



Secondary Suites Phase 1

Further to an extensive public engagement process, Council has moved forward with Phase 1 of accommodating Secondary Suites in Foothills County. Phase 1 involved exploring Secondary Suites on parcels 2 acres in size and larger in the County. We have developed Land Use Bylaw provisions in accordance with what we heard from the Phase 1 public engagement process.

Exploring Secondary Suites on smaller parcels and parcels within Hamlet boundaries in Foothills County, may be considered in the future further to additional public engagement

WHAT IS A SECONDARY SUITE?

A Secondary Suite is a subordinate dwelling unit located on a parcel, in addition to the principal dwelling unit, which constitutes a self-contained living accommodation unit comprised of kitchen facilities, sleeping amenities, and washroom facilities consisting of a full bathroom including tub and/or shower fixture and has a separate entrance or includes a door which can be physically closed or locked off from the remainder of the principal dwelling.

There are two types of Secondary Suites contemplated in the County:

1. **Secondary Suite, Principal** is a Secondary Suite located within the principal dwelling unit or above a garage attached to the principal dwelling in accordance with Section 10.26 of the Land Use Bylaw.

- A Secondary Suite within a principal dwelling can be no larger than 40% of the habitable area of the principal dwelling up to a maximum of 83.6 sq. m. (900 sq. ft.) in size.

The habitable area for the purpose of determining Secondary Suite size is the sum of the floor areas of all livable space contained within the exterior walls of the structure including the basement (this includes any area being added to form part of a suite) This does not include the garage area, or basement areas used exclusively for storage, or areas devoted exclusively to mechanical or electrical equipment servicing the building.

2. **Secondary Suite, Accessory** means a Secondary Suite, located within an accessory building, or detached garage which is subordinate to the principal dwelling on the same parcel.

- A Secondary Suite located within an accessory building can be comprised of up to 50% of the gross floor area of the accessory building to a maximum of 83.6 sq. m. (900 sq. ft.)

The Gross Floor Area is the total floor area of a building

measured to the outside surface of the exterior walls, including covered patio or deck areas, or where buildings are separated by fire walls, to the centerline of the common fire wall and does not include basements or uncovered decks.

All Secondary Suites must be no less than 37 sq. m. (400 sq. ft.) in size and must meet all other land use and development requirements under the Land Use Bylaw.

Please refer to Section 10.26 of the Land Use Bylaw for full details and requirements for developing a Secondary Suite in the Foothills County.

OTHER STANDARD PROVISIONS FOR SECONDARY SUITES IN Foothills County

- A Secondary Suite shall be subordinate to a principal dwelling and shall only be located on a parcel where Secondary Suite, principal or Secondary Suite, accessory is listed as a permitted or discretionary use under the appropriate land use district.
- Where a Secondary Suites is a permitted use under the applicable land use district but does not meet all other provisions under this bylaw, it shall be considered a Discretionary use.
- A parcel shall be limited to one Secondary Suite.
- A Development Permit shall be obtained for all Secondary Suites in the County.
- All Secondary Suites shall have an approved building permit and shall comply with all applicable building and safety code requirements.
- All Secondary Suites shall comply with the land Use and Development Requirements such as height requirements, setback regulations, dwelling density, and lot coverage, for the applicable land use district.
- A Secondary Suite shall not be operated as a Tourist Home or as a short term vacation rental unit or include a Home Based Business Minor or Major, or Bed and Breakfast.
- Occupancy shall be restricted to a maximum of two bedrooms per suite.

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- Secondary Suite, accessory shall be considered as part of the total allowable number of accessory buildings and total accumulated area of accessory buildings in accordance with parcel size as identified in Table 4.2.1.7A of the Land Use Bylaw3
- All Secondary Suites shall provide proof of adequate water servicing and sanitary sewer servicing to the satisfaction of the Development Authority.
- Each Secondary Suite shall provide a minimum of one on-site parking space per bedroom in accordance with Section 9.19 of this bylaw.
- All restrictive covenants existing on title shall be submitted with applications for Secondary Suites. Should a restrictive covenant be contrary to allowing for a Secondary Suite, the application shall be considered a Discretionary Use under the land use district in which the Development Authority may refuse the application.
- All Secondary Suites shall have their own distinct Municipal address to facilitate accurate emergency response.

WHERE AM I ALLOWED TO DEVELOP A SECONDARY SUITE?

The County allows for Secondary Suites only on Country Residential District parcels (outside of a Hamlet boundary), Agricultural District parcels, and Agricultural Business District parcels further to receipt of all appropriate permits and approvals.

WHAT PERMITS ARE REQUIRED TO BUILD A SECONDARY SUITE

All Secondary Suites require a Development Permit approval and subsequent Building Permit and Safety Codes approvals prior to commencement of construction and/or occupancy. A Secondary Suites is not deemed approved until all conditions of Development, Building, and Safety Code approvals have been met.

WHAT IF I HAVE AN EXISTING SUITE THAT I WANT TO BRING INTO COMPLIANCE?

Council has granted some flexibility to allow for residents to bring existing unpermitted suites into compliance with the new regulations if done so within a specific time frame. A two year grace period, from the date of passage of Bylaw 8/2019 for amendments to the Land Use Bylaw amendment allowing for Phase 1 Secondary Suites - April 17, 2019) has been provided for landowners that want to apply to bring existing un-permitted suites on their property into compliance. After that deadline, any properties with Secondary Suites that do not have a Development Permit approval to bring their Secondary Suite into compliance with the Bylaws may be subject to enforcement.

You may wish to have the Building and Safety Codes Officer conduct a pre- application inspection of the Secondary Suite. Pre-application inspections for Secondary Suites are offered for \$160 + 4% Safety Codes Fee. These inspections will allow a certified Building Inspector to outline how well the existing unit meets the Alberta Building Code and will enable you to gain a greater understanding of renovations or changes that may be required to bring the Secondary Suite into compliance with safety regulations.

Should you decide to proceed with bringing an existing suite into compliance, you will be required to get a Development Permit and subsequent building and safety codes approvals prior to further construction and/or occupancy of the Secondary Suite.

WHAT IS THE PROCESS TO GET APPROVAL FOR A SECONDARY SUITE

1. Check to see if a Secondary Suite is a use allowed in your land use district:

Before you can apply for any approvals of a Secondary Suite on your property, the use must be listed as a permitted or discretionary use in the applicable land use district for your property.

Secondary Suites are considered uses in the following land use districts:

Permitted Use: Agricultural District
Agricultural Business District

- A permitted use means that the Development Authority must approve the application, so long as the application complies with all provisions of the Land Use Bylaw and there is no right of appeal by area landowners on the application.

Discretionary Use: Country Residential District
(outside of Hamlet boundaries)

- Discretionary uses allow the Development Authority to use their discretion in approving or refusing the application for the use on that particular site.

If this use is not listed in your applicable land use district, you will be required to apply for a Land Use Bylaw Amendment to allow for this additional use on your property prior to making application for a Development Permit. This process requires approval by Council further to a public hearing and can add approximately four to six months to your process. Please refer to the municipal website for more information on the process for making a Land Use Bylaw Amendment application.

2. Apply for a Development Permit Approval:

Before you start any construction work associated with your Secondary Suite, you will need a Development Permit approval from Foothills County. Contact the Development Department at the County office or refer to www.mdfoothills.com for application forms and/or more information on the Development permit process and applications.

3. Obtain all Building Permit and Safety Code Approvals:

A building permit will be required for all Secondary Suites and may be applied for once a Development Permit has been issued. The building permit process ensures the Secondary Suite meets the requirements of the Alberta Building Code and Safety Codes Act and Regulations. You may contact the Building and Safety Codes Department at the County office or refer to www.mdfoothills.com for application forms and/or more information.

4. The Secondary Suite Registry

Once you have all the applicable Development, Building, and Safety Code approvals in place, you will be placed on the Secondary Suite registry on the County website. (This registry can be found on the Municipal website at www.mdfoothills.com.)

The County has created a Secondary Suite Registry that will identify all Secondary Suites that have received the appropriate municipal approvals. Once you have obtained all the applicable approvals for your Secondary Suite, you will be placed on the Secondary Suite Registry posted on

the municipal website. No personal information (names or telephone numbers) will be posted on the registry. Only the legal description, municipal address, and type of Secondary Suite will be posted on the registry. This will allow all prospective tenants, landowners, realtors, and other interested parties to search permitted Secondary Suites located in the County.

WHAT HAPPENS IF I DON'T GET APPROVALS FOR MY SECONDARY SUITE?

If you have not brought an existing Secondary Suite into compliance within the required grace period (note date) or you fail to get approvals for a new Secondary Suite, enforcement measures will be undertaken and you will be required to complete one or all of following:

- a. Apply for legalizing the suite through obtaining a Development Permit
 - i. Application fee will be double (2X original application fee)
 - ii. Building and safety code fees may also be double (2X original application fee);
- b. Pay non-compliance fine or penalties for proceeding without the appropriate municipal approvals.
- c. Remove the Secondary Suite from the property.

(All legal fees incurred by the Foothills County to complete enforcement may be responsibility of the Landowner)

HOW DO I APPLY FOR ADDITIONAL 911 EMERGENCY MUNICIPAL ADDRESSING

Every Secondary Suite will require a 911 emergency address that is separate from the principal building on the site. Further to all final approvals of your Suite, you will need to contact the GIS Department at the County office to apply for the appropriate addressing.

Information on 911 emergency municipal addressing can be found on our website at www.mdfoothills.com.

Please be advised that changes to 911 emergency municipal addresses may result in changes to the existing the Canada Post mail address(es) on the property.

WHERE DO I FIND MORE INFORMATION ABOUT SECONDARY SUITES?

Provisions can be found in the land use bylaw under Section 10.26 Secondary Suites as well as in Section 10.10 Dwellings.

You may refer to the "Secondary Suites" and the "Land Use Bylaw" links on our municipal website at www.mdfoothills.com or contact our Planning Department at the County office for more information.

DEVELOPMENT PERMIT REQUIREMENTS

All Secondary Suites require a Development Permit approval in Foothills County. You can apply for the Development Permit by filling out a Development Permit Application Form and the Secondary Suite Checklist and submitting it with payment of the appropriate fees to the Planning Department. A copy of the Development Permit Application Form and Secondary Suite Checklist can be found online at www.mdfoothills.com.

The Development Authority may only approve an application for a Secondary Suite on your property if Secondary Suite is listed as a permitted or discretionary use in the appropriate land use district.

Where a Secondary Suite is a permitted use and the application

conforms to all other provisions of the Land Use Bylaw, the application must be approved by the Development Authority (with or without conditions) and there is no right of appeal by area landowners. However, any time an application for a Secondary Suite that is a permitted use requires a variance to any other provision under the land use bylaw, it will be considered a discretionary use.

Where an application for a Secondary Suites is listed as a discretionary use, the Development Authority uses their discretion to approve the application with conditions or refuse the application. Where the Development Authority determines that the application will not unreasonably interfere with the amenities of the neighborhood or the use, enjoyment and value of neighboring properties, the Development Authority may approve the application for Development Permit subject to a number of conditions such as, but not limited to, obtaining a Building Permit and all necessary Safety Codes Approvals. The applicant or affected landowners are given the right to appeal the Development Permit approval within 21 days following the date of the decision if they have concerns with the application.

A Secondary Suite shall not be deemed approved until all applicable Development, Building, and Safety Code conditions have been met. At that time, the Secondary Suite will be placed on the Secondary Suite Registry.

DEVELOPMENT PERMIT APPLICATION REQUIREMENTS:

- The Development Permit Application must be accompanied with the following information:
- Completed Development Permit Application form.
- Completed Secondary Suites Checklist; (new)
- Payment of required fees;
- Completed Abandoned Well Site Form;
- A site plan (can be hand drawn) showing:
 - Property boundaries of the entire parcel with North at the top of the page;
 - Identify and show all existing structures with measurements of the structures and the distance from the property boundaries in feet or meters;
 - Show all existing wells, septic tanks, disposal fields, dugouts on the parcel and storage areas;
- Identify the number of Dwelling Units situated on the site and provide the necessary information pertaining to any Development Permits for Dwellings Units that are approved by Development Permit approval such as temporary dwellings or dwellings approved in addition to the allowable principal dwellings;
- Details on the Secondary Suite including:
 - Size of the Secondary Suite (m² or ft.²)
 - The total square footage of habitable area of the residence or total gross floor area of an accessory building which the Secondary Suite is situated within;
 - What portion of the existing or proposed building the Secondary Suite is situated within;
- Servicing provisions (water and wastewater) to service the Secondary Suite and accompanied information relevant to servicing type;
- Access and parking provisions for the Secondary Suite;
- Outdoor space allocated for the proposed Secondary Suite (if any);
- Access locations to and from the lot including roads and highways to be used;

- Information pertaining to all non-financial caveats and covenants registered on title. These may include architectural controls, utility easements, etc. Copies shall be supplied to the County where possible.

BUILDING AND SAFETY CODE INFORMATION

A Building Permit will be required for all Secondary Suites and may be applied for once a Development Permit has been issued. The Building Permit process ensures that the suite meets the requirements of the Alberta Building Code and Safety Codes Act and Regulations.

BUILDING PERMIT AND SAFETY CODE APPLICATION REQUIREMENTS:

The *Building Permit Application* must be accompanied with the following information:

- Copy of the approved Development Permit;
- A detailed site plan (can be hand drawn) showing:
 - Property boundaries of the entire parcel with North at the top of the page;
 - Location of the Secondary Suite on the site (information from the Development Permit);
- Details on the Secondary Suite including:
 - Size of the Secondary Suite (m² or ft.²)
 - The total square footage and footprint of the residence or accessory building the Secondary Suite is situated within;
 - Identify what portion of the existing or proposed building the Secondary Suite is situated within;
- Applications for electrical, plumbing, gas, and private sewage must be submitted at the same time as the Building Permit application.

Please refer to the Private Sewage Treatment System for Additions/Renovations information sheet for more information on requirements when renovating or constructing additions on site that require private sewage disposal. You may contact the Building and Safety Codes Department at the County office or refer to www.mdfoothills.com for application forms and/or more information

SERVICING REQUIREMENTS

1. Water Supply

The applicant is to ensure an adequate potable water supply is maintained for the Secondary Suite at all times.

- Confirmation that the Secondary Suite is connected to a suitable water source on the property or connected to a piped communal distribution system with conformation of authorization by the supplier, is required.
 - It is the Landowner's responsibility to provide water quantity in accordance with the recommendations found in Module 2 of the document "*Water Wells That Last for Generations*" published by Agriculture and Agri-Food Canada, Alberta Environment, Alberta Agriculture and Food.
 - Where a piped communal water supply is being used, a letter shall be submitted to the Develop-

ment Authority providing confirmation from the supplier of the piped water system indicating that there is adequate water available to service the additional use of the proposed Secondary Suite on the subject parcel.

- As part of the Development Permit Application, the landowner shall include the following information:
 - The proposed source of water servicing the Secondary Suite;
 - A copy of the most current water well report indicating the number of imperial gallons per minute the well yields and information on any other supplemental water sources such as cisterns that are used in conjunction with the well; *OR*
 - Where water is hauled in to the site as the primary water source or a cistern is being utilized for water storage and/or supply on site, information on the current water storage system and confirmation that the system will provide adequate quantity or the proposed use shall be provided;
 - A declaration shall be completed with the Development Permit Application demonstrating that the landowner(s) understands:
 - It is the Landowner's responsibility to provide

water quantity in accordance with the recommendations found in Module 2 of the document "*Water Wells That Last for Generations*" published by Agriculture and Agri-Food Canada, Alberta Environment, Alberta Agriculture and Food.

- It is the Landowner's responsibility to comply with the allowable 1250m³ per year (750 gallons per day) per household allowed under the Water Act;
- It is the Landowner's responsibility to ensure that the water quality is with the Guidelines for Canadian Drinking Water Quality and the Alberta Health Services Criteria to ensure that the water quality is suitable.

2. Wastewater/Sewage Disposal

The applicant must indicate how the wastewater/sewage from the Secondary Suite is to be managed. All Secondary Suites shall provide adequate sanitary sewer servicing to the satisfaction of the Development Authority consisting of either:

- A private sewage treatment system that can adequately manage the additional waste; or a new system or additions to the existing system that has been adequately sized to accommodate the additional waste and the location is suitable and meets the current Safety Codes.
- Where sewage disposal is connected to an approved piped communal collection system, a letter providing conformation from the sewage disposal operator that the system has adequate capacity to for the additional sewage and authorizing the approval to connect.

