

Accessory Buildings

IN THE M.D. OF FOOTHILLS



LAND USE BYLAW REGULATIONS & APPLICATIONS

In all Districts, with the exception of Agricultural District, the principal building on each Lot shall be deemed to be a detached single family dwelling whether or not the same has actually been located on the Lot. Notwithstanding anything contained in the Land Use Rules applicable to such District, accessory buildings shall be considered as Permitted Uses only in a case where a detached single family dwelling is actually located on the Lot. In all other cases, accessory buildings shall be deemed to be a Discretionary Use of land within such District and require the benefit of a Development Approval.

Once a dwelling has been constructed on the Lot, a detached accessory building for **personal use**, whether on temporary or permanent foundations, is permitted as specified:

- 1 acre or less..... One building up to 150 sq. ft. (14 sq. m.)
- 1.01 to 1.99 acres.....One building up to 500 sq. ft. (13.9 sq. m.) and one additional building up to 150 sq. ft. (14 sq. m.)
- 2 to 3 acres.....One building up to 1,200 sq. ft. (111.48 sq. m.) and one additional building up to 150 sq. ft. (14 sq. m.)
- 3.01 to 10 acres..... One building up to 2,400 sq. ft. (223 sq. m.) and one additional building up to 150 sq. ft. (14 sq. m.). Additional allowance for a horse shelter, not to exceed 200 sq. ft. (18.58 sq. m.).
- Over 10.01 to 20 acres... One building up to 3,200 sq. ft. (297 sq. m.) and one additional building up to 150 sq. ft. (14 sq. m.). Additional allowance for two horse shelters, each shelter is not permitted to exceed 200 sq. ft. (18.58 sq. m.).
- Over 20 acres.....One building up to 4,000 sq. ft. (297 sq. m.) and one additional building up to 150 sq. ft. (14 sq. m.). Additional allowance for three horse shelters, each shelter is not permitted to exceed 200 sq. ft. (18.58 sq. m.)

Flexibility will be permitted for additional buildings or one larger building provided they meet the total square footage for the acres as noted above. Please note that “**personal use**” does not include the operation of a business or the storage of business materials.

All accessory buildings shall be located at least 7.8 ft. (2.4m) from any principal building (dwelling) and must ensure that all minimum setbacks are adhered to:

FRONT YARD SETBACK:

- (a) 49.21 ft. (15m) from an Internal Subdivision Road – Property Line
- (b) 157.48 ft. (48m) from the center line of a Municipal Road
- (c) 209.97 ft. (64m) from the center line of a Secondary Highway
- (d) 131.23 ft. (40m) from the boundary of the right-of-way for a Primary Highway

SIDE YARD SETBACK:

- (a) 49.21 ft. (15m) from property line

REAR YARD SETBACK:

- (a) 49.21 ft. (15m) from property line

Those parcels that are zoned Agricultural District and Country Residential District, the accessory building must not exceed the height restriction of 32.81 ft. (10m). Within the Residential District, the accessory building must not exceed 16.40 ft. (5m).

When considering Development Permit Applications on an accessory building, the dwelling must be located on the lot or an application can be made with a submission to the Municipality of a letter of credit or cash deposit in the amount of \$2,500 to ensure that the accessory building will not be lived in during the construction of the dwelling. If approved, this deposit will be returned to you after the dwelling has been completed and a site inspection has been conducted to ensure that the accessory building is not being lived in.

Each circumstance is evaluated on its own merits based on the information provided to the Development Officer at the time of the application.

APPLICATION REQUIREMENTS

An application for a Development Permit must be made with respect to requesting a larger building or having more buildings than what is permitted. Please be advised that approval or refusal of an application is to the discretion of the Development Officer and each application has to be evaluated individually. The intent of the Land Use Bylaw, as noted on the previous page, is considered when evaluating an application.

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

- A site plan (can be hand drawn) showing:
 - the entire parcel;
 - north at the top of the page;
 - identify and show all existing structures and any proposed buildings with measurements from the same, in feet or metres, to all parcel lines;
 - show all existing wells, septic tanks, disposal fields, dugouts on the parcel and storage areas;
- Description of the need for this accessory building.
- 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.
- Methods of controlling noise, dust, or drainage from the lot if it is being used in relation to a hobby.
- 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.
- 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.
- Particulars of any proposed use or involvement by persons other than residents of the lot.
- If this parcel is not owned by the applicant, then they must receive written consent from the landowner to file an application.

Variance allowed to the Development Officer in respect to a relaxation request on 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.

*Please note that the Land Use Bylaw does not permit a variance for exemptions to the maximum height restrictions and they are therefore considered an automatic refusal.