

AGENDA

REGULAR MEETING OF THE DEVELOPMENT AUTHORITY OF THE TOWN OF TABER, TO BE HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, ON APRIL 2, 2020 AT 1:00 PM.

		MOTION
1. CALL TO ORE	DER	
ITEM No.1.1	CALL TO ORDER	X
2. ADOPTION O	F THE AGENDA	
ITEM No.2.1	ADOPTION OF THE AGENDA	X
5. ACTION ITEM	s	
ITEM No.5.1	DP 20-016 -29 Sage Brush Avenue Semi-detached Dwelling with Secondary Suite	X
ITEM No.5.2	DP 20-015 - 25 Sage Brush Semi-detached Dwelling with Secondary Suite	, X
10. CLOSE OF M	IEETING	
ITEM No.10.1	CLOSE OF MEETING	X



Development Authority Request for Decision

Meeting Date: April 2, 2020

Subject:

DP 20-016 - 29 Sage Brush Avenue Semi-detached Dwelling with Secondary Suite

Recommendation:

That the Municipal Planning Commission approves Development Permit DP 20-016 for a Semidetached Dwelling with a Secondary Suite (basement) to be located at 29 Sage Brush Avenue, Lot 8, Block 4, Plan 1711317 with the following conditions:

- 1. The site is developed as per the attached site plan,
- 2. A Secondary Suite has been approved for development as per the attached site plan,
- 3. A variance has been granted reducing the minimum site width for a Secondary Suite from 11.0 metres to 7.59 metres,
- 4. A variance has been granted increasing the maximum floor area for a Secondary Suite from 70 metres squared to 89.65 metres squared,
- 5. The development conforms to all requirements of the Residential Single and Two Dwelling District (R-2), unless otherwise noted in this permit,
- 6. The applicant must obtain a Building Permit to ensure the development complies with the Alberta Fire Code and Alberta Building Code. It shall be the responsibility of the applicant to obtain the necessary Building, Plumbing, Electrical, and Gas permits,
- 7. New Home Warranty documentation must be supplied prior to the issuance of the Building Permit.
- 8. The applicant must ensure that the contractor commissioned for the construction has a valid Business License for the Town of Taber,
- 9. A lot drainage (grade) plan illustrating water will not accumulate at or near the buildings (positive drainage), nor accumulate on the lot, and will not adversely affect adjacent properties shall be produced by a qualified professional and supplied to the Town of Taber prior to the Building Permit being issued. In addition, the foundation must be staked by a qualified professional,
- 10. The architectural controls and vertical grade points must be approved by the developer,





- 11. During construction, the site shall be maintained in a neat and orderly manner so as to ensure that neighbours are not directly impacted by construction activity. This includes parking of construction vehicles and storage of construction materials, debris, and topsoil. Any damage to neighbours' property, including fences, driveways, or landscaping that occurs due to this construction shall be repaired. Erosion shall be controlled so that soil and dust is not conveyed off site. Standing water on the site shall also be controlled by the applicant. (Non-compliance of these items are subject to fines as indicated under Bylaw 4-2008),
- 12. The water curb stop shall be set at finished grade elevation to ensure accessibility by Public Services prior to installation of water metre and access to Town water. Public Services shall determine if water curb stop is acceptable and so advise the Town office prior to occupancy of the dwelling. As per Bylaw 1-2010 5.29, temporary water service for a maximum of 60 days must be arranged through the Town Office,
- 13. In accordance with policy 68C08/21/00, a \$2500.00 damage deposit shall be forwarded to the Town office (Planning Department) prior to construction. Any damages to public streets, sidewalks, or services as a result of construction of this dwelling shall be restored to Town standards at the applicant's expense prior to issuance of an occupancy permit,
- 14. Prior to occupancy, the shallow utilities, curb and gutter must be installed to the satisfaction of the Development Authority,
- 15. Prior to occupancy, the applicant will provide an Updated Real Property Report to the Town of Taber.

Background:

Town Administration has received a development permit application for a semi-detached dwelling with a secondary suite to be located at 29 Sage Brush Avenue. The application has been brought to the Municipal Planning Commission to review the following items:

- 1. Secondary Suite: Secondary suites are a discretionary use within the R-2 District, and as such they must be reviewed by the Municipal Planning Commission.
- 2. Site width variance: The minimum site width for a secondary suite is 11.0 metres. The applicant is requesting a variance of 3.41 metres to a 7.59 metre minimum site width.
- 3. Secondary suite floor area: The maximum floor area for a secondary suite is 70.0 square metres. The applicant has requested a variance of 19.65 square metres to a 89.65 square metre floor area maximum.

There are currently three other pairs of semi-detached dwellings with secondary suites in the area. Unlike these other 3 locations, this proposed project is not requesting a parking variance, and each lot will accommodate all 3 required stalls on-site.





Below is relevant information for 3 similar, nearby projects that were approved in 2018:

Address	Lot Width (m)	Secondary Suite Floor Areas (m2)	Parking Variance?
17 & 21 Sage Brush Avenue	7.65	89.65	Yes
74 & 78 Sage Brush Avenue	7.30 and 8.84	75.22	Yes
58 & 62 Prairie Gold Street	11.00	70.00	Yes

Legislation / Authority:

Subdivision Authority, Development Authority, and Municipal Planning Commission Bylaw 10-2018 Section 1(8)(c) The Municipal Planning Commission shall be the Development Authority for Development Permit Applications for Permitted Uses which require a variance in excess of Ten Percent (10%) of a measurable standard established in the Land Use bylaw or any other variance for which the Municipal Planning Commission is specifically authorized to provide in the Land Use Bylaw.

Strategic Plan Alignment:

Develop Community and Promote Growth #2: Review Town policies and regulations that pertain to development.

Financial Implication:

The applicant is required to pay all appropriate application fees, including a \$500.00 Special Municipal Planning Commission meeting fee.

Service Level / Staff Resource Implication:

Administrations time was required for the review of this application.

Justification:

Approval of this application and variances would be in line with other nearby developments, while not unduly interfering with the surrounding neighbourhood. Additionally, by including all required parking, this proposal ensures that it has minimal impacts on parking, which alleviates one of the main stresses that secondary suites can have on a neighbourhood.

Alternative(s):

Alternative #1: That the Municipal Planning Commission approves the secondary suite, along with the associated site width and suite floor area variances for DP 20-016 located at 29 Sage Brush Avenue, Lot 8, Block 4, Plan 1711317, with amended conditions.

Alternative #2: That the Municipal Planning Commission does not approve the secondary suite, along with the associated site width and suite floor area variances for DP 20-016 located at 29 Sage Brush Avenue, Lot 8, Block 4, Plan 1711317, with reasons.





Attachment(s):

Site Plan

Application

Building Plans

Location

Location of Nearby Suites

LUB Excerpt - Secondray Suites

APPROVALS:

Originated By: Rob Janzen

Chief Administrative Officer (CAO) or Designate:

Lot Grading and Plot Plan

LOT 7&8 BLOCK 4 PLAN 1711317 25 & 29 SAGE BRUSH AVE, TABER

N

NOTES:

Top of foundation walls shall extend not less than 0.15m above finished ground level. (0.2m recommended)

Offset dimensions from property lines are shown to house foundation only. Please refer to house plans which may show additional fascia inside required setbacks.

Contractor to confirm Sanitary Sewer Invert in field at time of excavation.

Contractor to use extreme caution to ensure footings are bearing on suitable soil. If not, the depth of concrete footings should be increased and a geotechnical engineer should inspect prior to placing concrete.

Elevations shown on Lot Lines are as per Lot Grading Plan Dimensions and are in meters and decimals thereof.

Sanitary Sewer Invert Lot 5 = 807.73 Sanitary Sewer Invert Lot 6 = 807.73 Top of Footing = 809.079

Top of 5' Foundation Mall = 810.603 Top of 6' Foundation Mall = 810.908

Main Floor Elevation = 811,556

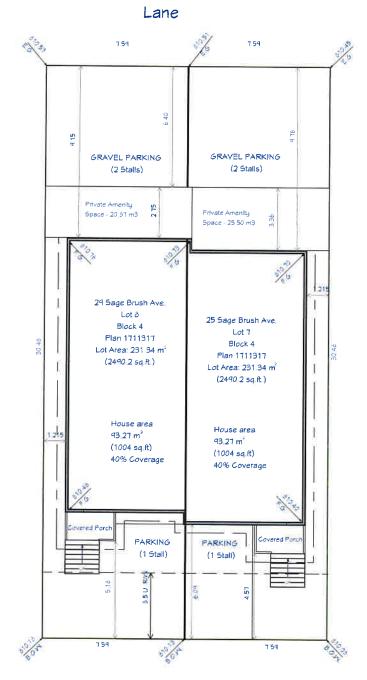
Bsmt. Slab Elevation = 809.181

Eave = 0.46m

LEGEND

E.G. ----- Existing Grade F.G. ----- Finished Grade

B.O.M. ----- Back of Walk



Sage Brush Avenue

Application for Residential Development Planning and Economic Development A-4900 50th St. Taber, Alberta T16 1T1

DP 20-016 Diamond Permit #:

Phone:403-223-6009 Fax: 403-223-5530

TABER

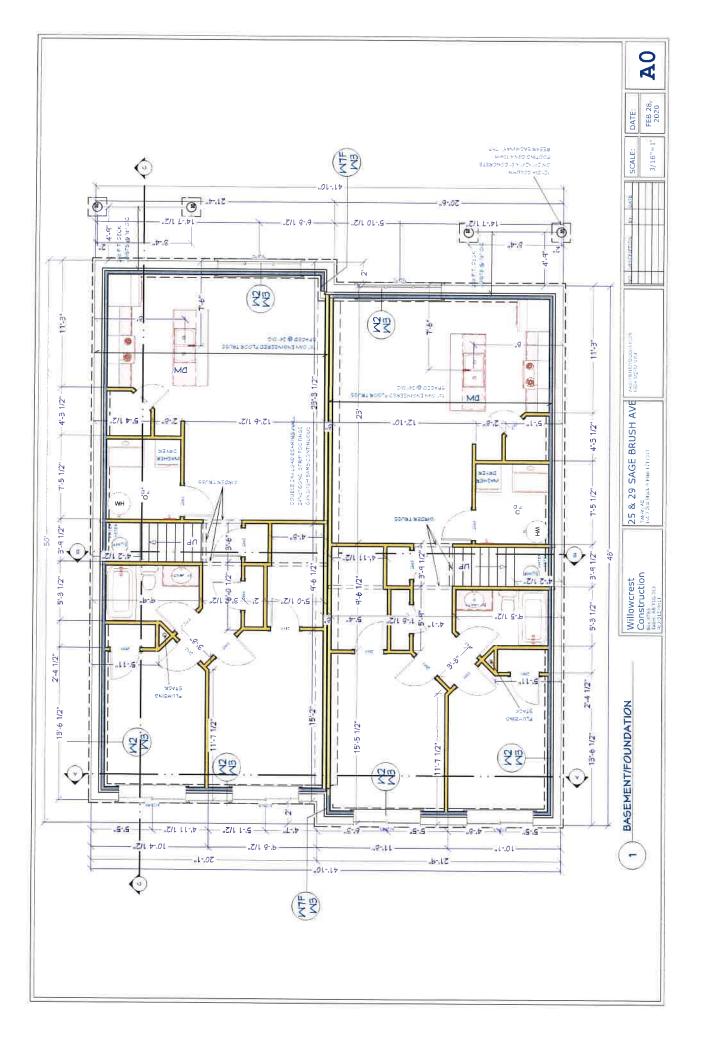
Office Use Only						
Use: ☐Permitted ☐Di	scretionary Prohibited	Land Use District:	Roll No:			
Development Permit No:	DP Fee: \$	Off-Site Levy: \$	Security Deposit: \$			
Building Permit No:	BP Fee: \$ (Minimum \$100,00)	SCC Levy: \$ (minimum \$4.50)	Total Fees; \$			
Application Received:	Date Advertised:	Permit Effective:				

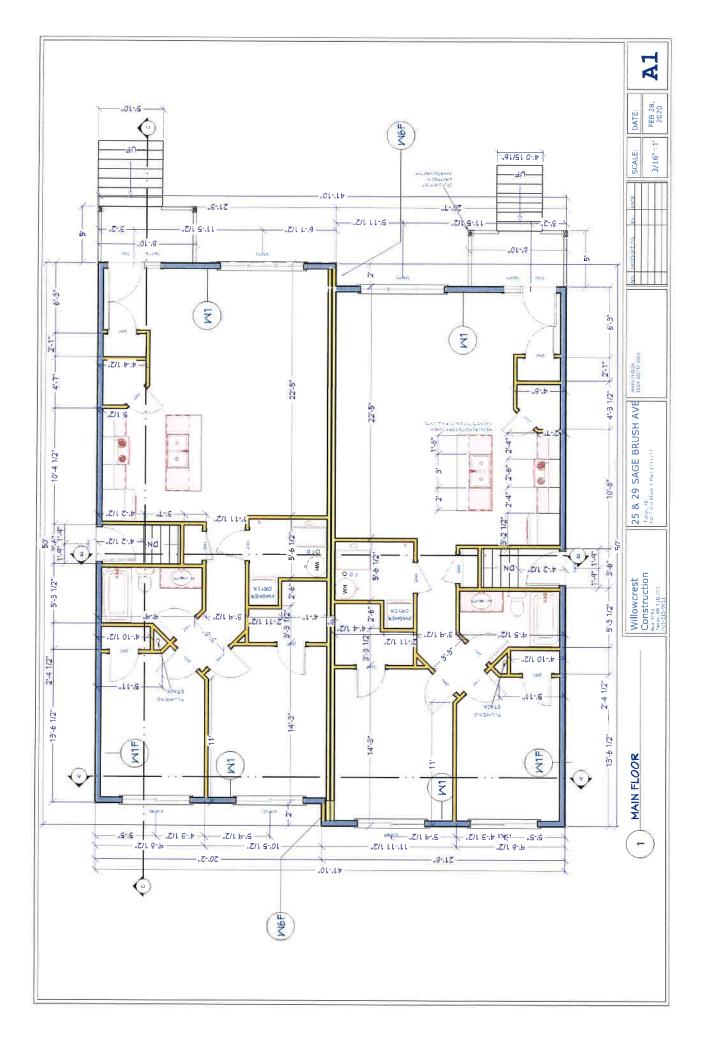
Development Permit - ensures	the use sethacks and size of	f your project o	comply with the Land	Lloo Bulous			
Building Permit - ensures that y	our project is completed safe	ly and is a roo	virgnest of the Sofot	ty Codon Act			
Building Permit – ensures that your project is completed safely and is a requirement of the Safety Codes Act. It is recommended you review Land Use Bylaw requirements prior to submitting an application.							
Electrical, gas, and plumbing p	ermits can be obtained thro	nus prior to su	ibimitang an appinca - Safata Cadaa (403	1810M. 220 0724\			
If you are buying a garage pack	cage please include those	documente	Salety Codes (403	-320-0734).			
During construction it is your r			notos for required i				
After the building inspector has	E reviewed and approved w	our plans you	con bodin constru	nspections.			
At the completion of the project							
has been constructed in the co		date your Ke	ai Pioperty Report (to verify the project			
Please attach the following:	arcot locatori,						
Site Plan (3 copies)	☐ New Home	Warranty Doc	umentation (if applica	able)			
Building Plan (3 copies)	_	eposit (if applic					
Elevation/ Drainage/ plot Plan (ontrols Approv					
I / We hereby make application u				pment Permit in			
accordance with the plans and su							
Municipal Address:	29 Sage Brush Ave						
Legal Description of property to be developed:	Lot (Parcel):	Block: 4		Pter: 1711317			
	Name: Willowcrest Constru	ction	Email: build@willow	crest.ca			
	Name: Willowcrest Constru Address: Box 4783	ction	mollinampling				
	VVIIIowcrest Constru	ction	Email: build@willow				
Applicant:	Address: Box 4783 Town: Taber Phone Res:	ction	mollinampling	1			
	Address: Box 4783 Town: Taber	ction	Postal Code: T1G2E	1			
	Address: Box 4783 Town: Taber Phone Res: Business Licenses*: WILL001 Interest in the proposed dev	relopment, if no	Phone Cell: 403-315	1 -9811			
	Address: Box 4783 Town: Taber Phone Res: Business Licenses:: WILL001 Interest in the proposed dev	relopment, if no	Postel Code: T1G2E' Phone Cell: 403-315 of the registered own	1 -9811			
	Address: Box 4783 Town: Taber Phone Res: Business Licenses*: WILL001 Interest in the proposed dev Agent Contractor Name: Point Inc	relopment, if no □ Tenant	Phone Cell: 403-315	1 -9811			
Applicant: Registered Owner:	Address: Box 4783 Town: Taber Phone Res: Business License#: WILL001 Interest in the proposed dev Agent Contractor Name: Contractor Address: #300 515	relopment, if no □ Tenant	Postal Code: T1G2E- Phone Cell: 403-315. of the registered own Other explain: Emeal:	1 -9811			
Applicant:	Address: Box 4783 Town: Taber Phone Res: Business Licenson: WILLOO1 Interest in the proposed development Contractor Name: Point Inc. Address: #300 515 Town: Lethbridge	relopment, if no □ Tenant	Postel Code: T1G2E' Phone Cell: 403-315 of the registered own Other explain: Email:	1 -9811			
Applicant: Registered Owner: (if different from applicant)	Address: Box 4783 Town: Taber Phone Res: Business Licenses*: WILL001 Interest in the proposed dev Agent Contractor Name: Contractor Address: #300 515 Town: Lethbridge Phone Res:	relopment, if no □ Tenant	Postal Code: T1G2E- Phone Cell: 403-315. of the registered own Other explain: Emeal:	1 -9811			
Applicant: Registered Owner:	Address: Box 4783 Town: Taber Phone Res: Business Licenses*: WILL001 Interest in the proposed dev Agent Contractor Name: Contractor Address: #300 515 Town: Lethbridge Phone Res:	relopment, if no □ Tenant	Postal Code: T1G2E- Phone Cell: 403-315 of the registered own Other explain: Email: S Postal Code: T1J	1 -9811			
Applicant: Registered Owner: (if different from applicant) Type of Development Proposed New Construction	Address: Box 4783 Town: Taber Phone Res: Business Licenses*: WILL001 Interest in the proposed dev Agent Contractor Name: Contractor Address: #300 515 Town: Lethbridge Phone Res:	relopment, if no □ Tenant	Postal Code: T1G2E- Phone Cell: 403-315 of the registered own Other explain: Email: S Postal Code: T1J	1 -9811 er: 248 -95-8484			
Applicant: Registered Owner: (if different from applicant) Type of Development Proposed	Address: Box 4783 Town: Taber Phone Res: Business License#: WILL001 Interest in the proposed dev	relopment, if no □ Tenant	Postal Code: T1G2E- Phone Cell: 403-315 ot the registered own Other explain: Email: S Postal Code-T15 Phone Cell: 403 - 7	1-9811 er: 268 -95-8484			

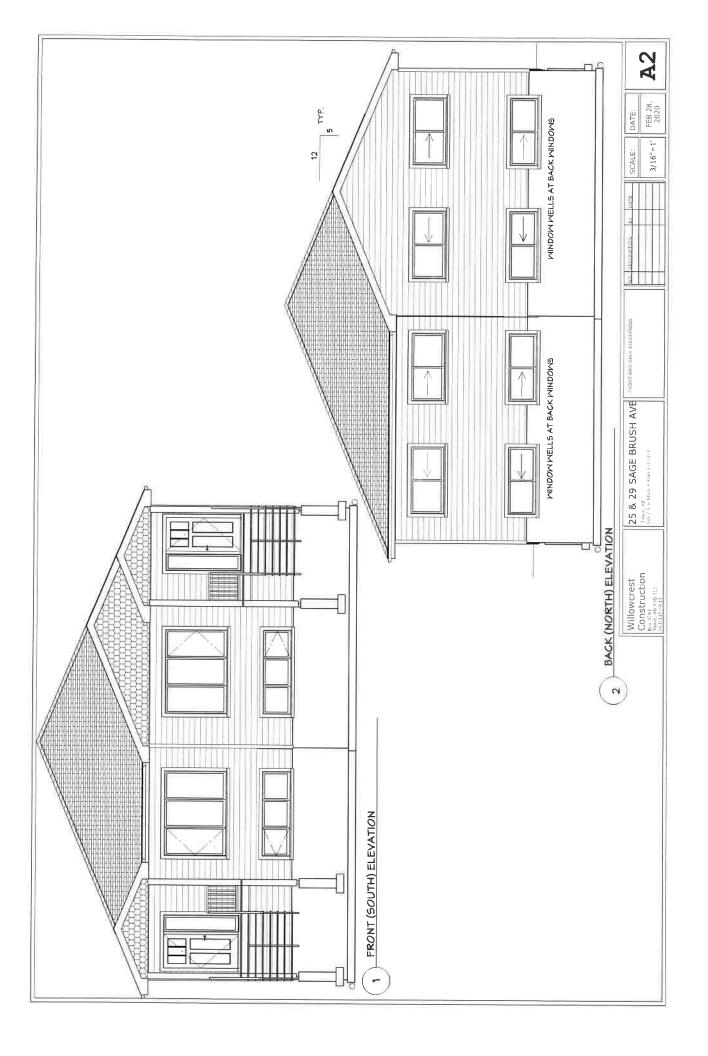
The personal information requested on this form is being collected for a development permit and is protected by the Freedom of Information and Protection of Privacy (FOIP) Act. If you have questions about the collection, contact our FOIP Coordinator at (403) 223-5500.

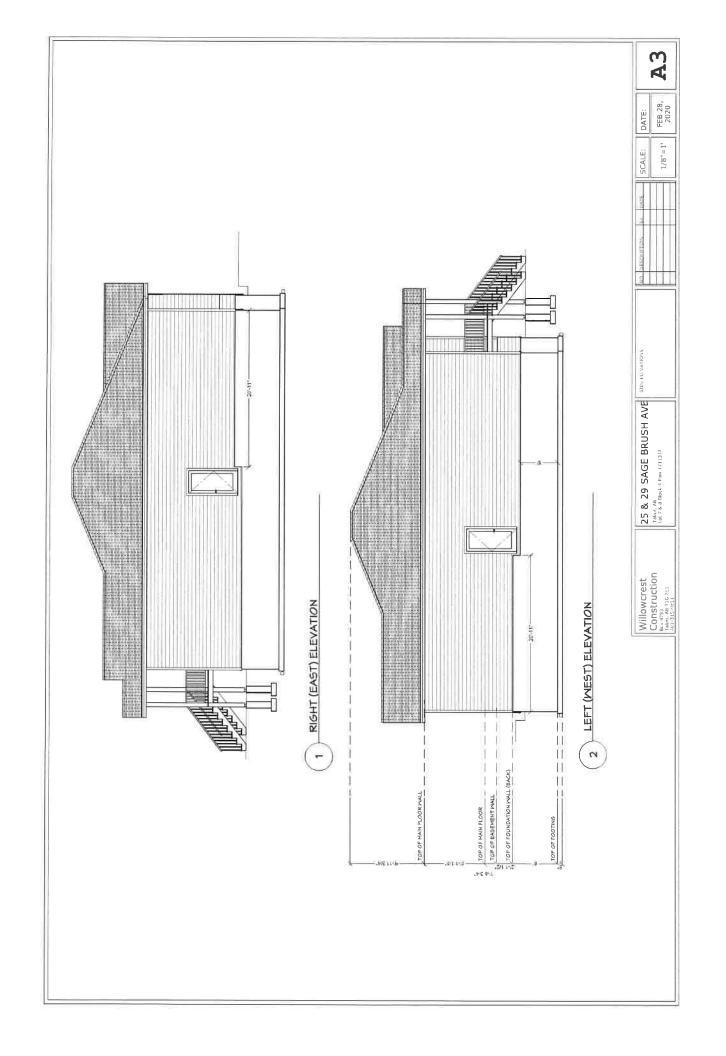
				D 45 -		Area:		
Lot Dimensions	7.59 m3		Depth: 30.48 m3		2490.2 m3			
Lot Coverage	By proposed build (%): 40%		Total site coverage (%): 40%		Landscaped open space (%): 60%		sce (%):	
Proposed setback from property lines:	Front: 3.	66m	Side 1:	0m	3ide 2: 1.215	im	Rear: 10.6	87m
	Number o	1						
Additional Information:	Numbero	Off Street Parking	3 Spaces	2				
	Driveway	7.59m						
Adjacent to Highway:	□ Ye		limated Develop	Cost of ment:	\$200,000)		
If development is tempora state for what period: Existing Use of Site: List existing buildings, structures and use(s) of the land and whether any are to removed or relocated. Proposed Use of Site:	<u>Va(</u>	ant Lo	and	duplex	with s	econ	dany	
Describe in detail - attach additional information if	7	rite in	h	basem	ent			
necessary.								
necessary. <u>Services:</u> Water Supply	Other (Si	pecify):		piped water sy		ng Pi	roposed	N/A
Services:	Other (Si	pecify): ly owned & ope		piped water sy anitary sewer s	stem 🖪	ng P		

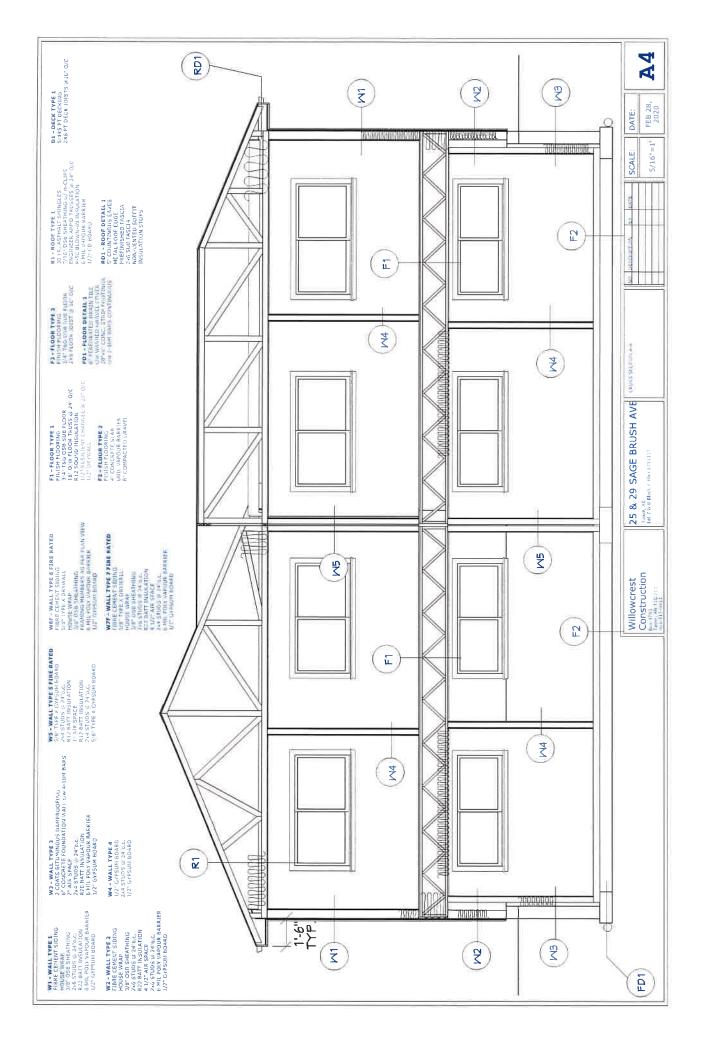
Signed: Fount Eliy	Date: March 11/2020
Signed: Registered Owner (if different than applicant)	Date: MARCH 1/2020
Signed: Will Discovered Officer	Date: Much 18/2020

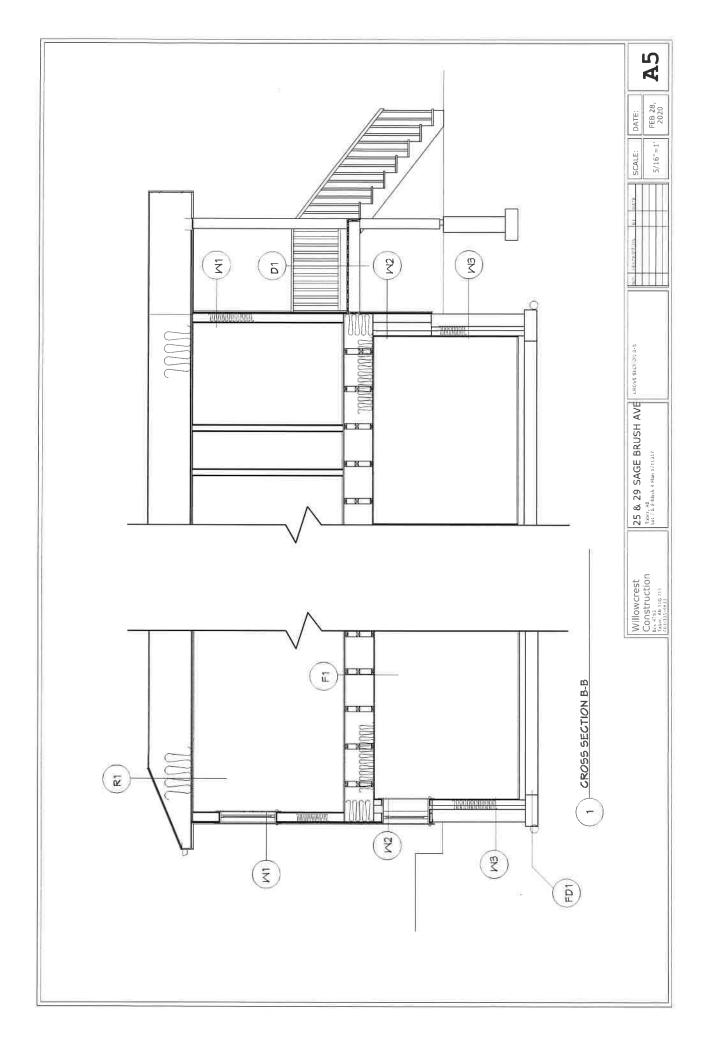


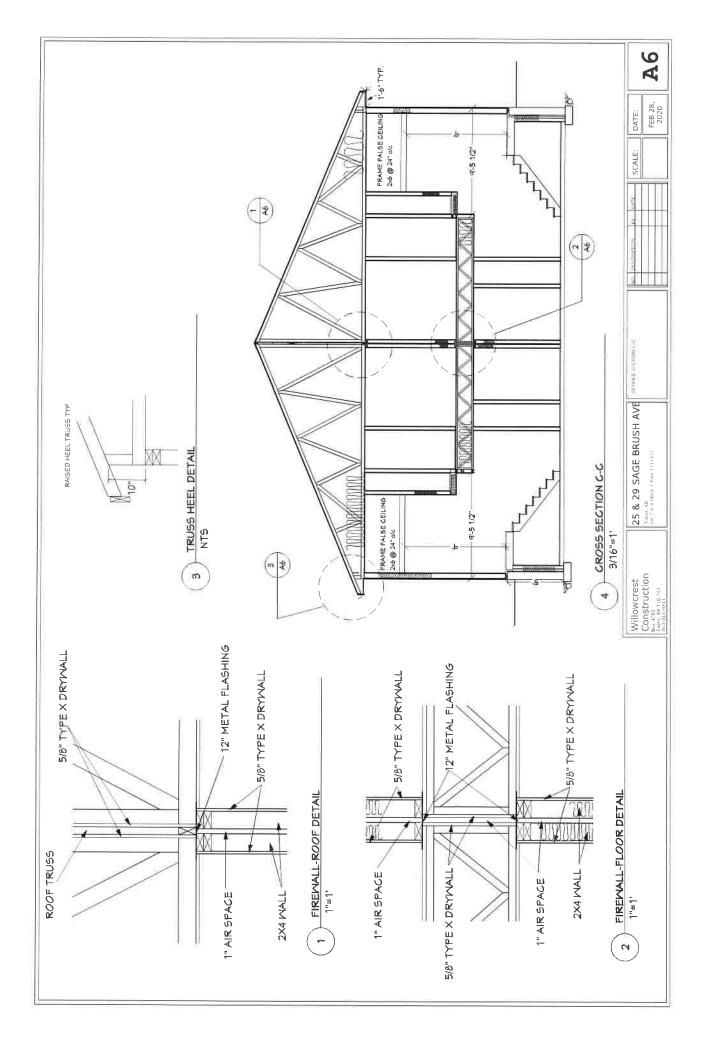
















3.7 SECONDARY SUITES AND BACKYARD SUITES

3.7.1 Secondary Suites and Backyard Suites (which includes Garage Suites)

- (1) The minimum parcel width for a parcel containing a Secondary Suite or a Backyard Suite is 11.0 metres.
- (2) The minimum parcel area for a parcel containing a Backyard Suite is 330.0 metres.
- (3) There must not be more than one Secondary Suite or Backyard Suite located on a parcel.
- (4) A Secondary Suite and a Backyard Suite must not be located on the same parcel.
- (5) For a Backyard Suite, the maximum building height is 7.5 metres.
- (6) For a Secondary Suite, the minimum building setback from a property line must be equal to or greater than the minimum building setback from a property line for the main residential building.
- (7) For a Backyard Suite,
 - (a) the minimum building setback from a rear property line is,
 - (i) 1.5 metres for any portion of the building used as a backyard suite;
 - (ii) 0.6 metres for any portion of the building used as a private garage;
 - (b) The minimum building setback from a side property line is 1.2 metres for any portion of the building used as a Backyard Suite.
 - (c) A minimum separation of 3.0 metres is required between the closest façade of a Backyard Suite.
- (8) The maximum floor area of a Backyard Suite, excluding any areas covered by stairways and landings, is 75.0 square metres;
- (9) The maximum floor area of a Secondary Suite is 70.0 square metres.

Amenity Space Rules

- (1) A Backyard Suite or a Secondary Suite shall have a private amenity space that:
 - (a) is located outdoors; and
 - (b) has a minimum area of 7.5 square metres with no dimension less than 1.5 metres.



Development Authority Request for Decision

Meeting Date: April 2, 2020

Subject:

DP 20-015 - 25 Sage Brush Semi-detached Dwelling with Secondary Suite

Recommendation:

That the Municipal Planning Commission approves Development Permit DP 20-015 for a Semidetached Dwelling with a Secondary Suite (basement) to be located at 25 Sage Brush Avenue, Lot 7, Block 4, Plan 1711317 with the following conditions:

- 1. The site is developed as per the attached site plan,
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- 3. A variance has been granted reducing the minimum site width for a Secondary Suite from 11.0 metres to 7.59 metres.
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- 9. A lot drainage (grade) plan illustrating water will not accumulate at or near the buildings (positive drainage), nor accumulate on the lot, and will not adversely affect adjacent properties shall be produced by a qualified professional and supplied to the Town of Taber prior to the Building Permit being issued. In addition, the foundation must be staked by a qualified professional,
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- 1. Secondary Suite: Secondary suites are a discretionary use within the R-2 District, and as such they must be reviewed by the Municipal Planning Commission.
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Legislation / Authority:

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Financial Implication:

The applicant is required to pay all appropriate application fees, including a \$500.00 Special Municipal Planning Commission meeting fee.

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Administrations time was required for the review of this application.

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Alternative(s):

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Alternative #2: That the Municipal Planning Commission does not approve the secondary suite, along with the associated site width and suite floor area variances for DP 20-015 located at 25 Sage Brush Avenue, Lot 7, Block 4, Plan 1711317, with reasons.





Attachment(s):

Site Plan

Application

Building Plans

Location

Location of Nearby Suites

LUB Excerpt - Secondary Suites

APPROVALS:

Originated By: Rob Janzen

Chief Administrative Officer (CAO) or Designate:

Lot Grading and Plot Plan

LOT 7&8 BLOCK 4 PLAN 1711317 25 & 29 SAGE BRUSH AVE, TABER

Lane

N

NOTES:

Top of foundation walls shall extend not less than 0.15m above finished ground level. (0.2m recommended)

Offset dimensions from property lines are shown to house foundation only. Please refer to house plans which may show additional fascia inside required setbacks.

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Bsmt. Slab Elevation = 809.181

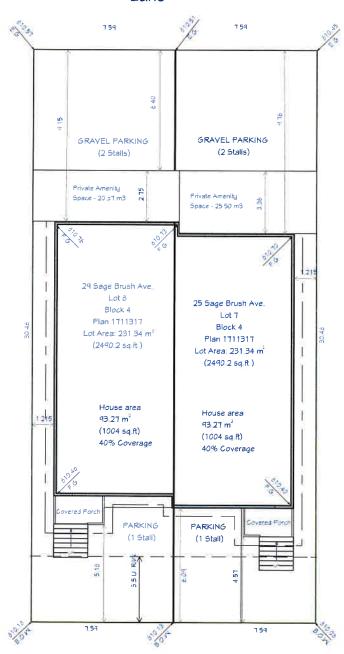
Eave = 0.46m

LEGEND

E.G. ----- Existing Grade

F.G. ----- Finished Grade

B.O.M. ----- Back of Malk



Sage Brush Avenue

Application for Residential Development Planning and Economic Development A-4900 50th St.

DP 20-015 Diamond Permit #:

☐ Moved in Building

Taber, Alberta T1G 1T1 Phone:403-223-6009 Fax: 403-223-5530

Office Use Only

TABER

■ New Construction

Discretionary Use

□ Addition

Discreti	onary 🗆 Prohibited	Land Use District:	Roll No:		
Development Permit No:	DP Fee: \$	Off-Site Levy: \$	Security D	eposit: \$	
Bullding Permit No:	BP Fee: \$	SCC Levy: \$	Total Fees	E.\$	
	(Minimum \$100.00)	(minimum \$4,50)			
Application Received:	Date Advertised:	Permit Effective:			
evelopment Permit – ensures that uliding Permit – ensures that is recommended you review lectrical, gas, and plumbing you are buying a garage pauring construction it is your fter the building inspector hat the completion of the projects been constructed in the completion of the projects been constructed in the completion of the projects been constructed in the constructed	your project is complete A Land Use Bylaw requirements can be obtain ckage, please include responsibility to contain as reviewed and approject, you will be require	ed safely and is a requirements prior to so ed through Superio those documents. act the building ins oved your plans you	uirement of the Safe ubmitting an applica r Safety Codes (403 pector for required a can begin constru	ty Codes Act. ation320-0734). inspections. ction.	
Please attach the following: Site Plan (3 copies) Building Plan (3 copies) Elevation/ Drainage/ plot Plan We hereby make application cordance with the plans and	☐ Sec (3 copies) ☐ Arch under the provisions of		cable) val 14-2016 for a Develo	D D D D D D D D D D D D D D D D D D D	
Municipal Address:	25 Sage Brush Ave				
egal Description of property to be developed:	Lot (Parcel): 7	Block 4		Plan: 1711317	
	Name: Willowcrest C	Construction	Email: build@willov	vcrest.ca	
	Address: Box 4783				
	Town: Taber		Postal Code: T1G2E1		
Applicant:	Phone Res:		Phone Cell: 403-315-9811		
	Business License#: WIL	L001			
	Interest in the propo	sed development, if r stractor Tenan		ner:	
	Name: Oak Po	nt Inc.	Email:	-	
Registered Owner:	Address: #300	SIS 7th SH S			
(if different from applicant)	Town: Lethbric	lge	Postal Code: TIJ 268		
	Phone Res	u -	Phone Cell: 403	195-8484	
ype of Development Propos	ed:				
New Construction	■ Waiver		☐ Change of	of Use	

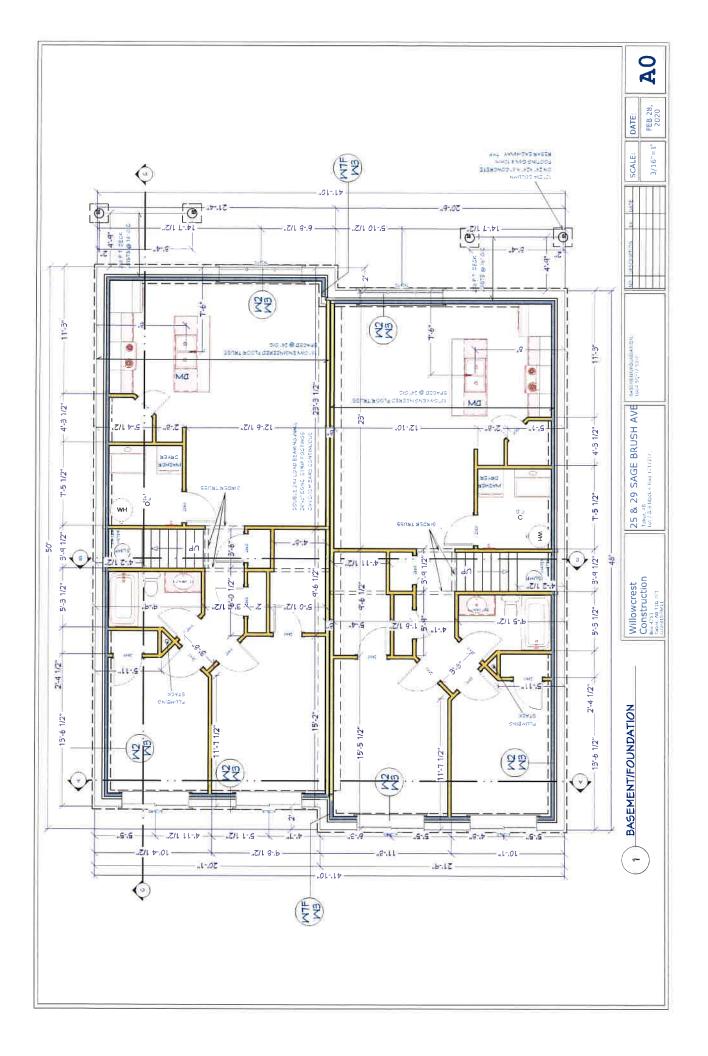
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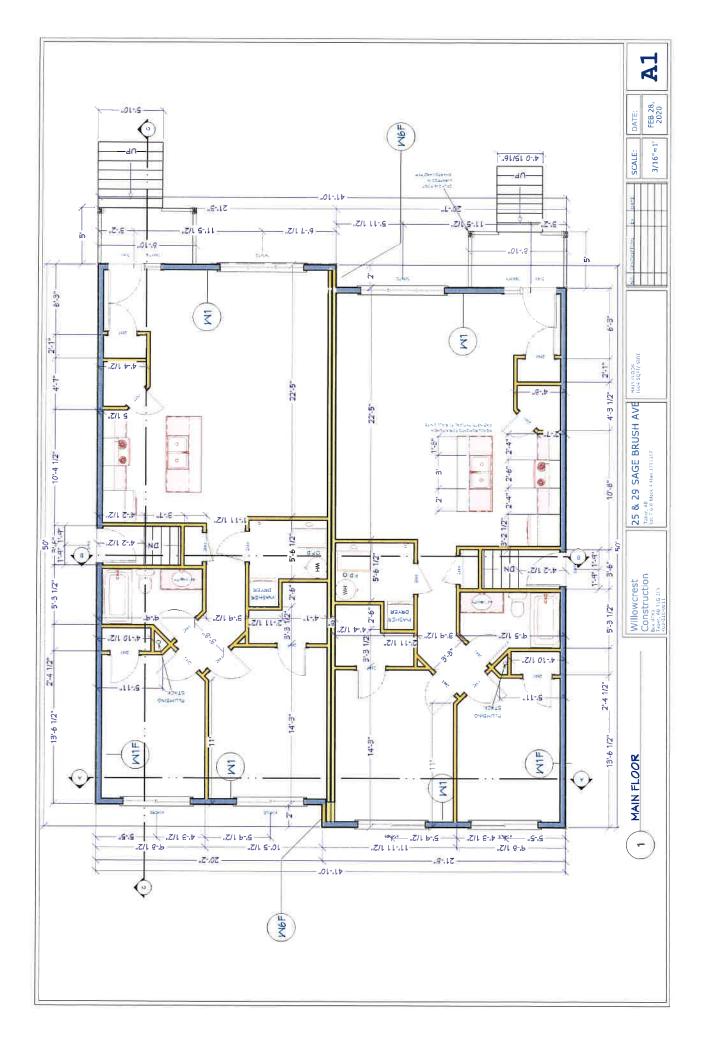
□ Renovation

☐ Other explain:

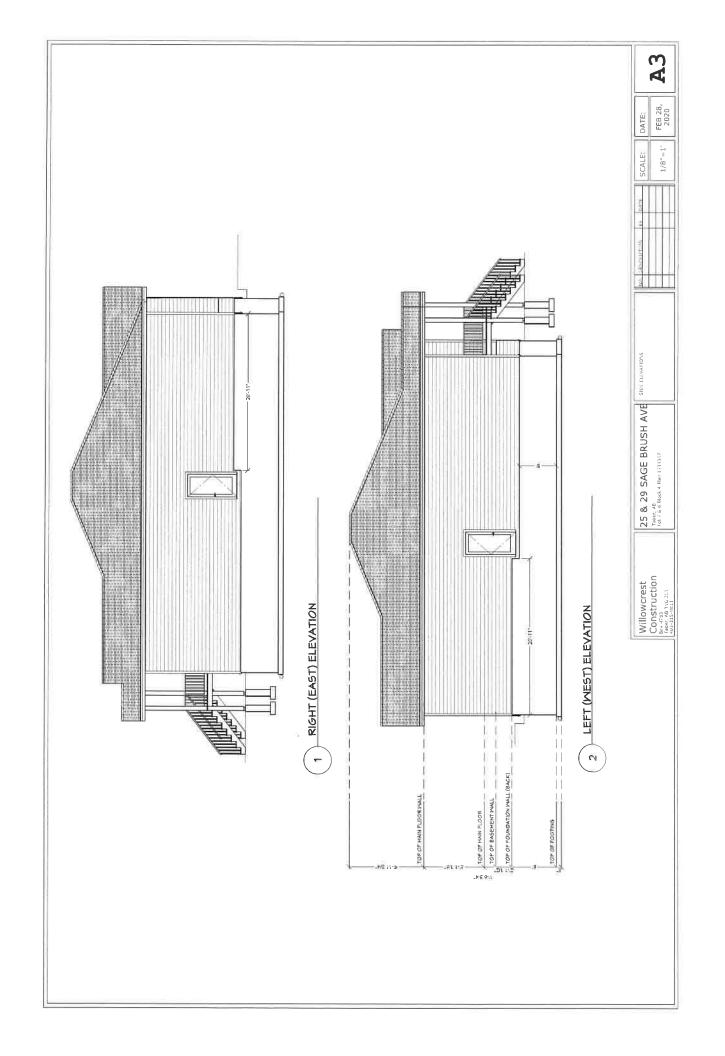
Lot Dimensions	Width: 7.59 m3		Depth: 30.48 m3		^{Area:} 2490.2 m3		3
Lot Coverage	By proposed build (%): 40%		Total site coverage (%): 40%		Landscaped open space (%): 60%		ace (%):
Proposed setback from property lines:	Front: 4.27m	Side 1:	1.215m	Side 2: Om		Rear: 10.0	06m
	Number of Units:	1					
Additional information:	Number of Off Stre	eet Parking Spaces	2				
	Driveway Width:	7.59m					
Adjacent to Highway:	☐ Yes ■ No	Estimated Develop		\$200,00	0		
If development is tempora state for what period:	у,						
Existing Use of Site:	Vacan-	land					
List existing buildings, structures and use(s) of the land and whether any are to removed or relocated. Proposed Use of Site: Describe in detail - attach additional information if	be	detached in the	duplex boseme		secono	Jary	
List existing buildings, structures and use(s) of the land and whether any are to removed or relocated. Proposed Use of Site: Describe in detail - attach	suite	detached in the	baseme	n. *		roposed	N/A
List existing buildings, structures and use(s) of the land and whether any are to removed or relocated. Proposed Use of Site: Describe in detail - attach additional information if necessary.	be Semi	defached in the ed and operated	piped water s	Existi		roposed	
List existing buildings, structures and use(s) of the land and whether any are to removed or relocated. Proposed Use of Site: Describe in detail - attach additional information if necessary. Services:	be	defached in the ed and operated	piped water s	Existi	ng Pr	roposed	

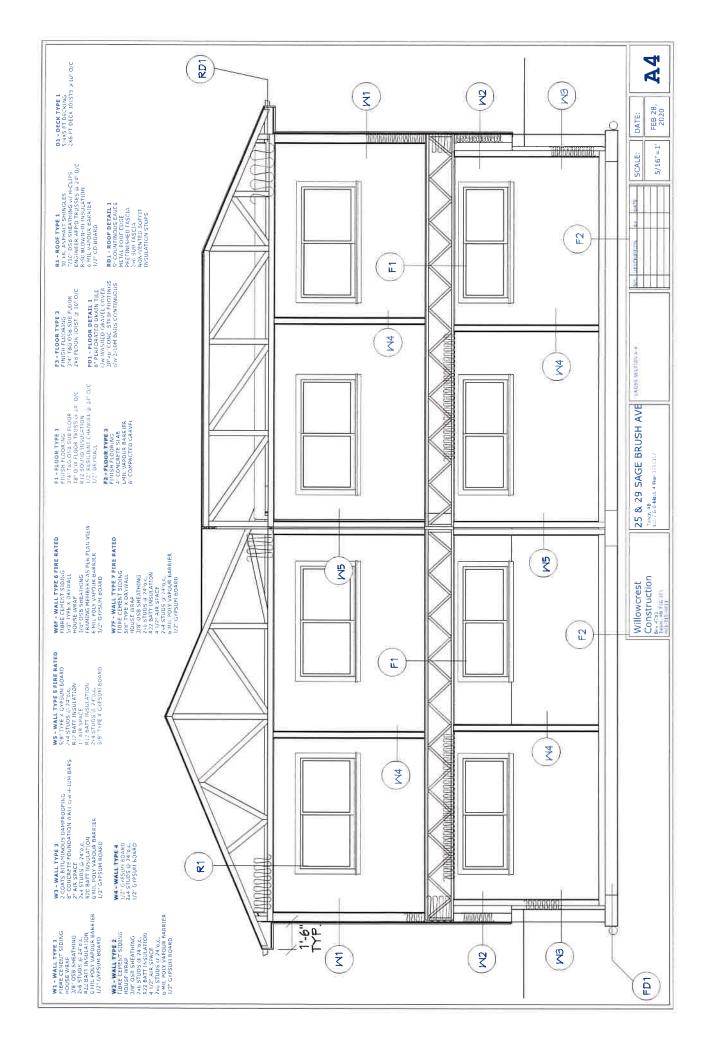
Signed: Eduyn Ellin	Date: March 11/2020
Signed: Aut In	Date: MARCH II ZOZU.
Registered Owner (If different than applicant) Signed: Development Officer	Date: March 17 (2020

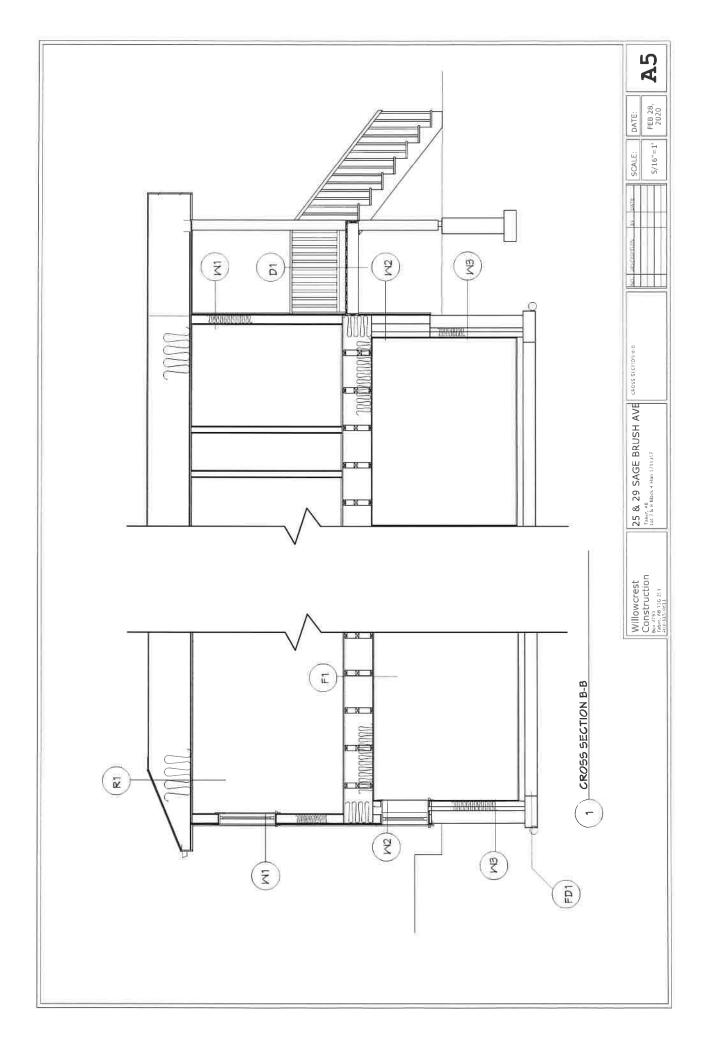


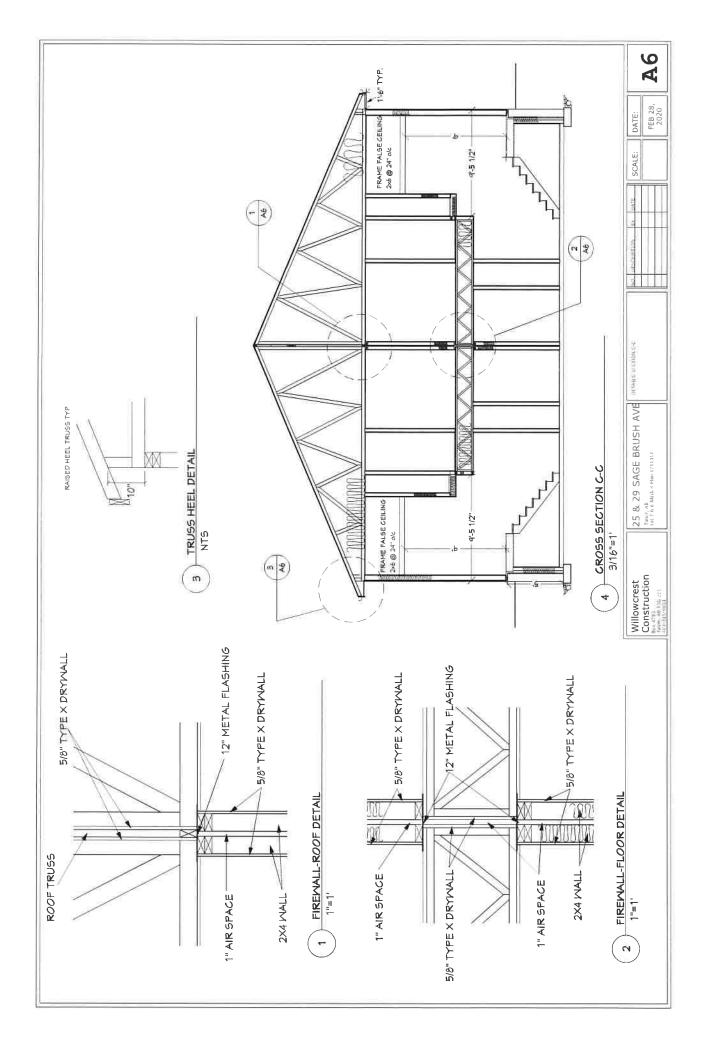
















3.7 SECONDARY SUITES AND BACKYARD SUITES

3.7.1 Secondary Suites and Backyard Suites (which includes Garage Suites)

- (1) The minimum parcel width for a parcel containing a Secondary Suite or a Backyard Suite is 11.0 metres.
- (2) The minimum parcel area for a parcel containing a Backyard Suite is 330.0 metres.
- (3) There must not be more than one Secondary Suite or Backyard Suite located on a parcel.
- (4) A Secondary Suite and a Backyard Suite must not be located on the same parcel.
- (5) For a Backyard Suite, the maximum building height is 7.5 metres.
- (6) For a Secondary Suite, the minimum building setback from a property line must be equal to or greater than the minimum building setback from a property line for the main residential building.
- (7) For a Backyard Suite,
 - (a) the minimum building setback from a rear property line is,
 - (i) 1.5 metres for any portion of the building used as a backyard suite;
 - (ii) 0.6 metres for any portion of the building used as a private garage;
 - (b) The minimum building setback from a side property line is 1.2 metres for any portion of the building used as a Backyard Suite.
 - (c) A minimum separation of 3.0 metres is required between the closest façade of a Backyard Suite.
- (8) The maximum floor area of a Backyard Suite, excluding any areas covered by stairways and landings, is 75.0 square metres;
- (9) The maximum floor area of a Secondary Suite is 70.0 square metres.

Amenity Space Rules

- (1) A Backyard Suite or a Secondary Suite shall have a private amenity space that:
 - (a) is located outdoors; and
 - (b) has a minimum area of 7.5 square metres with no dimension less than 1.5 metres.