). R-2M amended in subsections (y) and (z).
e) Where the maximum floor area of a Secondary Suite or Backyard Suite is regulated, increase the allowable floor area to 100.0 square meters.	Secondary Suites amended in subsection (a). Backyard Suites amended in subsection (b).

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APPENDIX II

PROPOSED AMENDMENTS TO LAND USE BYLAW 1P2007

- (a) In subsection 351(2) delete “70.0” and replace it with “100.0”.
- (b) In subsection 352(5) delete “75.0” and replace it with “100.0”.
- (c) Delete subsection 373 in its entirety and replace it with the following:
“373 The minimum *parcel depth* is 22.0 metres.”
- (d) Delete subsection 390 in its entirety and replace it with the following:
“390 The minimum *parcel width* is 12.0 metres.”
- (e) Delete subsection 391 in its entirety and replace it with the following:
“391 The minimum *parcel depth* is 22.0 metres.”
- (f) Delete subsection 392 in its entirety and replace it with the following:
“392 The minimum area of a *parcel* is 330.0 square metres.”
- (g) Delete subsections 409(1)(b) and (c) and replace them with the following:
 - “(b) 9.0 metres for a *parcel* containing a **Backyard Suite** or **Secondary Suite**, unless otherwise referenced in subsection (c);
and
 - (c) 7.5 metres for a *parcel* containing a **Backyard Suite** or **Secondary Suite** where 3.0 or more *motor vehicle parking stalls* are provided on the *parcel*.”
- (h) Delete subsection 410 in its entirety and replace it with the following:
“410 The minimum *parcel depth* is 22.0 metres.”
- (i) Delete subsection 411 in its entirety and replace it with the following:
“411 The minimum area of a *parcel* is 233.0 square metres.”
- (j) Delete subsection 429(a.1) and replace it with the following:
 - “(a.1) 9.0 metres for a *parcel* containing a **Backyard Suite** or **Secondary Suite**, unless otherwise referenced in subsection a.2;
 - (a.2) 7.5 metres for a *parcel* containing a **Backyard Suite** or **Secondary Suite** where 3.0 or more *motor vehicle parking stalls* are provided on the *parcel*.”

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stalls are provided on the *parcel*.”

- (k) Add “and” at the end of subsection 429(b) and delete subsection 429(c) in its entirety.
- (l) Delete subsection 430 in its entirety and replace it with the following:
“**430** The minimum *parcel depth* is 22.0 metres.”
- (m) Add “and” at the end of subsection 431(b) and delete subsection 431(c) in its entirety.
- (n) Delete subsection 450 in its entirety and replace it with the following:
“**450** The minimum *parcel width* is 10.0 metres.”
- (o) Delete subsection 451 in its entirety and replace it with the following:
“**451** The minimum *parcel depth* is 22.0 metres.”
- (p) Delete subsection 452 in its entirety and replace it with the following:
“**452** The minimum area of a *parcel* is 330.0 square metres.”
- (q) Delete subsections 464(1)(b) and (c) and replace them with the following:
 - “(b) 9.0 metres for a *parcel* containing a **Backyard Suite** or **Secondary Suite**, unless otherwise referenced in subsection (c); and
 - (c) 7.5 metres for a *parcel* containing a **Backyard Suite** or **Secondary Suite** where 3.0 or more *motor vehicle parking stalls* are provided on the *parcel*.”
- (r) Delete subsection 465 in its entirety and replace it with the following:
“**465** The minimum *parcel depth* is 22.0 metres.”
- (s) Delete subsection 466 in its entirety and replace it with the following:
“**466** The minimum area of a *parcel* is 233.0 square metres.”
- (t) Delete subsection 479(a.1) and replace it with the following:
 - “(a.1) 9.0 metres for a *parcel* containing a **Backyard Suite** or **Secondary Suite**, unless otherwise referenced in subsection a.2;
 - (a.2) 7.5 metres for a *parcel* containing a **Backyard Suite** or **Secondary Suite** where 3.0 or more *motor vehicle parking stalls* are provided on the *parcel*.”

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stalls are provided on the *parcel*.”

- (u) Add “and” at the end of subsection 479(b) and delete subsection 479(c) in its entirety.
- (v) Delete subsection 480 in its entirety and replace it with the following:
“**480** The minimum *parcel depth* is 22.0 metres.”
- (w) Add “and” at the end of subsection 481(b) and delete subsection 481(c) in its entirety.
- (x) Delete subsection 494(c) in its entirety.
- (y) Delete subsection 495 in its entirety and replace it with the following:
“**495** The minimum *parcel depth* is 22.0 metres.”
- (z) Delete subsection 496(c) in its entirety.

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APPENDIX III

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NM2015-29

RECEIVED

2015 NOV -5 AM 9: 28

THE CITY OF CALGARY
CITY CLERK'S

NOTICE OF MOTION

CC 661 (R2009-06)

NM2015 November 4

RE: RULES FOR SECONDARY SUITES AND BACKYARD SUITES

COUNCILLORS GIAN-CARLO CARRA AND ANDRE CHABOT

WHEREAS accessory suites (secondary suites and backyard suites) provide a market-led solution to increasing rental supply and improving rental affordability and homeowner affordability;

AND WHEREAS existing rules for parcel dimensions for accessory suites are a barrier to the creation of a legally conforming suite;

AND WHEREAS existing rules limiting the floor area of accessory suites are a barrier to the creation of a legally conforming suite;

AND WHEREAS Land Use Bylaw 1P2007 currently regulates parking and amenity space requirements for accessory suites in addition to parcel dimensions;

AND WHEREAS the size of the building envelope for a secondary suite or backyard suite is already regulated by Land Use Bylaw 1P2007 through building coverage, building setback and building height requirements;

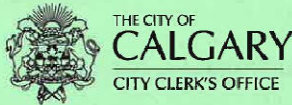
AND WHEREAS public feedback at multiple Public Hearings of Council have clearly identified existing rules that regulate parcel dimensions and floor area as barriers to creating legally conforming suites;

NOW THEREFORE BE IT RESOLVED that Council direct the Administration to report to the Calgary Planning Commission by no later than Q2 of 2016 with amendments to Land Use Bylaw 1P2007 to:

- a) delete the rules that require specific parcel dimensions for the R-C1Ls, R-C1s and R-1s land use districts;

Signature of Member(s) of Council

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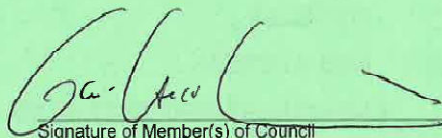



NM _____

NOTICE OF MOTION

CC 661 (R2009-05)

- b) amend the minimum lot width requirements in the R-C1N, R-C2, R-1N and R-2 land use districts so that the minimum parcel width required for a Secondary Suite or a Backyard Suite is 9.0 metres;
- c) explore opportunities to reduce or eliminate the minimum parcel width requirements when all the required parking stalls are provided;
- d) delete the minimum parcel depth and minimum parcel area rules for Secondary Suites and Backyard Suites in all districts in which they appear;
- e) where the maximum floor area of a Secondary Suite or Backyard Suite is regulated, increase the allowable floor area to 100.0 square meters; and
- f) remove the maximum floor area requirements for a Secondary Suite that is entirely contained within a basement.


Signature of Member(s) of Council



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APPENDIX IV

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Parcel Width Options for Suites

Option 1: BUSINESS AS USUAL 9.0 metre minimum parcel width		Option 2: REDUCED PARCEL WIDTH Reduce parcel width requirement to the district minimum where all the required parking is provided on site		Option 3: RELAXATION RULE In the land use bylaw, support relaxations of the minimum parcel width where all the required parking is provided on site	
Benefits	Risks	Benefits	Risks	Benefits	Risks
The development authority is already empowered to relax this rule	It is not clear or certain that a relaxation will be granted or refused	Clear and certain direction regarding parcel width	Always reduces the minimum parcel width for a secondary suite when the required parking stalls are provided	The development authority may choose not to allow the relaxation, but it is not clear when they would	May be perceived to limit the development authority's discretion to consider relaxations for other reasons or on other rules
	A Secondary Suite would require a development permit for a relaxation	Because the rule is specific a Secondary Suite would not need a development permit			It is not clear or certain whether a relaxation will be granted or refused
		No confusion about relaxations			A Secondary Suite would require a development permit for a relaxation

ANALYSIS

Recommended Option

Option 2 is the best option to provide clear direction to reduce the parcel width where the required parking is provided because the rule is specific, it provides a clear outcome and would not change the application process.

Not Recommended

Option 1 is the best option if you are unsure about the parcel width reduction. It would allow a relaxation in accordance with the general rules of the Land Use Bylaw. This approach would likely result in fewer parcel width relaxations, however the process is understood and would not result in confusion regarding relaxations of other rules.

Option 3 is not recommended because the Development Authority would generally interpret this to mean that where the required parking is provided the parcel width should be reduced—similar to the result of option 2—but with the downside that the application would require a development permit and the rule would create confusion around relaxations generally.

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APPENDIX V

SUMMARY TABLE FOR LAND USE BYLAW AMENDMENTS

Table 1: The outcomes of recommended amendments to the Land Use Bylaw requirements for accessory suites in low density residential districts. Where the amendments alter an existing rule the number is shown in red.

Proposed Land Use Bylaw Amendments for Accessory Suites												
		permitted	discretionary	suites not listed	minimum parcel width (m)		minimum parcel depth (m)		minimum parcel area (m ²)		suite - maximum floor area (m ²)	
					before	after	before	after	before	after	before	after
R-C1L	single detached			X	24.0	24.0	22.0	22.0	1100.0	1100.0		
R-C1Ls	single detached				24.0	24.0	30.0	22.0	1100.0	1100.0		
	w secondary suite	X			24.0	24.0	30.0	22.0	1100.0	1100.0	70.0	100.0
	w backyard suite		X		24.0	24.0	30.0	22.0	1100.0	1100.0	75.0	100.0
R-C1	single detached			X	12.0	12.0	22.0	22.0	330.0	330.0		
R-C1s	single detached				15.0	12.0	30.0	22.0	400.0	330.0		
	w secondary suite	X			15.0	12.0	30.0	22.0	400.0	330.0	70.0	100.0
	w backyard suite		X		15.0	12.0	30.0	22.0	400.0	330.0	75.0	100.0
R-C1N	single detached				7.5	7.5	22.0	22.0	233.0	233.0		
	w secondary suite		X		9.0	9.0	22.0	22.0	233.0	233.0	70.0	100.0
	w backyard suite		X		13.0	9.0	30.0	22.0	400.0	233.0	75.0	100.0
R-C2	single detached				7.5	7.5	22.0	22.0	233.0	233.0		
	w secondary suite	X			9.0	9.0	22.0	22.0	233.0	233.0	70.0*	100.0*
	w backyard suite		X		13.0	9.0	30.0	22.0	400.0	233.0	75.0	100.0
R-1	single detached			X	10.0	10.0	22.0	22.0	330.0	330.0		
R-1s	single detached				10.0	10.0	30.0	22.0	330.0	330.0		
	w secondary suite	X			11.0	10.0	30.0	22.0	330.0	330.0	70.0	100.0
	w backyard suite		X		11.0	10.0	30.0	22.0	330.0	330.0	75.0	100.0
R-1N	single detached				7.5	7.5	22.0	22.0	233.0	233.0		
	w secondary suite		X		9.0	9.0	22.0	22.0	233.0	233.0	70.0	100.0
	w backyard suite		X		13.0	9.0	30.0	22.0	400.0	233.0	75.0	100.0
R-2	single detached				7.5	7.5	22.0	22.0	330.0	330.0		
	w secondary suite	X			9.0	9.0	22.0	22.0	330.0	330.0	70.0*	100.0*
	w backyard suite		X		13.0	9.0	30.0	22.0	400.0	330.0	75.0	100.0
R-2M	single detached				10.0	10.0	22.0	22.0	330.0	330.0		
	w secondary suite	X			10.0	10.0	22.0	22.0	330.0	330.0	70.0*	100.0*
	w backyard suite		X		13.0	10.0	30.0	22.0	400.0	330.0	75.0	100.0
R-CG	rowhouse, single, semi				4.2		n/a		133.3			
	w secondary suite	X			4.2		n/a		133.3		70.0*	100.0*
	w backyard suite		X		4.2		n/a		133.3		75.0	100.0

*applies to parcels that are less than 13.0 metres wide