

**RECOMMENDED LAND USE BYLAW AMENDMENTS - SECONDARY SUITES
FURTHER TO PUBLIC ENGAGEMENT 2023**

1. DEFINITIONS:

- a. The following amendment is proposed to the definition of Dwelling, Secondary Suite:

DWELLING, SECONDARY SUITE means 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 a separate entrance ~~and~~ or includes a door which can be physically closed or locked off from the remainder of the principal dwelling.

A Dwelling, Secondary Suite may be a Secondary Suite, Principal, ~~a Secondary Suite, Accessory, or a Secondary Suite, Detached.~~ But does not include a Tourist Home.

- b. The following amendment is proposed for the definition of Secondary Suite, Principal:

SECONDARY SUITE, PRINCIPAL means a dwelling, Secondary Suite, located within the principal dwelling unit, ~~in an extension or addition to the principal dwelling, or~~ above a garage attached to the principal dwelling in accordance with Section 10.26 of this bylaw.

- c. The existing definition of Secondary Suite, Accessory is deleted and replaced under the definition of Secondary Suite, Detached as follows below:

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

SECONDARY SUITE, DETACHED means a *Dwelling, Secondary Suite*, which is detached from and subordinate to, the principal dwelling located on the same parcel. A Secondary Suite, Detached may be a stand-alone suite or a suite within or attached to, an accessory building or detached garage on the same parcel as the principal dwelling and shall be constructed in accordance with all provisions under Section 10.26.

- e. The following amendment is proposed to the definition of Habitable Area and Gross Floor Area:

HABITABLE AREA means the sum of all floors of all livable space contained within the exterior walls of the structure above grade (except in the case of walk-out basements in which case the basement is considered the first floor), designated for human occupancy including areas for living, sleeping, eating or food preparation, or recreational purposes, but does not include the garage ~~area or basement areas~~ used exclusively for storage, or areas devoted exclusively to mechanical or electrical equipment servicing the development.

GROSS FLOOR AREA means the total floor area of each floor 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.~~ Gross floor area identifies the building footprint that is used for assessing things such as lot coverage. Gross Floor Area may differ from the Habitable Area of a dwelling.

2. SECTION 10.26 SECONDARY SUITE PROVISIONS

The following amendments are proposed to Section 10.26:

a. **Section 10. 26.1 is deleted and replaced as follows:**

~~10.26.1 A Secondary Suite may be located within a principal Dwelling Unit or above a garage attached to the principal dwelling, or within an accessory building or detached garage on the same parcel, as per the definitions in Section 2.5 in accordance with all provisions under this section.~~

10.26.1 A Secondary Suite may be considered in accordance with the following:

- a. Secondary Suite, Principal - located within a principal Dwelling Unit, in an extension or addition to the principal dwelling, or above a garage attached to the principal dwelling on the same parcel, as per the definitions in Section 2.5 in accordance with all provisions under Section 10.26.
- b. Secondary Suite, Detached - detached from and subordinate to the principal dwelling, and may be a stand-alone suite, or a suite within, or attached to an accessory building or detached garage on the same parcel as the principal dwelling, as per the definitions in Section 2.5 in accordance with all provisions under Section 10.26.

b. **A new provision is added as 10.26.2:**

10.26.2 Secondary Suites are not permitted within the hamlets of Heritage Pointe and Priddis Greens.

c. **The following provisions are renumbered and/or amended as follows:**

10.26.23 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 Detached is listed as a permitted or discretionary use under the appropriate land use district.

10.2.6.34 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.

10.26.45 A Development Permit shall be obtained for all Secondary Suites in the County.

10.26.56 All Secondary Suites shall have an approved Building Permit and shall comply with all applicable Building and Safety Code Requirements.

10.26.67 All Secondary Suites shall comply with the Land Use and Development Requirements for the applicable land use district such as, but not limited to, height requirements, setback regulations, dwelling density, and lot coverage,

d. **The following provision is added for clarification and replaces where it was deleted in the above provision:**

10.26.8 Secondary Suites shall only be permitted on a site in accordance with the maximum dwelling unit density requirements under the applicable land use district or in accordance with Section 10.10.5 where the maximum dwelling unit density is not listed in the land use district.

e. **Section 10.26.7 is deleted to allow for other uses to be approved by Development Permit for operation from a Secondary Suite:**

~~10.26.7 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.~~

f. **These provisions remain unchanged but are renumbered accordingly:**

10.26.89 A parcel shall be limited to one Secondary Suite.

10.26.910 Occupancy shall be restricted to a maximum of two bedrooms per Secondary Suite.

- g. The previous section 10.26.10 shown below is deleted, and the following amendments proposed to replace the provision with numbering ad:

~~10.26.10 Secondary Suites shall meet the following size requirements:~~

- ~~a. Secondary Suite, principal:~~
 - ~~i. Minimum habitable area: 37 sq. m. (400 sq. ft.)~~
 - ~~ii. Maximum size: no larger than 40% of the habitable area of the principal dwelling to a maximum of 83.6 sq. m. (900 sq. ft.) in size~~
- ~~b. Secondary Suites, accessory:~~
 - ~~i. Minimum Habitable area: 37 sq. m. (400 sq. ft.)~~
 - ~~ii. up to 50% of the gross floor area of the accessory building to a maximum of 83.6 sq. m. (900 sq. ft.)~~

- 10.26.11 Secondary Suites, Principal, shall be smaller than the habitable area of the principal dwelling to a maximum of 1,400 sq. ft. in size.

For the purpose of determining Secondary Suite size, the habitable area is the sum of the floor areas of all livable space contained within the exterior walls of the structure including the basement. 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.

- 10.26.12 Notwithstanding Section 10.26.10, a Secondary Suite may exceed 1,400 sq. ft. in size where a Secondary Suite, Principal is situated:

- a. Entirely within the basement of the principal dwelling and the gross floor area of the basement is greater than 1,400 sq. ft. in size.
- b. Within the entire loft area above a garage attached to the principal dwelling, provided the Secondary suite does not exceed the gross floor area of the attached garage and the Secondary suite remains smaller in size than the habitable area of the principal dwelling.

The Gross Floor Area is the total floor area of each floor 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~~.

- 10.26.13 Secondary Suites, Detached shall meet the following maximum size requirements:

- a. on parcels 1 acre and larger in size, the Secondary Suite shall be smaller than the habitable area of the principal dwelling up to a maximum of 1,400 sq. ft. in size, so long as all other requirements under the appropriate land use district are met (including but not limited to minimum building setbacks, maximum height requirements, maximum dwelling unit density, and maximum lot coverage) and the Secondary Suite meets all requirements of Section 10.26.
- b. on parcels less than 1 acre in size, the Secondary Suite shall be smaller than the habitable area of the principal dwelling up to a maximum of 1,000 sq. ft. in size, so long as all other requirements under the appropriate land use district are met (including but not limited, to minimum building setbacks, maximum height requirements, maximum dwelling unit density, and maximum lot coverage) and the Secondary Suite meets all requirements of Section 10.26.

- h. The below provisions are amended and renumbered as follows:

10.26.124 Secondary Suite, ~~accessory~~ detached 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 Bylaw.

- 10.26.135 All Secondary Suites shall provide proof of adequate water servicing and sanitary sewer servicing to the satisfaction of the Development Authority:
- 10.26.146 Each Secondary Suite shall provide a minimum of one **additional** on-site parking space ~~per bedroom in accordance with Section 9.19 of this bylaw~~. In accordance with Section 9.19 of this bylaw
- 10.26.157 All Secondary Suites shall have their own distinct County address to facilitate accurate emergency response.
- 10.26.168 All restrictive covenants existing on title shall be submitted with applications for Secondary Suites. Should a restrictive covenant disallow or restrict development of a Secondary Suite **or additional dwelling unit**, the application shall be considered a Discretionary Use under the land use district in which the Development Authority may refuse the Development Permit application.

i. **Section 10. 26.17 is deleted and the following amendments proposed to replace this provision allowing for some flexibility for allowance of manufactured and mobile homes:**

~~10.26.17 A Secondary Suite shall not be a mobile home.~~

- 10.26.19 A NEW Dwelling, Manufactured Home or Dwelling, Mobile Home may be permitted as a Secondary Suite, Detached where:
- approved by Development Permit as a Secondary Suite, Detached, and meets all requirements of a Secondary Suite, Detached in accordance with Section 10.26.
 - all applicable fire, building and safety codes requirements are met.
 - placed upon an approved permanent foundation pursuant to the provision of the building code.
 - The unit shall be finished in a manner that is visually compatible with the principal dwelling on the same lot and in keeping with the visual character of the area (consideration given to color/finish) to the satisfaction of the Development Authority.
 - Shall not exceed the maximum dwelling density and maximum height requirements and meets all other requirements as per the applicable land use district.
 - A current Engineer's report may be required, confirming that the construction and condition of the unit meets all building code requirements.
 - Site design features may be required as part of the change in use including the need for landscaping or screening to provide privacy between the unit and adjacent properties and dwellings.
- 10.26.20 The Development Authority, in their discretion, may consider a development permit for a **change of use** from an existing Dwelling, Temporary to a Secondary Suite, Detached, if the Dwelling, temporary has approvals under a previous Development Permit and can provide, to the satisfaction of the Development Authority, the following:
- The unit shall be placed upon an approved permanent foundation pursuant to the provisions of the building code as part of the change of use approval.
 - The unit must be prefabricated, built or factory-constructed later than September 2, 2007.
 - Must be in compliance with all requirements of Section 10.26 for Secondary Suites.
 - Does not exceed the maximum dwelling density and maximum height requirements and meets all other requirements as per the applicable land use district.
 - The unit shall be finished in a manner that is visually compatible with the principal dwelling on the same lot and in keeping with the visual character of the area (consideration given to color/finish).
 - A current Engineer's report may be required, confirming that the construction and condition of the unit meets all building code requirements.

- g. Site design features may be required as part of the change in use including the need for landscaping or screening to provide privacy between the unit and adjacent properties and dwellings.
- 10.26.21 Further to 10.26.19, in all cases where a Development Permit for the change of use of a Dwelling, Temporary to a Secondary Suite, Detached is applied for, the use will be considered a Discretionary Use.
- 10.26.22 Secondary Suites shall only be permitted on a site in accordance with the maximum dwelling unit density requirements under the applicable land use district or in accordance with Section 10.10.5 where the maximum dwelling unit density is not listed in the land use district.
- j. This provision was moved to the end of the general provisions in Section 10.26 and amended to accommodate the allowances of Secondary Suites on parcels under 2 acres and in Hamlets:
 - 10.26.1123 Existing unpermitted Secondary Suites located within Hamlet boundaries and on parcels under 2 acres in size outside of Hamlets, may be allowed some variances, within two years from the date these provisions were passed April 17, 2019, under Bylaw 8/2019, Bylaw xx/2023 in accordance with Section 5.6 of this bylaw when applying for Development Permit approval to bring them into conformance.
- k. The following draft amendments are proposed to Section 10.25.18 Permit Considerations to include requirements for visual character of a Secondary Suite, Detached (renumbered accordingly):

Permit Considerations

- 10.26.1824 In considering a Development Permit application for Secondary Suites, the Development Authority may consider factors such as:
 - a. Any significant adverse impacts on the adjacent properties and dwellings (for example: drainage, fire protection, access, etc.).
 - b. Adequate water and wastewater services for the additional use on the site.
 - c. The architectural character of the Secondary Suite, including:
 - i. In the case of a Secondary Suite, principal, the use of design strategies that minimize structural changes to the exterior of the principal dwelling, so that it maintains the appearance of a single dwelling; and
 - ii. In the case of a Secondary Suite, Detached, the suite, should be constructed and finished in a manner that is visually compatible with the principal dwelling on the same lot and in keeping with the visual character of the area (consideration given to size/scale, location, and/or color/finish).
 - iii. The availability of an indoor storage area located on the property for use of the residents of the Secondary Suite to minimize visual impact to neighboring properties.
 - d. Site design features, including:
 - i. The need for landscaping or screening to provide privacy between the Secondary Suite and adjacent properties and dwellings.
 - ii. The need for adequate space to accommodate on-site parking and loading for use by residents of the Secondary Suite.
 - e. Such other considerations as the Development Authority may deem to be relevant.

All Secondary Suites, with a valid Development Permit ~~will~~ may be recorded on the Secondary Suite Registry for public information.

3. AMENDMENTS TO VARIANCES FOR SECONDARY SUITES:

a. Proposed amendments to Variances under Section 5.6 are as follows:

- 5.6.9 Within two years from the date the **updated** Secondary Suite provisions adopted ~~under Bylaw 8/2019 (April 17, 2019)~~ **Bylaw xx/2023 (insert date bylaw is adopted)**, the following variances may be considered **when applying for approval to bring previously existing suites into compliance, that were not previously allowed in Foothills County prior to the passing of said bylaw (all Secondary Suites on parcels under 2 acres in size and within hamlet boundaries or Secondary Suite, Detached on other parcels (within hamlet boundaries does not including the hamlets of Heritage Pointe and Priddis Greens):**
- a. The Development Authority may issue a Development Permit for an **existing** oversized Secondary Suite if:
 - i. The Secondary Suite existed prior to the date of the adoption of these regulations; and
 - ii. The Secondary Suite is no more than 25% greater than the size permitted under Section 10.26 Secondary Suites; and
 - iii. A Development Permit has been granted approval within two years of the date which **Bylaw xx/2023** received third reading on (date of adoption).
 - b. The Development Authority may issue a Development Permit for reduced building setbacks for a Secondary Suite ~~where:~~
 - i. **the building code, safety code, and fire code requirements can be met (for example side yard setbacks may not be relaxed on smaller parcels due to separation distances of residential buildings with greater than 10 minutes fire department response time).**
 - ii. **it does not materially interfere with or affect the use, enjoyment, or value of the neighboring properties.**
- 5.6.10 The Development Authority may allow a 10% variance to the maximum size requirements of a NEW Secondary Suite, where the Development Authority is of the opinion it will not materially interfere with or affect the use, enjoyment, or value of the neighboring properties.

4. PARKING PROVISION UNDER SECTION 9.19 PARKING AND LOADING FACILITIES

a. The parking requirements under Table 9.19C for Secondary Suites shall be amended as follows:

Dwelling, Secondary Suite 1 parking stall **per bedroom.**

5. AMENDMENTS UNDER SECTION 10.10 DWELLINGS PERTAINING TO SECONDARY SUITES:

a. Delete the following Section under Section 10.10 and replace with the following new provisions:

~~10.10.27 An approved Dwelling, Secondary Suite may be located within the principal dwelling unit or located within an accessory building on the same titled parcel as the principal dwelling. Information on Secondary Suites can be found in Section 10.26~~

Dwelling Secondary Suite

10.10.32 A Development Permit shall be obtained for all Dwelling, Secondary Suites.

10.10.33 A Dwelling, Manufactured Home, or Dwelling Mobile Home, may be approved for use as Secondary Suite, Detached if approved by Development Permit, in accordance with Section 10.26.

- b. Amend Section 10.10.12 for allowance for Dwelling, Mobile Home/Dwelling Manufactured Home approval as a Secondary Suite, Detached subject to specific conditions:

Dwelling, Manufactured Home and Dwelling, Mobile Home

- 10.10.12 A Dwelling, Mobile Home may only be permitted on parcels under 80 acres in size if:
- approved by Development Permit for temporary purposes as a Dwelling, Temporary in accordance with Section 10.10; or
 - approved by Development Permit as a Secondary Suite, Detached in accordance with Section 10.26; and
 - ~~it is not placed on a permanent foundation but meets all applicable building code requirements for a temporary foundation. (already covered under 10.10 for Dwelling Temporary)~~
 - ~~if it was prefabricated, built or factory constructed later than September 2, 2007. (already included under 10.10 for Dwelling, temporary and 10.26 for Secondary Suite, Detached).~~
 - all applicable building and safety codes requirements are met; and
 - it does not exceed the maximum dwelling density and maximum height requirements and meets minimum habitable area per dwelling and other requirements as per the applicable land use district.

10.10.12.2 A Dwelling, Manufactured Home or Dwelling, Mobile Home may be permitted as a Secondary Suite, Detached where approved by Development Permit in accordance with Section 10.26:

- c. Section 10.10.17 shall be amended to include a Secondary Suite, detached under Dwelling, more than one on a property, as follows:

Dwelling, more than one on a property

- 10.10.17 No person shall erect a Dwelling, Single Family, Dwelling, Mobile Home, or Dwelling, Manufactured Home on a lot less than 32.4 ha. (80 acres Gross Lot Area) on which another Dwelling, Single Family, or Dwelling, Manufactured Home is already located unless:
- the dwelling has been approved by a Development Permit as a Dwelling, Temporary in accordance with Section 10.10, or
 - the dwelling has been approved by a Development Permit as a Secondary Suite, Detached in accordance with Section 10.26; and
 - is in conformance with the maximum dwelling density requirement under the applicable land use district.

6. AMENDMENTS TO DWELLING DENSITY

- a. The following amendments are proposed to the dwelling unit density provisions under the corresponding land use district:

Country Residential District

- 13.1.7.2 Maximum Dwelling Unit Density
- Maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite in accordance with Section 10.26 or one Dwelling, Temporary in accordance with Section 10.10 on dwellings.
 - Or as determined by the Approving Authority in accordance with an approved Area Structure Plan or Outline Plan.

Cluster Residential District

13.2.7.2 Maximum Dwelling Unit Density

- a. Maximum dwelling unit density for a parcel is one Dwelling, Single Family and either one Dwelling, Secondary Suite in accordance with Section 10.26 or one Dwelling, Temporary (for construction only) in accordance with Section 10.10 on dwellings.
- b. Or as determined by the Approving Authority in accordance with an approved Area Structure Plan or Outline Plan.

Country Estate Residential District

13.3.7.2 Maximum Dwelling Unit Density

- ~~a. Maximum dwelling unit density for a parcel is one Dwelling, Single Family or Dwelling, Temporary, or one Dwelling Semi-detached in accordance with Section 10.10 on Dwellings, and one Dwelling, Temporary, or one Dwelling Semi-detached, in accordance with Section 10.10 on Dwellings.~~
- a. Maximum dwelling unit density for a parcel is one Dwelling, Single Family and either one Dwelling Secondary Suite in accordance with Section 10.26 or one Dwelling, Temporary (for construction purposes only) in accordance with Section 10.10.
- b. Or as determined by the Approving Authority in accordance with an approved Area Structure Plan or Outline Plan.

Residential Community District

13.4.7.2 Maximum Dwelling Unit Density

- a. Maximum dwelling unit density for a parcel is one Dwelling, Single Family and one Dwelling, Secondary Suite in accordance with Section 10.26 ~~on Dwellings.~~
- b. Or as determined by the Approving Authority in accordance with an approved Area Structure Plan or Outline Plan.

b. **Section 10.10.5 under Dwellings is deleted and replaced as follows:**

~~10.10.5 In all districts, where the maximum dwelling density is not identified, the following maximum number of dwelling units per parcel shall apply:~~

- ~~a. One Dwelling Unit where dwelling type is listed as a Permitted or Discretionary Use for a parcel under 80 acres in size.~~
- ~~b. Two Dwelling Units where dwelling type is listed as a Permitted or Discretionary Use for a parcel 80 acres or more in size.~~
- ~~c. Or as determined by Approving Authority in an Approved Area Structure Plan or Outline Plan~~

10.10.5 In all districts, where the maximum dwelling density is not identified and the dwelling type is listed as a permitted or discretionary use in the applicable land use district, the following maximum number of dwelling units (dwelling density per parcel) shall apply:

- a. for a parcel under 80 acres in size you are permitted no more than:
 - i. one Dwelling, Single Family; **and**
 - ii. either one Dwelling, Secondary Suite in accordance with Section 10.26, **or** one Dwelling, Temporary in accordance with Section 10.10.
 - iii. Or as determined by the Approving Authority in accordance with an approved Area Structure Plan or Outline Plan.
- b. for a parcel 80 acres or larger in size is you are permitted no more than:
 - i. two Dwellings, Single Family; **and**
 - ii. either one Dwelling, Secondary Suite in accordance with Section 10.26, **or** one Dwelling, Temporary in accordance with Section 10.10.
 - iii. Or as determined by the Approving Authority in accordance with an approved Area Structure Plan or Outline Plan.

7. AMENDMENTS TO SECTION 10.4 BED AND BREAKFAST

- a. Section 10.4.2 is deleted, removing the restriction of a Bed and Breakfast to be operated from a Secondary Suite.

~~10.4.2 — A Bed and breakfast shall not be operated from a Secondary Suite.~~

8. AMENDMENTS TO LAND USE DISTRICTS

- a. The following use is amended under Section 13.2.5 Cluster Residential District and Section 13.3.5 County Estate Residential District as shown below:

Discretionary use - Dwelling, temporary (during construction only)

- b. The following exception is added to Section 13.4.8 Residential Community District to exclude the use of a Secondary Suite within the hamlets of Heritage Pointe and Priddis Greens:

13.4.8.1 Secondary Suites are not permitted on any lot within the hamlets of Heritage Pointe or Priddis Greens.

- c. The following text is placed under the exceptions in the corresponding hamlet lists in the Residential Community District under Section 13.4.8. for information purposes:

See 13.4.8.1 for exceptions - Secondary Suites are not permitted on any lot within the Hamlet of Priddis Greens.

See 13.4.8.1 for exceptions - Secondary Suites are not permitted on any lot within the Hamlet of Priddis Greens which includes the Hawks Landing development.

See 13.4.8.1 for exceptions - Secondary Suites are not permitted on any lot within the Hamlet of Heritage Pointe.

See 13.4.8.1 for exceptions - Secondary Suites are not permitted on any lot within the Hamlet of Heritage Pointe which includes Artesia.

8. AMENDMENTS AND ADDITIONS TO USES UNDER LAND USE DISTRICTS

- a. Secondary Suites are added and amended as permitted or discretionary uses as follows to the Land use districts:

Black – Existing

Red – Proposed Change

Land Use District	Permitted	Discretionary
Agricultural District Agricultural Business District	Secondary Suite, Principal Secondary Suite, Detached	
Country Residential District	Secondary Suite, Principal	Secondary Suite, Detached
Cluster Residential District Country Estate Residential District	Secondary Suite, Principal	Secondary Suite, Detached
Residential Community District <i>(except for Hamlet of Heritage Pointe and Hamlet of Priddis Greens)</i>		Secondary Suite, Principal Secondary Suite, Detached <i>(Neither will be included within Hamlets of Heritage Pointe and Priddis Greens)</i>
Direct Control District #1 - Spruce Meadows Direct Control District #3 - Retreat Facilities Direct Control District #14 - Ptn. NE 08-21-29-W4 Direct Control District #22 - Priddis Meadows Direct Control District #25 - Rocky Mountain Show Jump Direct Control District #26 - Dog Kennels & Facilities Direct Control District #27 - Home Based Business Type 3 Direct Control District #29 - <i>Riding Arena</i> Direct Control District #32 - <i>Ag Societies</i> Direct Control District #33 - Bar Kay Cee Ranch Direct Control District #35 - Event Venue	Secondary Suite, Principal	Secondary Suite, Detached
Direct Control District #36 - Equine Vet & Rehab	Secondary Suite, Principal Secondary Suite, Detached	