



Accessory Buildings in Foothills County



Land Use Bylaw Regulations & Applications

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ACCESSORY BUILDING, DETACHED means a detached building naturally or normally incidental, subordinate and exclusively devoted to the principal building on the lot, and located on the same lot as the principal building. For clarity, buildings defined as “arena private”, “arena limited public”, or “arena commercial” are not accessory buildings.

ACCESSORY BUILDINGS/STRUCTURES:

1. No Development Permit is Required for a detached accessory building where it is accessory to a primary residence:
 - a. having an area 20.8 sq. m. (224 sq. ft.) or less, where an accessory building is a permitted use in the land use district, including those lands designated as Direct Control, Sub-district “A” or within the Flood Hazard Protection Overlay, provided the structure does not result in the cumulative accessory buildings on the property exceeding the size or number of accessory buildings allowed under *Table 4.2.1.7A*, and
 - b. having an area greater than 20.8 sq. m. (224 sq. ft.) where an accessory building is a permitted use in the land use district and does not exceed the cumulative size of accessory buildings allowed under *Table 4.2.1.7A* except on any lands designated Direct Control, Sub-district “A” or Flood Hazard Protection Overlay District.

In both instances, the building must be accessory to a primary residence.

Table 4.2.1.7A

PARCEL SIZE	SIZE OF ACCESSORY BUILDING
Less than 1 acre	Maximum of two (2) buildings with a total cumulative size not to exceed 41.8 sq. m. (450 sq. ft.) accessory to the residence
1.0 - 1.99 acres in size	Maximum of three (3) buildings with a total cumulative size not to exceed 88.26 sq. m. (950 sq. ft.) accessory to the residence
2 - 2.99 acres in size	Maximum of three (3) buildings with a total cumulative size not to exceed 155.6 sq. m. (1,675 sq. ft.) accessory to the residence
3.0 - 4.99 acres in size	Maximum of four (4) buildings with a total cumulative size not to exceed 285.7 sq. m. (3,075 sq. ft.) accessory to the residence
5.0 - 9.99 acres in size	Maximum of four (4) buildings with a total cumulative size not to exceed 325.2 sq. m. (3,500 sq. ft.) accessory to the residence
10.0 - 14.99 acres in size:	Maximum of five (5) buildings with a total cumulative size not to exceed 380.9 sq. m. (4,100 sq. ft.) accessory to the residence
15.0 - 20.99 acres in size:	Maximum of five (5) buildings with a total cumulative size not to exceed 422.7 sq. m. (4,550 sq. ft.) accessory to the residence
21.0 acres and over in size:	Maximum of six (6) buildings with a total cumulative size not to exceed 478.5 sq. m. (5,150 sq. ft.) accessory to the residence.
Agricultural District and Agricultural Business District Parcels	Any size accessory building to be used for agricultural, general purposes on agricultural zoned parcels when an agricultural operation exists on the property, in accordance with <i>Section 4.2.1.7</i> of this Bylaw.

2. In all residential districts, the principal building on each lot shall be a Dwelling, Single Family. Notwithstanding anything contained in the land use rules applicable to such districts, accessory buildings shall be considered as permitted uses only in cases where a permitted permanent Dwelling, Single Family is located on the Lot.
3. When considering the maximum area allowed for accessory buildings in accordance with *Section 4.2.1.7*, where there is an existing permitted dwelling, up to two private vehicle garages, having a cumulative area not exceeding:
 - a. 167.23 sq.m. (1,800 sq.ft. (attached or detached) on Agricultural zoned properties; or
 - b. 111.48 sq. m. (1,200 sq. ft.) (attached or detached) on all other land use districts

does not require a Development Permit and shall not be included in the total accumulated area unless noted by a Development Permit Decision.

4. Notwithstanding #3, an accessory building exceeding the maximum area allowed in accordance with *Table 4.2.1.7A* below, shall be considered as a discretionary use and is required to have an approved Development Permit.
5. The total sum area allowed of all accessory buildings on site may be considered when looking at the maximum area allowed noted in the land use districts.
6. All accessory buildings shall be located at least 2.4m (7.8 ft.) from any principal building and shall meet all minimum setback requirements.
7. Where another building is attached to the principal building on a site by a roof, common wall or foundation, it is considered to be part of the principal building and not an accessory building.
8. An accessory building shall not be used as a dwelling unless specifically approved for that purpose.
9. Please confirm that you are meeting the minimum setbacks and maximum height restrictions. The variance power given to the Development Officer shall not be exercised with respect to a proposed development unless it has been determined that a suitable site, meeting setbacks required by the Land Use Bylaw, is not available on the lot.
10. Accessory buildings being used for uses other than personal use (the operation of a business or the use of the structure for the purposes of storing business materials, vehicles or equipment) will require approval of a Development Permit and Building and Safety Code permits for the use and occupancy where appropriate;
11. When considering Development Permit Applications for an accessory building, the dwelling or approved principal building must be located on the lot. Alternately, an application can be made to allow for an accessory building during the construction of the dwelling or approved principal building, provided a valid building permit has been obtained for the principal building and subject to the submission of a letter of credit or cash deposit to ensure that the accessory building is not occupied as living accommodations, nor used in contravention of the Land Use Bylaw. If the development is approved, this deposit will be returned to you after the dwelling or approved principal building has been completed and a site inspection has been conducted to ensure compliance with the issued the permit.
12. A Sea-can may be considered as an accessory building to be used for storage purposes only in accordance with the following:
 - a) On parcels 21 acres or more, one (1) Sea-can no larger than 48' in length and 10' in width, is permitted without a Development Permit, provided it meets the minimum setback requirements for that Land use District and does not exceed the maximum requirements under the applicable land use district;
 - b) In all other instances, a Development Permit is required for placement of a Sea- can and must be in compliance with Table 4.2.1.7A "Maximum Area for Accessory buildings not requiring a permit";
 - c) The exterior finish should match or compliment the exterior finish of the principal building or be screened from view to the satisfaction of the Development Authority.
13. Each circumstance is evaluated on its own merits based on the information provided to the Development Authority at the time of the application.

APPLICATION REQUIREMENTS:

An application for a Development Permit must be made when requesting a larger accessory building or having more buildings than what is permitted under *Table 4.2.1.7A*. Please be advised that approval or refusal of an application is to the discretion of the Development Authority and each application has to be evaluated individually. The intent of the Land Use Bylaw is considered when evaluating an application.

A Development Permit application **must be** accompanied with the following information:

1. A site plan (can be hand drawn) showing:
 - a. the entire parcel;
 - b. north at the top of the page;
 - c. identify and show all existing structures (the square footage of each) and any proposed buildings with measurements from the same, in feet or metres, to all parcel lines;
 - d. show all existing wells, septic tanks, disposal fields, dugouts on the parcel and storage areas;
2. Description of the need for this accessory building.
3. Access locations to and from the lot including roads and highways to be used and dust control measures to be implemented, can be shown on the site plan.
4. Methods of controlling noise, dust, or drainage from the lot if it is being used in relation to a hobby.
5. Descriptions of any noxious, toxic, radioactive, flammable, or explosive materials proposed (i.e. gas, oil, paint, etc.). Please also include how it is being stored and how much is being stored and why it is necessary to have in relation to this business.
6. Are there any materials being brought in from other sites for fill (i.e. clay, dirt, etc.) and please give a detailed explanation as to where it is going how much of an area is to be built up, is it a wetland area, etc. Where is the material coming from and what roads and types of trucks will be used to haul the material to the site?
7. Particulars of any proposed use or involvement by persons other than residents of the lot.
8. If this parcel is not owned by the applicant, then they must receive written consent from the landowner to file an application.