

BYLAW NO. 18-11
TOWN OF FALHER

A BYLAW OF THE TOWN OF FALHER, IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14-05.

WHEREAS the Council of the Town of Falher, in the Province of Alberta has adopted the Bylaw No. 14-05, being the Land Use Bylaw; and

WHEREAS the Council of the Town of Falher, pursuant to the provisions of the Municipal Government Act, R.S.A. 2000, deems it advisable to amend the said Bylaw, and;

NOW THEREFORE, the Council of the Town of Falher, duly assembled, hereby enacts as follows:

- 1. Add the following definition for “Garage Suite” to Section 1.5:**
“GARAGE SUITE” means an Accessory Dwelling located above a detached garage (above grade); or a single-storey Accessory Dwelling attached to the side or rear of, a detached garage (at grade). A Garage Suite is accessory to a building in which the principal use is a single-detached dwelling. A Garage Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal dwelling located on the site. A Garage Suite has an entrance separate from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the structure. This use does not include Secondary Suites or Garden Suites.
- 2. Add the following definition for “Garden Suite” to Section 1.5:**
“GARDEN SUITE” means an Accessory Dwelling located in an accessory building separate from the principal use which is a single-detached dwelling. A Garden Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal dwelling located on the site. This use does not include Secondary Suites or Garage Suites.
- 3. Revise the definition for “Secondary Suite” in Section 1.5 to:**
“SECONDARY SUITE” means an Accessory Dwelling consisting of a Dwelling located within, and Accessory to, a structure in which the principal use is Single Detached Dwelling. A Secondary Suite has cooking facilities, food preparation; sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling Unit, either from a common indoor landing or directly from the side or rear of the structure. This use class includes the Development or conversion of Basement space or above-grade space to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. This use class does not include Duplex, Semi-detached, or Apartment dwelling units, and does not include Garage Suites, Garden Suites.
- 4. Replace the entire Section 6.27 Secondary Suite with the following section:**

 - 6.27 ACCESSORY DWELLINGS
 - 6.27.1 Accessory Dwellings include Garage Suites, Garden Suites, and Secondary Suites.
 - 6.27.2 Accessory Dwellings are accessory uses and only permitted on lots containing a single-detached dwelling.
 - 6.26.3 Accessory Dwellings are prohibited from being constructed within dwelling group housing.
 - 6.27.4 Accessory Dwellings are not to be subject to separation from the principal dwelling through a condominium conversion or subdivision.
 - 6.27.5 Accessory Dwellings are not to be developed on the same site as a principal dwelling containing a Bed and Breakfast.
 - 6.27.6 Accessory Dwellings must have a separate and direct access to grade. A Garage Suite must have an entrance separate from the vehicle entrance to the garage.
 - 6.27.7 Only one type of Accessory Dwelling may be developed in conjunction with a principal dwelling.

- 6.27.8 Accessory Dwellings shall have a minimum floor area of 30 m² (323 ft²). Shared mechanical or common areas shall be excluded from the floor area calculation of Secondary Suites.
- 6.27.9 Notwithstanding Section 6.27.8 the maximum floor area for Accessory Dwellings shall not exceed the floor area of the principal dwelling. Garden Suites shall have a maximum floor area of 80 m² (860 ft²).
- 6.27.10 A minimum of one on-site parking space shall be provided for an Accessory Dwelling containing two bedrooms or less. Accessory Dwellings containing three bedrooms shall provide a minimum of two on-site parking spaces.
- 6.27.11 Accessory Dwellings must have an amenity space that is a minimum area of 7.62 m² (82 ft²) with no dimension less than 1.5 m (5 ft). A private amenity space may be provided in the form of a balcony, deck, or patio.
- 6.27.12 Garage and Garden Suites shall have the same setback requirements as the district standard for Accessory Buildings. Secondary Suites are contained within the Principal Building and shall meet the same setback requirements.
- 6.27.13 Garden Suites shall have a minimum separation distance of 2 m (6.5 ft) from the principal dwelling and 1.2 m (4 ft) from all other buildings on the same parcel of land.
- 6.27.14 Garage Suites and Garden Suites shall not exceed the height of the principal dwelling.
- 6.27.15 Windows contained within a Garden Suite shall be sized and placed to minimize overlook into yards and dwellings of abutting properties.
- 6.27.16 Secondary Suites shall be developed in such a manner that the exterior of the principal dwelling appears as a single dwelling.

5. Add the following uses to Section 7.5.1 Restricted Residential District (R-1) (a) Permitted Uses:

- Garage Suite
- Garden Suite

6. Add the following uses to Section 7.6.1 Low Density Residential District (R-2) (a) Permitted Uses:

- Garage Suite
- Garden Suite

7. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed.

8. That this bylaw shall take force and effect on the date of its final passage.

READ a first time this _____ day of _____, 2018

MAYOR

MUNICIPAL ADMINISTRATOR

READ a second time this _____ day of _____, 2018.

READ a third time and finally passed this _____ day of _____, 2018.

MAYOR

MUNICIPAL ADMINISTRATOR