LETHBRIDGE COUNTY

LAND USE BYLAW No. 1404

October 2013

Consolidated to Bylaw No. 21-018, December 2021

Prepared by

OLDMAN RIVER REGIONAL SERVICES COMMISSION

COUNTY OF LETHBRIDGE
IN THE PROVINCE OF ALBERTA

BY-LAW NO. 1404

Being a bylaw of the County of Lethbridge in the Province of Alberta, to adopt a new Land Use Bylaw pursuant to section 639 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended and provide for its consideration at a public hearing;

WHEREBY THE PURPOSE of proposed Bylaw No. 1404 is to:

- update and establish standards and procedures regarding the use and development of land within the municipality;
- incorporate new development standards for uses within the County of Lethbridge;
- to incorporate new land use districts with uses and standards;
- to amend the existing Land Use District Maps to reflect land use re-designations and new districts; and
- to comply with the provisions of the Municipal Government Act, RSA 2000, Chapter M-26, as amended.

AND WHEREAS the purpose of proposed Bylaw No. 1404 is to foster orderly growth and development within the County;

AND WHEREAS, a public hearing was conducted in accordance with Section 692 of the Act;

AND WHEREAS, at the time of bylaw adoption the County of Lethbridge has applied for ministerial approval to change the municipal corporation name to "Lethbridge County", and that until such time as approved by the Minister of Municipal Affairs, any reference in Bylaw No. 1404 to Lethbridge County shall mean the County of Lethbridge;

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council duly assembled does hereby enact the following:

1. Bylaw No. 1211, being the former Land Use Bylaw and any amendments thereto is hereby rescinded, with the exception of amending bylaws No. 1246, 1372, 1389 & 1397 for Direct Control districts which are hereby deemed to continue in full force and effect and are hereby incorporated into Bylaw No. 1404.
2. Bylaw No. 1404 shall come into effect upon third and final reading thereof.
3. Bylaw No. 1404 is hereby adopted.

GIVEN first reading this 3rd day of October 2013.

Reeve

County Manager

GIVEN second reading this 17th day of October, 2013.

Reeve

County Manager

GIVEN third reading this 17th day of October, 2013.

Reeve

County Manager

Lethbridge County Land Use Bylaw No. 1404 – Amendments

Bylaw No.	Amendment Description	Legal Description	Passed
1427	"Rural Agriculture – RA" to "Rural General Industrial – RGI" and "Business Light Industrial – BLI"	Lots 1-3, Block 1, Plan 0814065	2-Oct-2014
1429	"Rural Agriculture – RA" to "Rural General Industrial – RGI"	Lot 3, Block 1, Plan 9611624 and a portion of SW 35-10-21-W4M	6-Nov-2014
1430	"Rural Urban Fringe – RUF" to "Rural General Industrial – RGI"	Lot 1, Block 1, Plan 9913181	24-Nov-2014
1433	"Rural Agriculture – RA" to "Grouped Country Residential – GCR"	Lot 1, Block 1, Plan 8711461	4-Dec-2014
1435	"Lethbridge Urban Fringe – LUF" to "Business Light Industrial – BLI"	Parcel "W", Plan 1107	15-Jan-2015
1436	"Lethbridge Urban Fringe – LUF" to "Rural General Industrial – RGI"	Lot 3, Plan 9711954	4-Dec-2014
1437	"Rural Agriculture – RA" to "Rural General Industrial – RGI"	Portion of NW and SW 27-7-20-W4M	5-Mar-2015
1445	"Lethbridge Urban Fringe – LUF" to "Grouped Country Residential – GCR"	Lots 1 and 2, Plan 9711954	6-Aug-2015
1447	"Hamlet Residential – HR" to "Hamlet Public/Institutional – HP/I"	Lot 6, Block 1, Plan 0613986	4-Jun-2015
1449	"Rural Agriculture – RA" to "Rural Recreational – RR"	Portion of NE 31-8-20-W4M	18-Jun-2015
1451	"Rural Agriculture – RA" to "Rural General Industrial – RGI"	Portion of NW and SW 27-7-20-W4M	16-Jun-2016
1456	"Lethbridge Urban Fringe – LUF" to "Direct Control – DC"; Add Bylaw 1456 to Part 2 of the Land Use Bylaw under the "Direct Control – DC" district	Portion of Lot 2, Block 2, Plan 0210532	18-Aug-2016
1458	"Rural Urban Fringe – RUF" to "Rural Commercial – RC"	Portion of NE 15-9-20-W4M, Lot 1, Block 11, Plan 0912068	4-Feb-2016
1459	"Rural Agriculture – RA" to "Rural General Industrial – RGI"	Portion of SE 12-9-21-W4M, Block 1, Plan 9110936	4-Feb-2016
1463	"Rural Agriculture – RA" to "Rural Recreational – RR"	Portions of NE and NW 12-9-19-W4M	7-Apr-2016
1470	"Rural Agriculture – RA" to "Rural Recreational – RR"	Lot 1, Plan 9512071 (portion of SE 4-10-19-W4M)	4-Aug-2016
1473	"Rural Agriculture – RA" and "Coaldale Lethbridge Corridor – CLC" to "Rural General Industrial – RGI"	Portion of SE 7-9-20-W4M	15-Sep-2016
1474	"Rural Agriculture – RA" to "Rural General Industrial – RGI"	Portion of NW 7-8-20-W4M	15-Sep-2016
1477	"Lethbridge Urban Fringe – LUF" to "Grouped Country Residential – GCR"	Lot 2, Block 1, Plan 0812940	3-Nov-2016
1484	"Rural Urban Fringe – RUF" to "Rural General Industrial – RGI"	Lots 1 and 2, Block 1, Plan 8211541	2-Feb-2017

Bylaw No.	Amendment Description	Legal Description	Passed
1492	Text amendments to update, enhance and clarify administrative procedures, land use districts, and development criteria and standards including: revising the number of dwellings on a lot regulations, removing the Coaldale Lethbridge Corridor district; adding uses, definitions, standard sand criteria, including but not limited to secondary suites, attached garages in hamlets, solar-collector farms commercial (utility-scale), medical marihuana production facilities, personal workshops and storage (non-commercial); and clarifying hazard lands, flood and resource extraction standards, Canamex Freeway siting, wetland regulations, and road setbacks/corner lot restrictions for development.		4-May-2017
1497	"Rural Agricultural – RA" to "Grouped Country Residential – GCR"	Lot 4, Block 1, Plan 1014119 and Ptn NE 14-9-19 W4M	1-June-2017
1499	"Rural General Industrial – RGI" to "Lethbridge Urban Fringe – LUF"	Block Z, Plan 6863HA in the NW 2-9-21-W4M	18-May-2017
1502	"Lethbridge Urban Fringe – LUF" to "Direct Control – DC" and establish regulations for a Direct Control district	Lots 2 and 3, Block 1, Plan 1012612	15-Jun-2017
17-003	"Grouped Country Residential – GCR" to "Direct Control – DC"	Lot 7, Block 1, Plan 8811143	21-Sep-2017
17-007	"Rural Agriculture – RA" to "Direct Control – DC" and establish regulations for a Direct Control district	Portion of Lot 2, Block 1, Plan 9211866 within SE 17-9-20-W4M	20-Nov-2017
18-011	"Rural Urban Fringe – RUF" to "Hamlet Industrial – HI"; "Hamlet Commercial – HC" to "Hamlet Residential – HR"	Portion of Lots 1 and 3, Block 1, Plan 1810343; Portion of Lots 2-3, Block 2, Plan 6481DI	17-May-2018
18-017	Various text amendments to add and clarify administrative procedures as required by the modernized Municipal Government Act		2-Aug-2018
18-018	Repeal Bylaw 1502 and redesignate to "Direct Control – DC" with new uses and regulations	Lots 2 and 3, Block 1, Plan 1012612	6-Sep-2018
18-020	Various text amendments to add and clarify administrative procedures that would apply to the legalization of cannabis		1-Oct-2018
18-028	"Rural Agriculture – RA" to "Rural General Industrial – RGI"	Portion of NE 35-10-21-W4M	16-Jan-2019
18-029	"Rural Agriculture – RA" to "Direct Control – DC"	Portion of SE 19-10-22-W4M	5-Sep-2019
18-030	"Rural Agriculture – RA" to "Business Light Industrial – BLI"	Portion of Lot 1, Block 1, Plan 0112081 within SE 2-10-20-W4M	14-Feb-2019
18-032	"Rural Agriculture – RA" to "Grouped Country Residential – GCR"	Lot 5, Block 2, Plan 8910736 and Lots 7 & 8, Block 2, Plan 9511249 within SW 10-10-22-W4M	21-Mar-2019
19-001	"Lethbridge Urban Fringe – LUF" to "Grouped Country Residential – GCR"	Lots 1 and 2, Block 2, Plan 0210532 within E 14-9-22-W4M	21-Mar-2019
19-004	"Lethbridge Urban Fringe – LUF" to "Direct Control – DC"	North half of SE 2-9-21-W4M	4-Apr-2019

Bylaw No.	Amendment Description	Legal Description	Passed
19-006	"Direct Control – DC" and "Lethbridge Urban Fringe – LUF" to "Business Light Industrial – BLI" and "Rural General Industrial – RGI"	Lot 4, Block 1, Plan 1113171 within SW 10-9-21-W4M	4-Apr-2019
19-008	"Lethbridge Urban Fringe – LUF" to "Grouped Country Residential – GCR"	Lot 3, Block 1, Plan 1512847	2-May-2019
19-011	"Rural Urban Fringe – RUF" to "Business Light Industrial – BLI"	South portion of SE 3-11-23-W4M	2-May-2019
19-020	Add "Recreation, minor" and "Clubs/fraternal organizations" as discretionary uses in the Hamlet Industrial district		15-Aug-2019
19-028	"Rural Recreation – RR" to "Rural Agriculture – RA" and "Rural General Industrial – RGI"	Block 1, Plan 9111008 within NW 22-7-20-W4M	19-Sep-2019
19-031	"Rural Agriculture – RA" to "Direct Control – DC"	S½ of NW 7-10-19-W4M	19-Sep-2019
19-032	"Rural Agriculture – RA" to "Direct Control – DC"	Portion of the N½ of SE 12-10-20-W4M	19-Sep-2019
19-044	Remove "Commercial Solar Collection Farms" as a discretionary use in the Rural Agriculture district to require that all Commercial Solar Collection Facilities are redesignated to Direct Control, and amend standards and regulations with regard to Commercial Solar Collection Facilities		5-Dec-2019
20-001	"Rural Urban Fringe – RUF" to "Rural General Industrial – RGI"	Lot 1, Block 2, Plan 0910890 and portions of NE 20-9-22-W4M	5-Mar-2020
20-002	"Rural Agriculture – RA" to "Business Light Industrial – BLI"	Portion of Lot 1, Block 1, Plan 0411743 within NE 34-10-23-W4M	21-May-2020
20-010	"Rural Urban Fringe – RUF" to "Rural General Industrial – RGI"	Portion of Lot 1, Block 1, Plan 0214060 in Section 7-10-23-W4M	18-Jun-2020
20-013	"Rural Agriculture – RA" to "Grouped Country Residential – GCR"	Lots 2 and 3, Block 1, Plan 1412687 in NW 8-10-21-W4M	23-Jul-2020
20-014	"Grouped Country Residential – GCR" to "Direct Control – DC"	Lot 2, Block 4, Plan 9610161 in NW 34-10-21-W4M	6-Aug-2020
20-016	"Lethbridge Urban Fringe – LUF" to "Grouped Country Residential – GCR"	Block Z, Plan 7770AU in NE 26-8-21-W4M	3-Sep-2020
20-020	"Hamlet Industrial (HI)" to "Rural Urban Fringe (RUF)" "Direct Control (DC)" to "Rural Urban Fringe (RUF)" "Rural Urban Fringe (RUF)" to "Hamlet Industrial (HI)" "Rural Urban Fringe (RUF)" to "Hamlet Industrial (HI)"	Lot 2, Block 4, Plan 1910906 Lot 9, Block 6, Plan 2011463 Lots 10-13, Block 6, Plan 2011463 Lots 14-17, Block 6, Plan 2011463 within the Hamlet of Turin	3-Dec-2020
21-002	"Hamlet Public/Institutional (HPI) to "Hamlet Residential (HR)"	Lot 11, Block 81, Plan 9611179	11-Feb-2021
21-008	"Rural Agriculture (RA)" to "Grouped Country Residential (GCR)"	Lot 1 Block 2, Plan 1810581 within NW 5-8-20 W4M	3-June-2021
21-009	"Rural Agricultural (RA)" to "Rural General Industrial (RGI)"	Ptn. NE/NW 33-7-20 W4M	3-June-2021
21-013	To add and clarify the Land Use Bylaw and align with Provincial and Federal Acts and Regulations: – The Administration Section is updated and amended to clarify provision and administrative regulations,		5-August-2021

	including application processes; – The land use districts and various uses are being amended, including shipping containers, riding arenas and various cannabis related uses; – To clarify and detail the development standards and specific land use standards for certain uses including fencing in residential areas and cannabis production facilities; and – To amend the Land Use Bylaw definitions to reflect the updates.		
21-015	"Rural Agriculture (RA)" to "Business Light Industrial (BLIP)"	Ptn. Lot 1, Block 1, Plan 0411743 and Lot 2, Block 1, Plan 1511150	2-Sept-2021
21-016	"Lethbridge Urban Fringe (LUFF)" to "Rural General Industrial (RGI)"	Ptn. NW 1-9-21 W4M	2-Sept-2021
21-018	“Direct Control (DC)” to “Direct Control (DC)”	Plan 1711672, Block 2, Lot 1 Within SE 15-10-22 W4M	2-Dec-2021

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PART 1

ADMINISTRATIVE

IN THE PROVINCE OF ALBERTA

LAND USE BYLAW NO. 1404

BYLAW NO. 1404 OF LETHBRIDGE COUNTY IS FOR THE PURPOSE OF ADOPTING THE LETHBRIDGE COUNTY LAND USE BYLAW IN ACCORDANCE WITH SECTION 692 OF THE MUNICIPAL GOVERNMENT ACT, REVISED STATUTES OF ALBERTA 2000, CHAPTER M-26, AS AMENDED (MGA).

WHEREAS the Council has adopted a new Municipal Development Plan in 2009;

AND WHEREAS the existing Land Use Bylaw No. 1211 has been in effect since the year 2001;

AND WHEREAS Council wishes to update the Land Use Bylaw to reflect changes that have occurred and more effectively implement land use controls, address new development guidelines for certain types of uses, and foster orderly growth and development in the County;

NOW THEREFORE, the Council of Lethbridge County, duly assembled, hereby enacts the following:

PART 1

ADMINISTRATIVE

ENACTMENT

1. TITLE

This bylaw may be cited as the Lethbridge County Land Use Bylaw No. 1404.

2. DATE OF COMMENCEMENT

This bylaw shall come into effect upon third and final reading thereof.

3. REPEAL OF FORMER LAND USE BYLAW

Bylaw No. 1211, being the current Land Use Bylaw of Lethbridge County and any amendments thereto is hereby repealed upon third and final reading of this bylaw, with the exception of specified amending bylaws for Direct Control districts which are hereby deemed to continue in full force and effect and are hereby incorporated into this Bylaw, unless otherwise amended or repealed (see Part 2, Direct Control – DC land use district).

4. DEFINITIONS

For definitions refer to Part 8, Definitions.

5. METRIC MEASUREMENTS AND STANDARDS

For the purpose of applying the standards of the bylaw, the metric standards as specified in this bylaw are applicable. Imperial measurements and standards are provided for convenience only.

6. RULES OF INTERPRETATION

(1) Unless otherwise required by the context, words used in the present tense include the future tense; words used in the singular include the plural; and the word person includes a corporation as well as an individual. Unless otherwise stipulated, the *Interpretation Act*, Chapter I-8, RSA 2000 as amended, shall be used in the interpretation of this bylaw. Words have the same meaning whether they are capitalized or not.

(2) The written regulations of this bylaw take precedence over any graphic or diagram if there is a perceived conflict.

(3) The Land Use Districts Map takes precedence over any graphic or diagram in the district regulations if there is a perceived conflict.

7. PARTS, MAPS AND APPENDICES

(1) Parts 1 through 9, attached hereto, form part of this bylaw.

(2) Appendices A, B and C attached hereto are for information purposes only and may be amended from time to time as they do not form part of the Lethbridge County Land Use Bylaw.

(3) For the purposes of administering the provisions of this bylaw, Council may authorize by separate resolution or bylaw as may be applicable, the preparation and use of such fee schedules, forms or notices as in its discretion it may deem necessary. Any such fee schedules, forms or notices are deemed to have the full force and effect of this bylaw in execution of the purpose for which they are designed, authorized and issued.

(4) In any case, where the required fee is not listed in the fee schedule, such fee shall be determined by the Development Authority and shall be consistent with those fees listed in the schedule for similar developments

8. COMPLIANCE WITH AND CONTRAVENTION OF THE LAND USE BYLAW

A person who develops land or a building in the municipality shall conform with:

(a) the use or uses prescribed in Part 2 – Land Use Districts and Regulations;

(b) the applicable standards and requirements of development specified in Parts contained in this bylaw;

(c) any conditions attached to a development permit if one is required.

APPROVING AUTHORITIES

9. SUBDIVISION AUTHORITY

(1) The Subdivision Authority is authorized to make decisions on applications for subdivisions pursuant to the Subdivision Authority Bylaw, and may exercise only such powers and duties as are specified:

(a) in the Lethbridge County Subdivision Authority Bylaw;

(b) in this bylaw; or

(c) by resolution of Council.

(2) The Subdivision Authority may delegate, through any of the methods described in subsection (1) above, to any individual, municipal staff, or a regional services commission, any of its required functions or duties in the processing of subdivision applications. In respect of this:

(a) the delegation of duties by the Subdivision Authority may include the authorized entity being responsible for determining the completeness of a submitted subdivision application;

(b) the Subdivision Authority delegate is authorized to carry out the application process with subdivision applicants as described in the Subdivision Application Rules and Procedures section of the bylaw, including the task of sending all required notifications to applicants as stipulated.

10. DEVELOPMENT AUTHORITY

(1) The Council shall, by resolution, appoint one or more persons to the office of Development Authority to act in the position of the Development Authority in accordance with the Development Authority Bylaw.

(2) In accordance with section 210 of the *Municipal Government Act* and for the purpose of this bylaw the Development Authority shall be the designated Development Officer, or any other appointment made by resolution of Council in accordance with the Development Authority Bylaw.

(3) The Development Authority is an authorized person in accordance with section 624 of the *Municipal Government Act* for the purpose of applying this bylaw and Part 17 of the *MGA*.

(4) The Development Authority may exercise only such powers and duties as are specified:

(a) in the Lethbridge County Development Authority Bylaw;

(b) in this bylaw;

(c) in the *Municipal Government Act*; or

(d) by resolution of Council.

(5) The Development Authority is responsible for:

(a) receiving, processing, deciding upon and, as appropriate, referring all applications for a development permit in accordance with this bylaw and determine whether a development permit application is complete in accordance with Part 1, Section 24;

(b) maintaining a register of all applications together with their disposition and other relevant details;

(c) maintaining for the inspection of the public during office hours, a copy of this bylaw and all amendments thereto and ensure that copies of the same are available for public purchase.

(6) Council shall be responsible for considering and deciding upon development permit applications for any Direct Control district, but may choose to delegate the decision making authority to the Development Authority if specified within the regulations of the direct control bylaw adopted.

11. SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)

The Subdivision and Development Appeal Board (SDAB) is established by separate bylaw pursuant to the *Municipal Government Act*, and may exercise such powers and duties as are specified in this bylaw, the *MGA* and the Subdivision and Development Appeal Board Bylaw.

SUBDIVISION AND DEVELOPMENT IN GENERAL

12. LAND USE DISTRICTS

(1) The municipality is divided into those land use districts specified in Part 2 – Land Use Districts and Regulations and depicted on the Land Use Districts Maps in Part 9.

(2) Part 2 prescribes the one or more uses of land or buildings that are:

(a) permitted in each land use district with or without conditions; and/or

(b) discretionary in each land use district with or without conditions; and/or

(c) prohibited in each land use district.

(3) An application for a land use that is not listed as a permitted or discretionary use, but which is reasonably similar in character and purpose to a permitted or discretionary use in that district may be deemed a similar use by the Development Authority in accordance with Section 31 (Similar Uses).

(4) An application for a land use not listed as a permitted or discretionary use or not deemed a similar use in a district is a prohibited use and shall be refused.

13. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

(1) This section does not negate the requirement of obtaining all required permits, as applicable, under the *Safety Codes Act* and any other Provincial or Federal statute.

(2) Notwithstanding that no development permit may be required by the municipality for the uses outlined below, any development within 300 metres (984 ft.) of the limit of a provincial controlled hig**h**way or within 800 metres (2,625 ft.) from the centre point of an intersection of a controlled highway and a public road would require the benefit of a permit from Alberta Transportation. This includes dugouts, shelter belts, animal shelters, etc.

(3) The following developments and uses shall not require a development permit:

(a) any use or development exempted under section 618(1) of the *Municipal Government Act*;

(b) any use or development exempted by the Lieutenant Governor in Council pursuant to section 618(4) of the *MGA*;

(c) telecommunication antenna systems that are regulated by Industry Canada subject to Part 4 – Standards of Development, Section 36 (Telecommunication Antenna Siting Protocols);

(d) the completion of a building which was lawfully under construction at the date this bylaw came into effect provided that the building is completed in accordance with the terms and conditions of any development permit granted;

(e) the completion of a building that did not require a development permit under the previous land use bylaw and which was lawfully under construction provided the building is completed within 12 months from the date this bylaw came into effect;

(f) the use of any building referred to in Section 3(d) of this Part for the purpose for which construction was commenced;

(g) the installation, maintenance or repair of public works buildings, services, and utilities carried out by or on behalf of federal, provincial, municipal, or public authorities on land which is publicly owned or controlled.

(4) The following developments shall not require a development permit, but must otherwise comply with all other provisions of this bylaw:

(a) the carrying out of works of maintenance or repair to any building, if such works do not include structural alterations or major works of renovation;

(b) interior renovations to a building which do not:

(i) create another dwelling unit,

(ii) increase parking requirements,

(iii) result in the change of use of a building,

(iv) increase the square footage (increase density);

(c) changing the exterior finish of a building unless it is required as a condition of an authorized development permit;

(d) the temporary erection or placement of works, plants, machinery or structures needed solely for the undertaking or completion of construction of a development that has an approved permit, only while that construction is occurring, provided all standards of the bylaw are met;

(e) the extensive cultivation or grazing of land;

(f) confined feeding operations as defined and categorized (at or above the animal threshold numbers where a NRCB authorization or approval is required) in accordance with the *Agricultural Operations and Practices Act*. Notwithstanding that no development permit may be required by the municipality, any such development would require the benefit of a permit or registration approval from the Natural Resources Conservation Board (NRCB);

(g) except for dwellings or confined feeding operations, any use, building or structure associated with extensive agriculture or grazing (including corrals, stockpiles, silage pits, hay stacks, pole-barns, fencing, grain bins, and greenhouses, sheds and barns less than 92.9 m^2 (1,000 sq. ft.) do not require a development permit unless they are located within the following noted setbacks:

(i) within 38.1 metres (125 ft.) of the centre line of a municipal road right-of-way;

(ii) within 70.0 metres (230 ft.) of the centre line or 40.0 metres (131 ft.) from the right-of-way boundary, whichever is greater, of roads designated as provincial highways under the Highways Development Protection Regulation;

(iii) on a flood plain, or within 152.4 metres (500 ft.) of the boundary of a flood plain; or

(iv) within 30.5 metres (100 ft.) of a canal.

Any extensive agriculture related use, building or structure proposed to be located within the above stipulated setback distances would require a development permit for an approved setback waiver; and, any extensive agriculture related use, building or structure 92.9 m^2 (1,000 sq. ft.) or greater requires a development permit. [Note: dwellings, additions, garages and shop buildings require a development permit.]

(h) a dugout or pond is exempt from a development permit if the applicable setbacks to all roadways (including the required site triangle restriction) and property lines are met in accordance with the bylaw (setbacks are to include the area for berms, stockpiles and fencing associated with a dugout or pond);

(i) with the exception of residential districts (HR, HMH, GCR), the construction of any fences in all other land use districts is exempt from a development permit provided that applicable setbacks to all roadways are met in accordance with the bylaw. In residential districts, the erection, construction, maintenance of a gate, fence, wall or other structural means of enclosure equal to or less that regulated height as noted in Part 3 (10) of this bylaw does not require a development permit;

(j) on lots not associated with extensive agriculture or grazing, any accessory storage building, garden shed or structure which is 9.3 m^2 (100 sq. ft.) or less in area that is not on a permanent foundation;

(k) the placement of a construction trailer during the construction, alteration, or maintenance of a building for a term not to exceed one (1) year providing the trailer is removed upon occupancy or issuance of an occupancy permit, whichever occurs first and there shall be no residential occupancy of the construction trailer at any time;

(l) the placement of storage, shipping, or c-containers (sea-containers):

  (i) that are temporary during the construction, alteration, or maintenance of a building or moving by the occupants, for a term not to exceed six (6) months providing the storage, shipping or c-container is removed upon completion of the construction, renovations or move by the occupants;

  (ii) that are located in the *Rural Agriculture* or *Rural Urban* Fringe land use districts provided they do not exceed two containers on a 5.0 acre or greater size parcel at any given time (see Part 3, section 32 for specific regulations and standards);

(m) the use of a building or part thereof as a temporary polling station, returning officer's headquarters, candidate's campaign office and any other official temporary use in connection with a federal, provincial or municipal election, referendum or census;

(n) the extraction and processing exclusively by Lethbridge County, its authorized agents or Alberta Transportation, of sand, gravel, or other earth materials and including asphalt or concrete mixtures for any County purpose within the County;

(o) the stripping of any topsoil to accommodate a building or other development provided that the topsoil is not removed from the parcel concerned;

(p) the installation of asphalt, concrete, brick, stone, wood or aggregate driveways, sidewalks, patios or steps;

(q) landscaping that was not specially required as part of the original development permit, provided any such landscaping meets the applicable setbacks to all roadways in accordance with the bylaw;

(r) temporary or above ground outdoor swimming pools where an excavation is not involved, and portable or above ground hot tubs smaller than 9.3 m^2 (100 sq. ft.);

(s) temporary outdoor and seasonal sales businesses that are:

(i) not permanent (e.g. farmers markets, individual single-event farm auction or estate sales, portable or seasonal fruit and vegetable stands, Christmas tree sales, etc.) that do not operate on the site more than 30 days in a calendar year (the term *operate* includes the set-up and removal of equipment which is to be included in the 30 days);

(ii) seasonal farm-gate sales where the stand is temporary or portable, is less than 9.3 m^2 (100 sq. ft.) in size, and there is a reasonable off-road parking area for vehicles and safety;

(t) any private communication, television or satellite dish:

(i) which is less than 1.0 metre (3.3 ft.) in diameter, or

(ii) is located on a parcel designated within the *Rural Agriculture* land use district;

(u) within the *Rural Agriculture* district the following do not require a development permit provided they meet the applicable setbacks and standards of the Land Use Bylaw:

(i) single power generators providing power only to the property on which it is located,

(ii) individual solar collectors,

(iii) small wind energy conversion systems.

All other power generator proposals in any other land use district must comply with the standards of the bylaw and may require a permit in accordance with Part 6 of the bylaw;

(v) within the *Rural Agriculture* district decks do not require a development permit provided they meet the applicable setbacks and standards of the Land Use Bylaw, but may require a building permit (the landowner is responsible for obtaining any required Safety Code approvals);

(w) the demolition or removal of any building or structure 9.29 m^2 (100 sq. ft.) or less in size, or an agricultural building located in the *Rural Agriculture* land use district, is exempt from a development permit;

(x) the operation of a day home does not require a development permit;

(y) any signs stated in Part 5 – Sign Regulations, Section 3 (Signs Not Requiring A Permit). Typically, real estate signs, election signs, garage sale signs, window signs, municipal addresses, etc. will not require a development permit;

(z) individual Recreational Vehicle (RV) units (e.g. motor homes, trailers/campers) which are not considered permanent buildings or structures and are located in an approved RV park or campground do not require a development permit, but must adhere to the regulations or requirements of any conceptual design scheme, area structure plan, or conceptual site plan that may be approved for the parcel.

(5) If there is a doubt as to whether a development permit is required, the Development Authority may request that a development permit application be submitted.

14. DEVELOPMENT IN MUNICIPALITY GENERALLY

(1) A person who develops land or a building in the municipality shall comply with the applicable standards and requirements of development specified in this bylaw, in addition to complying with the use or uses prescribed in the applicable land use district and any conditions attached to a development permit if one is required.

(2) The issuance of a subdivision or development approval pursuant to this bylaw does not preclude the applicant and/or their agent from the obligation to obtain any additional municipal, provincial, or federal approvals that may be required before, during or after the subdivision or development process.

15. NON-CONFORMING BUILDINGS AND USES

A non-conforming building or use may only be continued in accordance with the conditions detailed in the *Municipal Government Act*.

16. DEVELOPMENT ON NON-CONFORMING SIZED LOTS

(1) Development on an existing registered non-conforming sized lot that does not meet the minimum requirements for lot length, width or area specified in the applicable land use district in Part 2 may be permitted at the discretion of the Development Authority.

(2) The Development Authority is authorized to permit development on existing registered non-conforming sized lots for permitted uses where the Subdivision Authority issued a variance(s) to the minimum requirements for lot length, width and/or area as part of a subdivision approval.

17. NON-CONFORMING USE VARIANCES

The Development Authority is authorized to exercise minor variance powers with respect to non-conforming uses pursuant to section 643(5)(c) of the *Municipal Government Act*.

18. NUMBER OF DWELLINGS ON A LOT

(1) No person shall construct or locate or cause to be constructed or located more than one dwelling unit on a parcel unless authorized by the Development Authority subject to Sections 18(2) through (7).

(2) If the parcel has an area of at least 32.4 ha (80 acres) and the application otherwise conforms to the standards and requirements of this bylaw, the Development Authority:

(a) shall issue a development permit to a person that would permit the construction or location of a second dwelling unit on a parcel;

(b) may issue a development permit to a person that would permit the construction or location of additional dwellings (i.e. more than 2), if the requirements of section 18(3)(a) to (d) are met.

(3) On parcels less than 32.4 ha (80 acres), the Development Authority may issue a development permit to a person that would permit the construction or location of more than one dwelling unit on a parcel if the second or additional dwelling unit:

(a) is to be occupied by a person who is engaged in agriculture, as defined in this bylaw; or, a second dwelling or residence will be located in a district that allows for such use and the proposal can be supported by the land with consideration for meeting the following criteria:

(i) the land is suitable to accommodate the required septic treatment system on-site;

(ii) access to a public roadway can be provided to the satisfaction of the municipality;

(iii) the second dwelling is placed in such a manner so that the two dwellings do not utilize an area (i.e. shared yard) greater than 4.0 ha (10 acres). The configuration of the 4.0 ha (10 acre) area must strive to be compact in nature and must be acceptable to the Development Authority;

(iv) the parcel contains a minimum of 1.62 ha (4.0 acres) of developable land;

(v) the parcel, site or land can meet all other requirements and standards of the bylaw, including that the location of the additional dwelling will not be located in a flood prone area, will not be located within any applicable minimum distance separation (MDS) required to a neighbouring confined feeding operation, amongst other applicable standards; and

(vi) the dwelling meets the standards of development criteria as stipulated in Part 4;

(b) is contained in a building that, or in buildings each of which, is designed for or divided into two or more dwelling units such as but not limited to a duplex, semi-detached dwelling, and multi-unit dwelling;

(c) is a manufactured home forming part of a park for manufactured home units; or

(d) is a building, as defined in the *Condominium Property Act*, that is the subject of a condominium plan to be registered in a Land Titles Office under the *Condominium Property Act*.

(4) The Development Authority may, in a development permit, exempt any person or land from the operation of section 18(1) if:

(a) the dwelling is temporary in nature in accordance with section (5); and

(b) the permit has an expiry time (to a maximum period of 3 years); and

(c) the second dwelling meets the minimum distance separation calculation for confined feeding operations; and

(d) the dwelling be located in such a way as not to encourage further subdivision.

(5) The Development Authority may issue a development permit for a garden suite in accordance with section 18(4) provided that:

(a) it is used to temporarily accommodate persons that are dependent (i.e. relying on someone for aid, care, support, etc.) on or associated with the residents in the principal dwelling; or

(b) where circumstance warrants, a garden suite may be used to temporarily house persons providing care to the resident(s) of the principal building; and

(c) the dwelling meets the standards of development criteria as stipulated in Part 4.

(d) The Development Authority may issue the temporary permit in consideration of a condition that prescribes or specifies the circumstances when the approved temporary permit would cease which would take precedence over the limitations as outlined in Section 34 for Temporary Uses.

(6) Development Authority may limit the number of additional dwelling units approved on any one parcel of land.

(7) In making a decision on whether to approve a development permit for a second or additional dwelling unit in Sections 18(2) through (5), the Development Authority shall take into consideration compliance to all other standards and requirements of the bylaw.

(8) The Development Authority shall also consider the following in making a decision on whether to approve a development permit for a second or additional dwelling unit in Sections 18(2) through (5):

(a) the second dwelling shall be placed in such a manner so that the two dwellings do not utilize an area (i.e. shared yard) greater than 4.0 ha (10 acres). The configuration of the 4.0 ha (10 acre) area must strive to be compact in nature and must be acceptable to the Development Authority;

(b) either the second dwelling unit or the main residence shall be occupied by the owner of the property and is considered the owner's primary residence;

(c) the second dwelling unit shall be subject to the same minimum required setbacks for front, side and rear yards as the principal dwelling on the parcel;

(d) joint access may be required as a condition of approval;

(e) the applicant shall have a professional soil test/analysis done at their expense to ensure that the soil characteristics are capable of supporting multiple septic fields. The analysis must include identifying and confirming the depth to water table to meet provincial requirements. Analyses of the test must be performed and approved by an engineer or approved agency under Alberta Labour, with a copy of the report submitted with the development permit application.

(i) For temporary dwellings approved in accordance with section 18(4) and (5), the second dwelling must tie-in to the existing on-site septic treatment system. Such proposals shall require an examination and report on the current system, prepared by a qualified engineer or approved agency under Alberta Labour, to be undertaken to verify the capacity of the existing septic infrastructure or determine if it needs to be enlarged or upgraded and to what standard.

19. MUNICIPAL APPROVAL FOR ENCROACHMENTS

(1) A landowner or developer is required to obtain permission from the municipality for any improvement or structure that may be located over an easement or utility right-of-way in favour of the municipality or one of its utility agency designates.

(2) In situations where a development may be exempt from obtaining a development permit, the landowner or developer is still required to obtain permission from the municipality for any improvement or structure that may be located over an easement or utility right-of-way in favour of the municipality or one of its utility agency designates. Notwithstanding that no permit may be required, the municipality, at their prerogative, may deny the placement of structures or improvements over an easement or right-of-way and may also order the removal or relocation of such.

20. SUITABILITY OF SITES

(1) Notwithstanding that a use of land may be permitted or discretionary or considered similar in nature to a permitted or discretionary use in a land use district, the Subdivision Authority may refuse to approve the subdivision of a lot and the Development Authority may refuse to issue a development permit if, the relevant Authority is made aware or if in their opinion, the site of the proposed subdivision, building or use is not safe or suitable based on the following:

(a) the site does not have safe legal and physical access to a developed, maintained public road in accordance with municipal requirements or those of Alberta Transportation if within 300 metres (984 ft.) of a provincial highway;

(b) has a high water table which makes the site unsuitable for foundations and/or sewage disposal systems in accordance with provincial regulations;

(c) is situated on an unstable slope;

(d) consists of unconsolidated material unsuitable for building;

(e) is situated in an area which may be prone to flooding, subsidence or erosion;

(f) does not comply with the requirements of any Provincial Land Use Policies or Regional Plan, Subdivision and Development Regulations, Municipal Development Plan or applicable conceptual design scheme or area structure plan;

(g) is situated over an active or abandoned coal mine or oil or gas well or pipeline;

(h) would expose the structure itself and/or people living and working there to risk from the operations of a nearby airstrip;

(i) is unsafe due to contamination by previous land uses;

(j) has an inadequate or unsafe water supply;

(k) is incompatible with all existing and approved uses of surrounding land;

(l) is situated closer to a confined feeding operation than the minimum distance separation recommended by the formulas established in the *Agricultural Operation Practices Act (AOPA)*;

(m) does not meet the lot size and/or setback requirements of this bylaw;

(n) would prevent or interfere with the natural and economic extension of a nearby developed area, a coal mine, an oil or gas field, a sewage treatment plant, a waste disposal or transfer site, a gravel pit, a pipeline or a road system; or

(o) is subject to any easement, caveat, restrictive covenant or other registered encumbrance which makes it impossible to build on the site.

(2) Nothing in this section shall prevent the Subdivision Authority from approving a lot or prevent the Development Authority from issuing a development permit if the Authority is satisfied that there is no risk to persons or property or that these concerns will be met by appropriate engineering measures acceptable to the municipality.

21. CONTAMINATED LANDS AND BROWNFIELD DEVELOPMENT

(1) Any application for either subdivision or development that is proposed on lands or in an area known or deemed to potentially contain contaminated lands, or is the site of former chemical, pesticide, heavy industrial, railway associated, oil and gas processing or storage, gas station, automotive related uses or other similar type uses, may be subjected to special information requirements and conditions, including but not limited to, professional engineering and geotechnical studies, environmental assessments, water reports and soils analysis being submitted to the municipality in addition to the other bylaw requirements.

(2) Notwithstanding that a use of land may be permitted or discretionary in a land use district, the Development Authority or Subdivision Authority may:

(a) refuse to issue a development permit or approve a subdivision, if the relevant Authority is of the opinion that the site of the proposed development or use is not safe or poses a potential health or liability risk, based on the information provided; or

(b) if approving a development permit or subdivision, place conditions on the approval to mitigate or address potential or identified hazards, health risks, contamination or site specific land concerns, including but not limited to:

(i) providing professional remediation, reclamation or clean-up of the parcel or site at the applicant or land owner's expense;

(ii) limiting or restricting development on the parcel or applying special setbacks to address the location of improvements on site;

(ii) providing professional engineering or geotechnical reports bearing the seal of a licensed engineer to support or verify any aspects of the proposal or condition of the land;

(iv) having the land owner or applicant post bonds or other security as it relates to the estimated costs of the reclamation or clean-up of the parcel;

(v) signing a legal agreement to indemnify and save harmless the municipality from all potential actions, suits, damages, or claims as it relates to the development of the land and any development permit being issued or subdivision approval;

(vi) any other reasonable conditions to ensure the development or subdivision may be approved as safe as reasonably possible and is suitable for the land.

22. MINIMUM DISTANCE SEPARATION CALCULATIONS

For the purpose of this bylaw, unless specified otherwise, all minimum distance separation calculations that apply between residential uses and neighbouring Confined Feeding Operations shall be consistent with the processes and formulas established in the *Agricultural Operation Practices Act (AOPA)*. Relaxations or waivers of the application of the minimum distance separation may be considered by the Development Authority or Subdivision Authority in circumstances as outlined in the bylaw, the applicable land use district, or the applicable subdivision criteria.

23. ARCHITECTURAL CONTROLS

(1) Some areas within the County may have architectural control guidelines in place for the construction of new buildings. Architectural control review of plans must be approved by the Developers' Architectural Control Approval Officer prior to the County accepting a development permit application.

(2) The Development Authority, Subdivision Authority, or Council on a bylaw redesignation or area structure plan bylaw application:

(a) may require architectural control guidelines to be submitted for review and approval by the municipality prior to subsequently being registered on title; and

(b) may stipulate specific development standards, land or building restrictions to be applied or included in the covenants.

(3) The County shall not be held responsible for private covenants with regard to the enforcement of any applicable architectural controls.

DEVELOPMENT PERMIT APPLICATIONS – RULES AND PROCEDURES

24. DEVELOPMENT PERMIT APPLICATIONS

(1) Except as provided in Part 1 – Administrative, Section 13 (Development Not Requiring A Development Permit), no person shall commence a development unless he has been issued a development permit in respect of the development.

(2) An application for a development permit must be made to the Development Authority by providing the following:

(a) a completed application form (Form A of Appendix B);

(b) the applicable fees prescribed in accordance with the County's fee schedule (Appendix C);

(c) an accurate and legible site plan acceptable to the Development Authority indicating:

(i) legal description of the lot;

(ii) if the proposal involves buildings or structures, the location of existing and proposed development setbacks in relation to lot boundaries (property lines) and roads drawn to scale;

(iii) north arrow and scale;

(iv) easements or utility rights-of-way present on the title, roads, water bodies, topography, vegetation and other physical features of the land to be developed; and

(d) depending on the type of development proposal and whether it includes buildings, other information that may be required at the discretion of the Development Authority includes:

(i) floor plans, elevations and sections at a minimum scale of 1:200 or such other scale as required by the Development Authority; and

(ii) studies of projected traffic volumes, utilities, landscaping, urban design, parking, social and economic effects, environmental impact assessment, slope, soil, flood plain, sun and wind impact studies, stormwater management plan, drainage plans, or any other information as required by the Development Authority;

(iii) the Development Authority will require that any studies be professionally prepared;

(e) for parcels where architectural control guidelines are in place, documentation that the proposal meets the applicable architectural control guidelines;

(f) any such other information as may be required at the discretion of the Development Authority in order to accurately evaluate the application and determine compliance with the land use bylaw or other government regulations.

(3) An application for a development permit must be made by the registered owner of the land on which the development is proposed or, with the written consent of the registered owner, by any other person.

(4) An application for a development permit will be evaluated primarily on the information submitted by the applicant and Lethbridge County shall not be held liable for information unknown or which should have been disclosed by the applicant.

25. ADDITIONAL INFORMATION REQUIREMENTS

The Development Authority may require proof of ownership or right to land in question and may require a surveyor's certificate as verification of location of any development on said land. The provision of geotechnical information, soil analysis or percolation tests, soil or slope stability analysis and/or the preparation of a conceptual design scheme or an area structure plan may be required from the applicant prior to a decision being rendered on a development application to determine the suitability of the land for the proposed use.

26. INCOMPLETE DEVELOPMENT PERMIT APPLICATIONS

(1) The Development Authority may refuse to accept a development permit application where the information required under Sections 24 and 25 (Development Permit Applications and Additional Information Requirements) is incomplete, or where, in the opinion of the Development Authority, the quality of the material supplied is inadequate to properly evaluate the application.

(2) The Development Authority shall, within 20 days after the receipt of an application in accordance with Section 24 for a development permit, determine whether the application is complete.

(3) An application is complete if, in the opinion of the Development Authority, the application contains the documents and other information necessary to review the application.

(4) The time period referred to in subsection (2) may be extended by an agreement in writing between the applicant and the Development Authority.

(5) If the Development Authority does not make a determination referred to in subsection (2) within the time required under subsection (2) or (4), the application is deemed to be complete.

(6) If a Development Authority determines that the application is complete, the Development Authority shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.

(7) If the Development Authority determines that the application is incomplete, the Development Officer shall issue to the applicant a written notice indicating that the application is incomplete and specifying the outstanding documents and information to be provided, including but not limited to those required

by Section 24(2) and 25. A submittal deadline date for the outstanding documents and information shall be set out in the notice or a later date agreed on between the applicant and the Development Authority in order for the application to be considered complete.

(8) If the Development Authority determines that the information and documents submitted under subsection (7) are complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.

(9) If the required documents and information under subsection (7) have not been submitted to the Development Authority within the timeframe prescribed in the notice issued under subsection (7), the Development Officer shall return the application to the applicant accompanied by a written Notice of Refusal stating the application is deemed refused and the reasons for refusal.

(10) Despite issuance of a Notice of Completeness under subsection (6) or (8), the Development Authority in the course of reviewing the application may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.

27. FAILURE TO MAKE A DECISION – DEEMED REFUSAL

(1) In accordance with section 684 of the *Municipal Government Act*, an application for a development permit shall, at the option of the applicant, be deemed to be refused and may be appealed when the decision of the Development Authority is not made within 40 days of receipt of the completed application.

(2) Notwithstanding Section 27(1), the applicant and Development Authority may agree and sign a time extension agreement in accordance with section 684 of the *MGA* to extend the 40-day decision time period.

28. PROCESSING PERMITTED USE APPLICATIONS

(1) Upon receipt of a completed application for a development permit for a permitted use, the Development Authority shall, if the application otherwise conforms to this bylaw, issue a development permit with or without conditions.

(2) Notwithstanding that a use of land may be permitted in a land use district, the Development Authority may place any or all of the following conditions to ensure any concerns over the suitability of the land and development are satisfied:

(a) requirement for applicant to enter into a development agreement pursuant to the *Municipal Government Act*;

(b) payment of any applicable off-site levy or redevelopment levy;

(c) the provision of a professional geotechnical investigation/test and report to ensure the site is suitable in terms of topography, stability, soil characteristics, flooding subsidence, erosion and sanitary sewerage servicing;

(d) require access to be provided so the site will be legally and physically accessible to a developed municipal road or if within 300 metres (984 ft.) of a provincial highway will meet the requirements of Alberta Transportation;

(e) stipulate the alteration of structure or building sizes or locations to ensure any setback requirements of this land use bylaw or the Subdivision and Development Regulation can be met;

(f) provision of easements and/or encroachment agreements;

(g) any reasonable measures to ensure compliance with the requirements of this land use bylaw or any other statutory plan adopted by Lethbridge County;

(h) any measures to ensure compliance with applicable federal, provincial and/or other municipal legislation and approvals;

(i) any measures to adequately ensure applicable provincial legislation such as the *Safety Codes Act* is complied with or not compromised, and the requirement to submit documentation of such to the County;

(j) the provision of a surveyor's sketch or plan from an engineer illustrating improvements and existing and/or proposed lot grades and surface drainage;

(k) the filing of pertinent engineering reports prior to construction commencing.

29. PROCESSING DISCRETIONARY USE APPLICATIONS

(1) Upon receipt of a completed application for a development permit for a discretionary use, the Development Authority may issue a development permit with or without conditions.

(2) Prior to making a decision on a development permit for a discretionary use, the Development Authority shall notify and consider the comments of an adjacent municipality, if the proposed location is:

(a) less than 3.2 km (2 miles) from the boundary of a town or village with a population of more than 500;

(b) less than 1.6 km (1 mile) from the boundary of a town or village with a population of 500 or less; or

(c) within the boundary area of land subject to an intermunicipal development plan adopted by the County and the affected adjacent municipality, in which case, the relevant referral and comments policies stipulated in that plan must be followed.

(3) Prior to making a decision on a development permit for a discretionary use, the Development Authority shall notify or cause to be notified any persons likely to be affected in accordance with Section 32.

(4) Upon the issuance of a development permit, the Development Authority shall immediately cause a notice to be published in a newspaper circulating in the area stating the location of the property for which the application has been made and the use approved.

(5) The Development Authority may place any or all of the conditions outlined in Section 28(2) on a development permit for a discretionary use in any land use district to ensure that any concerns over the suitability of the development are satisfied, in addition to any other reasonable planning conditions to ensure the quality of a development and its compatibility with other existing and approved uses in the area.

30. APPLICATIONS REQUESTING WAIVERS OF BYLAW PROVISIONS

(1) The Development Authority is authorized to decide upon an application for a development permit notwithstanding that the proposed development does not comply with this bylaw if, in the opinion of the Development Authority:

(a) the proposed development would not:

(i) unduly interfere with the amenities of the neighbourhood; or

(ii) materially interfere with or affect the use or enjoyment or value of neighbouring properties; and

(b) the proposed development conforms with the use prescribed for that land or building in Part 2.

(2) Upon receipt of a completed application for a development that does not comply with this bylaw, but in respect of which the Development Authority is requested by the applicant to exercise its discretion under Section 30(1), the Development Authority shall evaluate the application and may issue a development permit with or without conditions.

(3) For any request for a waiver of the bylaw provisions that exceed 10%, the Development Authority shall notify or cause to be notified any persons likely to be affected in accordance with Section 32.

(4) For a permitted use requesting a waiver or variance of bylaw standards the Development Authority may, in addition to imposing any of the conditions in Section 28(2), stipulate other conditions to ensure the compatibility of the development and limit negative impacts to adjacent land uses as determined necessary by the Development Authority.

(5) The Development Authority, or the Subdivision and Development Appeal Board on an appeal, do not have the authority to waive or vary an applicable standard of the bylaw, if a section or policy specifically states that the standard is not to be waived or varied.

31. SIMILAR USES

(1) Where an application is made for any proposed use which is not specifically listed in any land use district but which may be similar in character and purpose to other uses listed in the land use district in which such use is proposed, the Development Authority shall, at the request of the applicant:

(a) notify or cause to notify the affected persons pursuant to Section 32.

(b) rule whether or not that the proposed use is similar to either a permitted or discretionary use in the land use district in which it is proposed; and

(c) if the use is deemed similar to a permitted or discretionary use listed in the land use district in which it is proposed, the application shall be reviewed as a discretionary use and a development permit may be issued with or without conditions after consideration of any responses to the notifications of persons likely to be affected by the development.

(2) If the use is not deemed similar to a permitted or discretionary use listed in the land use district in which it is proposed, the development permit shall be refused.

32. NOTIFICATION OF PERSONS LIKLEY TO BE AFFECTED

(1) Where notification of persons likely to be affected is required under Sections 29, 30(3), 31 and 34, the Development Authority shall, at least seven (7) days before making a decision on the application:

(a) mail written notice of the application to:

(i) the owners of land likely to be affected by the issuance of a development permit;

(ii) an adjacent municipality, if in the opinion of the Development Authority, the proposed development could have an impact upon land uses in the adjacent municipality to the County boundary, or if there is a requirement to do so in any applicable Intermunicipal Development Plan; and

(iii) any other persons, government department or referral agency that is deemed to be affected; or

(b) cause similar notice to be published in a newspaper circulating in the municipality where the application is located; or

(c) cause a similar notice to be posted in a conspicuous place on the property; or

(d) any combination of the above.

(2) In all cases, notification shall:

(a) describe the nature and legal location description of the proposed use;

(b) state the date when the Development Authority will consider the application; and

(c) state the process for receipt of written submission on the application.

(3) For the purposes of applying Section 32(1), any landowner adjacent to or within 60 meters of the parcel subject to the development application shall be considered an affected person and shall be notified. A greater notification distance may be applied, if in opinion of the Development Authority, such notification is warranted or it is required for specific land uses as required in the land use districts, Standards of Development or Specific Use Provisions of the bylaw.

33. PROHIBITED USES

Where a use is not specifically listed in a land use district as either discretionary or permitted and is not deemed to be similar in nature in accordance with Section 31, then that use is prohibited in that land use district and shall be refused.

34. TEMPORARY USES

(1) Where, in the opinion of the Development Authority, a proposed use is of a temporary nature:

(a) the Development Authority may issue a temporary development permit valid for a period not exceeding three years;

(b) it shall be a condition of every temporary development permit that the municipality shall not be liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period;

(c) the Development Authority may require the developer(s) to post security guaranteeing the cessation or removal of work at the end of the period;

(d) the use must be a permitted or discretionary use, or determined to be similar in nature to a permitted or discretionary use in accordance with Section 31.

(2) Notification of persons likely to be affected, including government departments and referral agencies shall be in accordance with Section 32.

(3) Upon the expiration of the temporary permit an applicant may reapply for a temporary development permit, and at the discretion of the Development Authority, it may approve for a maximum of one additional time a temporary development permit for the same or similar use for a period not exceeding three years.

35. DIRECT CONTROL DISTRICTS

(1) Upon receipt of a completed application for a development permit in a Direct Control District, the Development Authority shall refer the application to Council for a decision, except where the decision making authority has been delegated to the Development Authority.

(2) In accordance with section 641(4)(a) of the *Municipal Government Act*, there is no appeal to the Subdivision and Development Appeal Board for a decision on an application for a development permit in a Direct Control District where Council was the decision making authority.

36. DEVELOPMENT PERMIT NOTIFICATION

(1) A decision of the Development Authority on an application for a development permit must be issued in writing in accordance with subsection (3)(a).

(2) Upon the approval of the application and the issue of a development permit, the Development Authority shall immediately notify or cause to be notified, any persons likely to be affected or who have the right to appeal the decision of the Development Authority in accordance with the procedure in Section 45. The following notification processes shall be used:

PERMITTED USE PERMITS

(3) Upon issuance or refusal of a development permit for a permitted use that complies with this Bylaw, the Development Authority shall:

(a) send to the applicant a letter by regular postal mail, or send by electronic means, or both, or by any other method as may be agreed to between the applicant and Development Authority, a written notice of decision; and

(b) notify persons likely to be affected by either:

(i) posting a copy of the decision in a prominent place in the Lethbridge County Administration Building for at least 21 days, or

(ii) publishing a notice of the decision in a newspaper circulated within the municipality, or

(iii) publishing a notice of the decision on the County's website; or

(iv) any combination of the above.

ALL OTHER PERMITS

(4) Upon issuance or refusal of a development permit for a discretionary use, similar use, temporary use, or an application involving a waiver, the Development Authority shall:

(a) send a letter by regular postal mail, or send by any other method as may be agreed to between the applicant and Development Authority, a written notice of decision to the applicant; and

(b) notify persons likely to be affected by either:

(i) mailing a copy of the decision to those persons, departments and agencies, or

(ii) publishing a notice of the decision in a newspaper circulated within the municipality, or

(iii) publishing a notice of the decision on the County's website, or

(iv) post a notice of the application in a conspicuous place on the property, or

(v) any combination of the above.

DECISION TIMEFRAMES

(5) Upon issuance of a decision, the Development Officer will give or send a copy of the written decision, which includes the date on which the decision was made, to the applicant on the same day the decision is made.

For the purposes of subsection (5), the "date on which the decision was made" means:

(a) the date the Development Authority signs the notice of decision or development permit, or

(b) the date the decision is posted in the newspaper,

whichever occurs later.

ADDITIONAL CONDITIONS

37. DEVELOPMENT AGREEMENTS

(1) The Development Authority or Subdivision Authority may require with respect to a development or subdivision that as a condition of approval, the applicant enter into an agreement, in accordance with the *Municipal Government Act*, to:

(a) construct or pay for the construction of public roadways, access or parking areas;

(b) install or pay for the installation of utilities, and/or any municipal service mutually agreed upon;

(c) pay for an off-site levy or redevelopment levy imposed by bylaw;

(d) provide security or post bonds as it relates to covering the estimated costs of construction for roads and the installation of necessary utility infrastructure.

(2) A more detailed development agreement may be required from a developer or applicant where the proposal includes:

(a) an internal road system;

(b) a potable water distribution system or community septic treatment system;

(c) a comprehensive storm water management system; or

(d) any local improvement which would eventually be owned or maintained by Lethbridge County.

38. CONDITIONS TO PROVIDE SECURITY

The Development Authority or Subdivision Authority has the authority to request as a condition of approval, the posting of security or bonds to be provided by the applicant to ensure that development permit or subdivision approval conditions are met. The appropriate authority or their designate(s) has the sole discretion to authorize the release of such funds, only when it has been suitably demonstrated to their satisfaction that the conditions have been completed to the requirements and standards of the municipality.

39. OFF-SITE LEVIES AND DEVELOPMENT FEES

If a person applies for a development permit or subdivision approval, he/she may be required to pay an off-site levy fee and a development fee in respect of land that is to be developed or subdivided to pay for all or part of the capital costs, in accordance with the current bylaws in effect.

40. OCCUPANCY PERMIT OBLIGATIONS

(1) The applicant and/or registered owner of an approved development permit shall be required to obtain an occupancy permit before a building or use that was subject of a development permit is occupied and/or the approved use initiated.

(2) The Development Authority may suspend or cancel the development permit through the issuance of a Stop Order and/or impose a prescribed fee or penalty on the applicant and/or registered owner if the Development Authority becomes aware that the occupancy permit has not been obtained.

DEVELOPMENT PERMIT VALIDITY AND TRANSFERABILITY

41. REAPPLICATION

(1) If an application for a development permit is refused by the Development Authority, or on appeal by the Subdivision and Development Appeal Board, another application for a development:

(a) on the same lot; and

(b) for the same or a similar use;

shall not be made for at least six months after the date of refusal. All applicable fees shall apply.

(2) If an application was refused solely because it did not comply with this bylaw, or was refused as an incomplete application under Section 24, another application on the same lot for the same or similar use may be accepted before the time period referred to in Section 41(1) provided the application has been modified to comply with this bylaw. All applicable fees shall apply.

42. DEVELOPMENT COMMENCEMENT

(1) Notwithstanding the issue of a development permit, no development authorized by the issue of a permit shall commence:

(a) until at least 21 days after the date on which the decision is made and the notice of the issuance of the permit is posted, published in a newspaper or deemed received, in accordance with section 686(1) of the *Municipal Government Act*; or

(b) if an appeal is made, until the appeal is decided upon.

(2) Any development occurring prior to the dates determined under Section 42(1) is entirely at the risk of the applicant, developer or land owner.

(3) Unless a development permit is suspended or cancelled, the development must be commenced and carried out with reasonable diligence in the opinion of the Development Authority within 12 months from the date of issuance of the permit, otherwise the permit is no longer valid.

(4) The validity of a development permit may be extended one time by the Development Authority for up to 18 months from the date of its issue.

43. PERMIT TRANSFERABILITY

(1) A valid development permit is transferable where the use remains unchanged and the development is affected only by a change in ownership, tenancy or occupancy.

(2) When any use of land or buildings has been discontinued for a period of two years or more, any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued.

(3) The requirements of Section 43(2) also apply to developments that may have originally commenced prior to a bylaw being adopted and a permit was never issued. To recommence the development after a period

of two years or more where the use has been discontinued, a new application for a development permit must be made and a new development permit issued in order for the use to be valid.

44. SUSPENSION OF A DEVELOPMENT PERMIT

(1) If, after a development permit has been issued, the Development Authority becomes aware that:

(a) the application for the development permit contained misrepresentations; or

(b) facts concerning the application or the development were not disclosed, and which should have been disclosed at the time the application was considered, have subsequently become known;

the Development Authority may suspend or cancel the development permit by notice in writing to the holder of the development permit stating the reasons for any suspension or cancellation.

(2) If a development permit is suspended, the Subdivision and Development Appeal Board shall review the application if an appeal if filed by the applicant and either:

(a) reinstate the development permit; or

(b) cancel the development permit if the Development Authority, as the case may be, would not have issued the development permit if the facts subsequently disclosed had been known during consideration of the application.

APPEALS

45. DEVELOPMENT APPEALS

Any person applying for a development permit or any other person affected by any order, decision, or development permit made or issued by a Development Authority, or any development application deemed refused in accordance with Section 24, may appeal such an order, decision or deemed refusal to the Lethbridge County Subdivision and Development Appeal Board in accordance with the procedures defined in the *Municipal Government Act*, or to the Land and Property Rights Tribunal (LPRT) where the land may be subject to a matter of provincial interest in accordance with the *Municipal Government Act* unless otherwise provided in the Regulations.

46. SUBDIVISION DECISION APPEALS

In accordance with the *Municipal Government Act* and the procedures outlined, any land owner who applied for subdivision and was refused an approval, or had conditions attached to the approval, or any subdivision application deemed refused in accordance with Section 25, may appeal the decision to the Lethbridge County Subdivision and Development Appeal Board, or Land and Property Rights Tribunal (LPRT) if the circumstances require it. Adjacent or affected land owners have no right to appeal under the *MGA*.

ENFORCEMENT

47. NOTICE OF VIOLATION

(1) Where the Development Authority finds that a development or use of land or buildings is not in accordance with the *Municipal Government Act*, the Subdivision and Development Regulation, a development permit or subdivision approval, or this bylaw, the Development Authority may issue a notice of violation to the registered owner or the person in possession of the land or buildings or to the person responsible for the contravention.

(2) Such notice shall state the following:

(a) the nature of the violation;

(b) corrective measures required to comply; and

(c) the time period within which such corrective measures must be performed.

48. STOP ORDER

(1) In accordance with section 645(1) of the *Municipal Government Act*, the Development Authority is authorized to issue a stop order if it finds that a development, land use or use of a building is not in accordance with:

(a) the *MGA* or a land use bylaw or regulations; or

(b) a development permit or subdivision approval, or any conditions attached to the approval.

(2) A person receiving a stop order under the *MGA* may, in accordance with section 645(2) of the *MGA*, appeal the order.

49. ENFORCEMENT OF STOP ORDERS

(1) Pursuant to section 646 of the *Municipal Government Act*, if a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the Development Authority may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.

(2) The County may register a caveat under the *Land Titles Act* in respect of an order referred to in Section 49(1) against the certificate of title for the land that is the subject of an order.

(3) If a caveat is registered under Section 49(2), the County must discharge the caveat when the order has been complied with.

(4) If compliance with a stop order is not voluntarily effected, the County may undertake legal action, including but not limited to, seeking injunctive relief from the Alberta Court of Queen's Bench pursuant to section 554 of the *MGA*. In accordance with section 553 of the *MGA*, the expenses and costs of carrying out an order under section 646 of the *MGA* may be added to the tax roll of the parcel of land.

50. PENALTIES AND RIGHT OF ENTRY

(1) Any person who contravenes any provision of this bylaw is guilty of an offence in accordance with Part 13, Division 5, Offences and Penalties of the *Municipal Government Act* and is liable to a fine of not more than $10,000 or to imprisonment for not more than one year or to both fine and imprisonment.

(2) In accordance with section 542 of the *MGA*, a Development Authority may, after giving reasonable notice to and obtaining consent from the owner or occupier of land upon which this bylaw or *MGA* authorizes anything to be inspected, remedied or enforced or done by a municipality:

(a) enter on that land at a reasonable time and carry out inspection, enforcement, or action authorized or required by the enactment or bylaw;

(b) request anything to be produced to assist in the inspection, remedy, enforcement or action; and

(c) make copies of anything related to the inspection, remedy, enforcement or action.

(3) If a person refuses to grant consent or refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in section 542 of the *MGA*, the municipality under the authority of section 543 of the *MGA* may obtain a court order.

AMENDMENTS

51. AMENDMENTS TO THE LAND USE BYLAW

(1) The Council may amend this bylaw at any time in accordance with the procedures detailed in section 692 of the *Municipal Government Act*.

(2) The public may request amendments to this bylaw and all applications shall be submitted using the applicable form in Appendix B and be accompanied by any additional information, as deemed necessary by the Development Authority to process the application.

(3) The Development Authority may refuse to accept an application if, in his/her opinion, the information supplied is not sufficient to make a proper evaluation of the proposed amendment.

(4) The Development Authority shall forward the application to Council for consideration if he/she is satisfied sufficient information has been provided with the application.

(5) Public hearing and notification requirements shall be in accordance with section 692 of the *MGA*.

52. LAND USE REDESIGNATION APPLICATION REQUIREMENTS

(1) A request for redesignation from one land use district to another shall be accompanied by:

(a) a completed application form and the applicable fee;

(b) a copy of the Certificate of Title for the lands, dated not more than 60 days prior to the date on which the application was made;

(c) a narrative describing the:

(i) proposed designation and future uses(s);

(ii) consistency with the applicable statutory plans;

(iii) compatibility of the proposal with surrounding uses and zoning;

(iv) development potential/suitability of the site, including identification of any constraints and/or hazard areas (e.g. easements, soil conditions, topography, drainage, floodplain, steep slopes, etc.);

(v) availability of facilities and services (sewage disposal, domestic water, gas, electricity, fire protection, etc.) to serve the subject property while maintaining adequate levels of service to existing development; and

(vi) any potential impacts on public roads;

(d) a conceptual subdivision design, if applicable or requested by the Development Authority or Council; and

(e) any other information deemed necessary by the Development Authority or Council to properly evaluate the proposal.

(2) If deemed necessary by the Development Authority, Council, or in accordance with any Municipal Development Plan or county policy, a redesignation application shall be accompanied by a geotechnical

report prepared by an engineer registered with The Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGA), addressing the following but not limited to:

(a) slope stability,

(b) groundwater,

(c) soil characteristics for on-site sewage,

(d) traffic impact analysis,

(e) an evaluation of surface drainage which may include downstream properties,

(f) environmental sensitive area studies or environmental impact analysis;

(g) shallow water table, and

(h) flood plain analysis.

(3) An Area Structure Plan or Conceptual Design Scheme shall be required in conjunction with a redesignation application when the proposal meets the subject framework of the Municipal Development Plan criteria, or if requested by the Development Authority or Council.

53. REAPPLICATION

(1) Where an application for an amendment to the Lethbridge County Land Use Bylaw has been defeated by Council, another application that is the same or similar in nature may not be accepted until at least 18 months after the date of defeat, unless Council applies its discretion in accordance with Section 53(2).

(2) Council, at its sole discretion, may accept another application for an amendment to the Lethbridge County Land Use Bylaw on a bylaw that was defeated, prior to the 18 months described in Section 53(1), if the applicant applies in writing to Council and describes how the circumstances or proposal has changed to address Council's concerns on defeat of the previous bylaw, and Council is of the opinion the revised application may be accepted.

54. RESCINDING LAND USE REDESIGNATIONS AMENDING BYLAWS

(1) Council, at its sole discretion, may rescind an amending bylaw which has redesignated certain lands within the municipality to accommodate a specific proposed subdivision and/or development. Council may rescind the said redesignation bylaw and rezone (redesignate) the lands back to their original designation if:

(a) the proposed subdivision has not been applied for, decided upon or extended; and/or

(b) the proposed development has not been applied for, decided upon, commenced or extended; and

(c) Council is satisfied that, to the best of their determination, the developer has no intentions to proceed with the proposal that was the purpose of applying for the redesignation application,

within 36 months of the redesignation bylaw being given third and final reading.

(2) The rescinding of the redesignation bylaw shall be undertaken in accordance with section 191 of the *Municipal Government Act*.

55. NOTIFICATION TO ADJACENT MUNICIPALITIES

A draft version of any proposed:

(a) new Land Use Bylaw; or

(b) amendment to or the creation of an urban fringe land use district and associated Parts; or

(c) amendment to any other land use district lying 1.6 km (1 mile) or less from the boundary of an urban or rural municipality;

shall be sent to the adjacent municipality for comments and any comments received shall be considered prior to amendment of this bylaw.

56. SUBDIVISION APPLICATIONS

(1) An applicant applying for subdivision shall provide the required material and information as requested by the Subdivision Authority or its designate. A completed application shall consist of:

(a) an official application, in the manner and form prescribed, clearly and legibly filled out with all the required information and signatures provided as requested on the form;

(b) the applicable fees paid;

(c) an up-to-date and current copy of the Certificate of Title to the subject land;

(d) a (clear and legible) diagram, surveyor's sketch or tentative subdivision plan with dimensions and a north arrow, in the manner requested which may include the provision that it be professionally prepared as stipulated;

(e) provincial abandoned gas well information;

(f) any such other information as may be required at the discretion of the Subdivision Authority in order to accurately evaluate the application and determine compliance with the Land Use Bylaw or other government regulations. This may include but is not limited to the provision of geotechnical information, soil analysis reports, water reports, soil or slope stability analysis, drainage information, contours and elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and/or the preparation of a conceptual design scheme or an area structure plan may be required from the applicant prior to a decision being rendered on a subdivision application to determine the suitability of the land for the proposed use;

(g) the consent to authorize the Subdivision Authority or its designate to carry out a site inspection on the subject land as authorized in accordance with the *Municipal Government Act (MGA)* must also be provided on the submitted application form unless determined not to be needed by the Subdivision Authority.

(2) In accordance with the *Municipal Government Act (MGA)*, the Subdivision Authority or those authorized to act on its behalf, shall provide notification to a subdivision applicant within the 20-day prescribed time period, on whether a submitted application is deemed complete, or if it is determined to be deficient what information is required to be submitted by a specified time period, by sending notification in the following manner:

(a) for an application deemed complete, the applicant shall be notified in writing as part of the formal subdivision application circulation referral letter;

(b) for an application determined to be incomplete, written notification shall be given to the applicant which may be in the form of a letter sent by regular mail to the applicant, or sent by electronic means, or both, or by any other method as may be agreed to between the applicant and Subdivision Authority;

(c) in respect of subsection (b) for a subdivision application determined to be incomplete, the applicant will be advised in writing as part of the Notice of Incompleteness what the outstanding or required information items are that must be submitted by the time specified in the notice.

(3) Notwithstanding Section 56(2), the applicant and Subdivision Authority may agree and sign a time extension agreement in writing in accordance with section 653.1(3) of the *MGA* to extend the 20-day decision time period to determine whether the subdivision application and support information submitted is complete.

(4) A determination made by the Subdivision Authority that an application is complete for processing does not preclude the ability for the Subdivision Authority to request other information or studies to be submitted by the applicant during the review and processing period, prior to a decision being rendered, or as condition of subdivision approval.

57. INCOMPLETE SUBDIVISION APPLICATIONS

(1) The Subdivision Authority may refuse to accept and process a subdivision application where the information required under Section 56 and/or as described in a Notification of Incompleteness has not been submitted, is determined to be deficient, is still incomplete, or in the opinion of the Subdivision Authority the quality of the material supplied is inadequate to properly evaluate the application.

(2) If the Subdivision Authority makes a determination that the application is refused due to incompleteness, the applicant shall be notified in writing with reasons in the manner as described in subsection 56(2).

(3) The notification provided for in subsection (b) shall include for the applicant the required information on the filing of an appeal and to which appeal board body the appeal lies, either the local appeal board or provincial Land and Property Rights Tribunal (LPRT), in accordance with the parameters of the *MGA*.

PART 2

LAND USE DISTRICTS AND REGULATIONS

PART 2

LAND USE DISTRICTS AND REGULATIONS

1. LAND USE DISTRICTS

The municipality is divided into those land use districts shown on the Land Use Districts Maps listed in Section 2 of this Part and shall be known by the following identifying names and symbols:

RURAL AGRICULTURE	– RA
RURAL URBAN FRINGE	– RUF
LETHBRIDGE URBAN FRINGE	– LUF
GROUPED COUNTRY RESIDENTIAL	– GCR
RURAL GENERAL INDUSTRIAL	– RGI
BUSINESS LIGHT INDUSTRIAL	– BLI
RURAL HEAVY INDUSTRIAL	– RHI
RURAL COMMERCIAL	– RC
RURAL RECREATIONAL	– RR
HAMLET RESIDENTIAL	– HR
HAMLET MANUFACTURED HOME	– HMH
HAMLET COMMERCIAL	– HC
HAMLET INDUSTRIAL	– HI
HAMLET PUBLIC / INSTITUTIONAL	– HP/I
HAMLET DIRECT CONTROL	– HDC
HAMLET TRANSITIONAL / AGRICULTURAL	– HT/A
DIRECT CONTROL	– DC

2. LAND USE DISTRICTS MAPS (See Part 9)

(1) Lethbridge County (and detailed diagrams)

(2) Designated Hamlets of:

Chin	Kipp
Diamond City	Monarch
Fairview	Shaughnessy
Iron Springs	Turin

RURAL AGRICULTURE – RA

1. PURPOSE

To allow agriculture to continue as an important land use in the County and ensure that it can continue to operate unencumbered by conflicting land uses, while giving the County the flexibility to allow isolated non-agriculture uses in certain locations as a support to the agricultural base. The terms of the *Agricultural Operations Protection Act* apply in Lethbridge County and must be respected by both agricultural operators and non-agricultural land users.

2. PERMITTED, DISCRETIONARY AND PROHIBITED USES

(1) Permitted Uses

Accessory Buildings, Structures and Uses to an Approved Permitted Use
Additions to Existing Buildings
Agricultural Buildings and Structures (see Part 1, Section 13 - No permit required)
Alternative or Renewable Energy Facilities, Individual (see Part 6)
Day Homes (see Part 1, Section 13 - No permit required and Part 4, Section 13)
Dwellings:
- Single-detached Site-built
- Single-detached Manufactured Home 1 (see Part 4, Section 22)
- Single-detached Manufactured Home 2 (see Part 4, Section 22)
- Single-detached Ready-to-move (see Part 4, Section 22)
- Single-detached Moved-in (see Part 4, Section 22)

Extensive Agriculture and Grazing (see Part 1, Section 13 - No permit required)
Home Occupations 1 and 2 (see Part 4, Section 20)
Secondary Suites (contained within a single-detached dwelling) (see Part 4)
Secondary Suites (detached garage) (see Part 4)
Signs Type 1 (in accordance with Part 5)
Signs Type 2 (in accordance with Part 5)
Small Wind Energy Conversion Systems (see Part 6, Section 3)
Solar Collectors, Individual (see Part 6, Section 2)

(2) Discretionary Uses

Accessory Buildings, Structures and Uses to an Approved Discretionary Use
Agricultural Services
Airstrips
Alternative or Renewable Energy Commercial/Industrial Facilities (see Part 6)
Anhydrous Ammonia Storage (see Section 17 of this district and Part 4, Section 4))
Auction Markets (see Section 6 of this district)
Bed and Breakfasts (see Part 4, Section 9)
Boarding Stables (see Section 6 of this district)
Breeding Facilities (see Section 6 of this district)
Cannabis Cultivation (see Part 4)
Cannabis Nursery (see Part 4)
Confined Feeding Operations (see Part 1 , Section 13 - No municipal permit required, but NRCB provincial approval needed)
Day Care (see Part 4, Section 14)
Dwellings:
- Semi-detached

Multiple-unit
Second or Additional Residence*
Farm Stands
Feed Mills / Grain Elevators
Hay Plants (see Part 4, Section 18)
Heliport Sites
Home Occupations 3 (see Part 4, Section 20)
Horticulture, including commercial intensive agriculture and commercial greenhouses
Intensive Livestock Operations (see Part 4 - municipal permit required for non NRCB jurisdiction animal confinement as outlined in Part 4 standards)
Isolated commercial or industrial uses, pre-existing (see notation below***)
Isolated Country Residential
Kennels / Dog Training Facilities (see Section 6 of this district, and Part 4, Section 21)
Market Gardens and Nurseries
Meteorological Towers (see Part 6)
Moved-in Buildings (see Part 4, Section 25)
Personal Workshop and Storage (see Part 4)
Public or Private Utilities
Public/Institutional Uses including Cemeteries
Railway and Railway Related Uses
Recreation, Minor
Resource Extraction and Associated Works (see Section 15 of this district)
Riding Arena (personal use)
Rodeo Grounds
Seed Processing Facilities
Shipping Containers (see Part 4, Section 32)
Signs Type 3 (in accordance with Part 5)
Specialty Manufacturing/Cottage Industry
Stockpiles (inside the distances in Section 5 of this district)
Telecommunications Facilities (see Part 4, Section 36)
Tourist Homes (see Part 4, Section 37)
Veterinary Clinics, Large and Small Animal (see Section 6(3) of this district)
Wind Energy Conversion Systems (see Part 6)
Work Camps (see Part 4, Section 39)
Any other uses determined by the Development Authority to be similar in nature to any permitted or discretionary use

(3) **Prohibited Uses**

Grouped Country Residences – *Non-designated***
Grouped Industrial Development – *Non-designated***
Hazardous/Noxious Uses
Stripping and Sale of Topsoil

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Part 1, Section 33, is a Prohibited Use.*

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* May be allowed with compliance to Part 1, Section 18 of this bylaw.
** "Non-designated" means a cluster or grouping of such uses that has not been designated as such in the land use bylaw.
*** Pre-existing isolated commercial or industrial uses means uses that are presently operating and have an approved development permit issued prior to October 2013 and the adoption of Land Use Bylaw No. 1404.

3. MINIMUM PARCEL AND LOT SIZES

(1) **Extensive Agriculture**

(a) existing parcels;

(b) quarter sections or parcels subdivided in accordance with Part 7 – Subdivision Criteria;

(c) cut-off parcels at the discretion of the Subdivision Authority;

(d) all other parcels shall be a minimum of. 0.8 ha (2 acres) of developable land.

(2) **Farmsteads or Isolated Country Residential**

(a) existing parcels;

(b) minimum of 0.8 ha (2 acres) of developable land.

(3) **Confined Feeding Operations (Intensive Livestock Operations)**

(a) 64.7 ha (160 acres) or an unsubdivided quarter section; or

(b) the parcel size shall remain the same size for which the development approval was originally issued.

(4) **All Other Uses**

The minimum lot size (the area recorded on the Certificate of Title) shall be 0.8 ha (2 acres) or greater as is reasonably required to support the proposed use as determined by the Development Authority or Subdivision Authority after consideration of comments from relevant agencies and in accordance with, but not limited to, the *Municipal Government Act*, a regional plan, the Subdivision and Development Regulation, this Land Use Bylaw, the Municipal Development Plan and any other applicable legislation or regulations.

4. MINIMUM SETBACK REQUIREMENTS

(1) **Side Yard**

No building, structure (excluding fencing) or dugout banks shall be within 6.1 metres (20 ft.) of a property line not fronting on or adjacent to a municipal roadway. For setbacks adjacent to or fronting roadways, the following Section 5 stipulations shall apply.

(2) **Special Setback Requirements**

(a) All buildings, structures and development other than extensive cultivation or grazing on parcels having frontage on a provincial highway may have special requirements for setback, access and service roadways imposed as a condition of approval by the Development Authority in accordance with the requirements of Alberta Transportation and the *Highways Development Protection Regulation.*

(b) As determined by the Development Authority, all buildings, structures and development that are to be located in the vicinity of an escarpment, coulee break, river bank or other geographical feature may have special requirements for setbacks upon due consideration of any geotechnical or slope stability analysis reports requested by the municipality.

5. MINIMUM SETBACKS FROM ROADWAYS

(1) No part of a building, structure or development shall be located within:

(a) 38.1 metres (125 ft.) of the centre line of any of any developed or undeveloped municipal road allowance or public roadway which is not designated as a provincial highway under the Highways Development Protection Regulation;

(b) 70.0 metres (230 ft.) of the centre line or 40.0 metres (131 ft.) from the right-of-way boundary, whichever is greater, of roads designated as provincial highways under the Highways Development Protection Regulation;

(c) for any development adjacent to provincial roadways classified as a four-lane divided highway or freeways/expressways, the required setback distances and accesses will be reviewed on a highway-by-highway/development-by-development basis and shall be as prescribed by Alberta Transportation;

(d) any greater distance that may be required by the Development Authority in order to facilitate future road widening, service road dedication, to reduce potential snow drifting, or vision restrictions.

(2) Where any parcel or part of a parcel has frontage on a provincial highway, special standards for setbacks, access, and service roadways may be required by Alberta Transportation under the *Highways Development Protection Regulation*.

6. MINIMUM SETBACKS FOR USES INVOLVING LIVESTOCK OR ANIMALS

(1) All corrals, feeders, shelters or other structures for the feeding of animals less than the numbers outlined in the *Agricultural Operations and Practices Amendment Act 2001 and Regulations* (AOPA) shall not be located closer to a neighbouring residence than 30.5 metres (100 ft.).

(2) All corrals, feeders, shelters or other structures for the feeding of animals less than the numbers outlined in the *Agricultural Operations and Practices Amendment Act 2001 and Regulations* shall not be located within 30.5 metres (100 ft.) of the boundary or right-of-way an irrigation district canal, creek, stream, river, lake shore or water body.

(3) A large animal veterinary clinic (e.g. cattle, horses, pigs, sheep and goat) shall not be located within 152.4 metres (500 ft.) of a neighbouring residential building.

(4) A kennel, breeding facility, livestock sales yard or abattoir shall not be located within 304.8 metres (1,000 ft.) of a neighbouring residential building.

(5) A confined feeding or intensive livestock operation shall be sited in consideration of prohibited areas and be able to meet required development setbacks in accordance with the Lethbridge County Municipal Development Plan.

(6) All confined feeding or intensive livestock operations and associated uses (barns, corrals, feeders, manure stock piles, lagoons, compost areas, etc.) as defined in the Land Use Bylaw shall adhere to the minimum distance separation as outlined in *AOPA*.

7. DEVELOPMENT AND SETBACKS NEAR CANALS

All other development shall not be located within 30.5 metres (100 ft.) of the boundary of a right-of-way of an irrigation canal that serves any downstream users. In order to determine the status of a canal, the comments of the relevant irrigation district should be considered.

8. MAXIMUM SITE COVERAGE

Unless specified elsewhere in this bylaw, the maximum percentage of the site that may be covered by buildings and structures shall be as determined by the Development Authority. No building, structure or driveway shall be located within the area or setbacks required to treat private septic sewage.

9. ACCESS

(1) The municipality may, at the time of subdivision or development, require the developer to enter into an agreement for the construction of any approach(es) necessary to serve the lot or development area in accordance with the *Lethbridge County Engineering Guidelines and Minimum Servicing Standards*.

(2) To ensure proper emergency access, all developments shall have direct legal and developed physical access to a public roadway in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards,* unless otherwise approved by the municipality. If the development is within 304.8 metres (1,000 ft.) of a provincial highway, direct legal and physical access to a public roadway shall be to the satisfaction of Alberta Transportation.

(3) Access points adjacent to blind corners, hills, ridges, railway crossings and any other obstructions shall be positioned so as to provide a reasonably unobstructed view in either direction of 100 metres (328 ft.) on a local road.

(4) The requirement of a service road or subdivision street to provide access may be imposed as a condition of approval for any new subdivision or development. Construction and survey costs for a service road shall be the responsibility of the applicant.

10. ACCESSORY BUILDINGS AND STRUCTURES

(1) An accessory building or structure shall not be located in the required setback from a public road or on an easement.

(2) An accessory building or structure shall be setback a minimum 3.0 metres (10 ft.) from the principal dwelling and from all other structures on the same lot.

(3) Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

(4) As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

11. FENCES AND SHELTERBELTS

In rural areas along local roads, the construction or erection of a fence, hedge or shelterbelt shall comply with the following:

(a) no fence, hedge or shelterbelt shall be erected which would unduly restrict the vision of approaching traffic;

(b) fencing surrounding public utility lots shall be as per the *Lethbridge County Engineering Guidelines and Minimum Servicing Standards* or as stipulated in a Development Agreement;

(c) all fences must be sited to be able to meet the required corner site triangle setbacks as stipulated in Part 3, Section 11.

(d) a chain link, split rail or barb wire type fence may be located adjacent to the property line or within the required setbacks to a public road, but, solid material fences and snow fences must meet the stipulated setbacks to the public road;

(e) no hedge or shelterbelt shall be erected closer than the distances as stipulated in Part 3, Section 11, Fences, Trees and Shelter Belts in Rural Areas, Diagram 3.5, of the right-of-way of a public road.

12. OBJECTS PROHIBITED OR RESTRICTED IN YARDS

(1) No person shall allow a motor vehicle which has all or part of its superstructure removed, or a motor vehicle which is in a dilapidated or unsightly condition to remain within 30.5 metres (100 ft.) of a local road or Provincial highway in the district unless it is suitably housed or screened to the satisfaction of the Development Authority.

(2) Not more than six (6) recreational vehicles shall be stored or parked on a parcel unless otherwise approved by the Development Authority.

(3) A recreational vehicle parked on a lot in any district shall not be used for permanent living or sleeping accommodation.

13. SERVICING REQUIREMENTS

(1) Every development shall be required to install a sewage disposal system and potable water system in accordance with the *Lethbridge County Engineering Guidelines and Minimum Servicing Standards* or other system as approved by the municipality.

(2) The Development Authority may refuse a development, and the Subdivision Authority may refuse to approve a subdivision, if the parcel on which it is proposed is not large enough or does not have suitable soil characteristics to support a sewage disposal system to the standard required.

(3) The Development Authority may refuse a development, and the Subdivision Authority may refuse to approve a subdivision, if it cannot be demonstrated to the satisfaction of the approval authority that the parcel has access to a secure potable water source or system.

14. LOCATIONAL CRITERIA FOR ISOLATED COUNTRY RESIDENTIAL DEVELOPMENT

(1) Isolated country residential development shall be discouraged and may be denied an approval if proposed to be located within:

(a) the minimum distance separation as calculated from an existing or approved confined feeding operation;

(b) the required (reciprocal) setback distance of noxious industries or resource extraction uses to residential or higher density urban uses; or

(c) the required or recommended safe setback distance to hazardous, ecologically sensitive, or other geographical sensitive features (coulees, steep slopes, escarpment, floodplains or flood prone areas, drainage courses, water bodies) in accordance with the bylaw standards, or accepted engineering reports at the discretion of the Development Authority; or

(d) any other activity potentially detrimental to a residential environment;

unless the Development Authority or Subdivision and Development Appeal Board is satisfied that adequate measures will be undertaken to mitigate any nuisance or hazard, or the Development Authority determines that there is no other reasonable alternative or available area on the parcel of land in which to suitably locate the dwelling.

(2) In all instances, a development permit application for a residential dwelling shall not be approved if it is located within 500 metres (1,640 ft.) of an established anhydrous ammonia bulk storage facility, or within the distances stipulated by the province (MGA, Subdivision and Development Regulation) for setbacks to wastewater treatment facilities, landfills, or transfer stations.

15. RESOURCE EXTRACTION (GRAVEL AND SAND PITS OR STONE QUARRIES)

(1) For a sand, clay and gravel pit or a stone quarry development the standards and requirements of Part 4, Use Specific Land Use Provisions, Section 27 shall apply.

(2) The Development Authority may refuse to approve an application for a private sand, clay and gravel pit or a stone quarry in or adjacent to a river valley, shoreland area or flood prone area if it is of the opinion that the area is unsuitable in accordance with Section 19 of this district.

(3) The Development Authority shall take into consideration the *Cottonwood Report: Environmentally Significant Areas in the Oldman River Region* in making a decision on an application for a resource extraction use and may deem a development application to be unsuitable in accordance with that report, or may request additional information be provided by the applicant to ensure any matters outlined in Section 19 of this district are addressed to the satisfaction of the Development Authority.

16. HAZARDOUS OR NOXIOUS INDUSTRY

(1) Unless otherwise authorized in the bylaw, development of hazardous or noxious uses shall be discouraged:

(a) within a designated hamlet;

(b) less than 4.8 km (3 miles) from the boundary of a city;

(c) less than 3.2 km (2 miles) from a town, village or designated hamlet with a population of more than 500;

(d) less than 1.6 km (1 mile) from a town, village or designated hamlet with a population of less than 500;

(e) less than 0.8 km (½ mile) from an existing or approved residence;

(f) less than 0.8 km (½ mile) from an existing or approved grouped country residential development;

(g) less than 1.6 km (1 mile) from a provincial, regional or municipal park or recreation area;

(h) less than 0.8 km (½ mile) from either side of a designated highway, unless the parcels is redesignated specifically to accommodate the use, conforms to the policy directions of the Municipal Development Plan, or is provided for in an area structure plan approved by Alberta Transportation;

(i) within such distance of other roads as designated scenic, tourist or recreational access roads as established in a municipal bylaw;

(j) adjacent to water bodies; or

(k) adjacent to an environmentally sensitive or regionally significant area;

unless the Development Authority or Subdivision Authority is satisfied that suitable measures and high operational standards will be undertaken and maintained to minimize any nuisance, hazard or noxious effect on vicinity land uses and it is therefore reasonable and appropriate to approve the use.

(2) Unless a use deemed to be hazardous or noxious is specifically listed as a permitted or discretionary use in the land use district, such applications shall require a redesignation to the appropriate industrial land use district prior to the Development Authority making a decision on these types of development permits.

17. ANHYDROUS AMMONIA STORAGE FACILITY

For a development permit application for a bulk anhydrous ammonia storage facility or a residential dwelling in proximity to an existing bulk ammonia storage facility the Development Authority:

(a) shall consider the location of neighbouring residential uses and apply the "Guidelines for the Location of Stationary Bulk Ammonia Facilities" prepared by Alberta Environment before making a decision on a development application concerning a bulk ammonia storage facility; and

(b) in all instances, a development application for a residential dwelling shall not be approved if it is located within 500 metres (1,640 ft.) of an established anhydrous ammonia bulk storage facility.

18. AIRPORT AREA RESTRICTIONS

Properties that lie within the area shown in Map 1, Part 4, will have additional subdivision and development restrictions as outlined in Part 4, Section2, Airport Area Restrictions.

19. RIVER VALLEYS AND SHORELANDS

(1) Before approving any application in or adjacent to a river valley or shoreland area to locate or expand a land use, or which requires a land use bylaw waiver, the Development Authority shall refer such an application to any local, regional, provincial or federal government agency that, in its opinion, has an interest in land use management.

(2) No application to locate or expand a land use in or adjacent to a river valley or shoreland area shall be approved unless, in the opinion of the Development Authority, the proposal will not:

(a) be located in a flood prone area; and

(b) cause soil erosion or damage to a river bank; and

(c) cause deterioration of water quality; and

(d) hinder the flow of water to the river; and

(e) compromise aesthetic quality or natural amenities; and

(f) be detrimental to area of ecologically sensitive habitat or of historic or scenic importance; and

(g) have a detrimental effect on adjoining or nearby agricultural operations if the proposed development is for a non-agricultural use; and

(h) have a detrimental effect on existing or proposed recreation areas; and

(i) have a detrimental effect on existing or proposed irrigation canals or water diversion structures.

(3) Notwithstanding section 41(2), a resource extraction and gravel pit operation may be granted an approval to operate or expand in or adjacent to a river valley or shoreland area if an engineering study has been completed that illustrates the use will not be detrimental or can be managed in such manner it will not compromise the matters identified in section 41(2), and the Development Authority in its discretion accepts the findings of the report.

(4) Where a proposed development is flood protected and is granted permission to locate within the flood fringe area of the 1:100 year flood plain of any watercourse, the Development Authority may request the developer to provide any of the following requirements prior to the issuance of a development permit:

(a) the registration of a Save Harmless Agreement against the title indemnifying the municipality in case of a subsequent flood causing damage to the development;

(b) the provision of an appropriate private sewage disposal system to the satisfaction of the appropriate health authority and the *Safety Codes Act*;

(c) a certificate from a qualified Alberta Land Surveyor stating the top of the footings of any proposed development will be at or above the 1:100 flood plain level and proof of such elevation;

(d) an assurance that any proposed setback requirements as established by Alberta Environment or other government department are met or exceeded.

(e) Notwithstanding that a use may be a permitted or discretionary use in a land use district, a proposed development containing building or structures to be located in the known floodway portion of the flood hazard area shall not be issued a development permit by the Development Authority.

(5) The standards and requirements of sections 37 to 40 of Part 3, General Land Use Provisions, Standards of Development, must also be considered and may be applicable.

20. SERVICES, TRANSPORTATION AND UTILITIES FACILITIES

(1) No application to locate or expand a land use shall be approved unless, in the opinion of the Development Authority, the proposed use will not have a detrimental effect on any:

(a) transportation or communication system, including provincial highways, railway, airport site or communication facility; or

(b) regionally significant services or utilities facilities, including irrigation works, pipelines and power transmission lines.

(2) Any application for development located in the vicinity of a known sour gas pipeline shall be circulated to the Energy Resources Conservation Board for comment.

21. COMPREHENSIVE DEVELOPMENT PLANS, AREA STRUCTURE PLANS AND CONCEPTUAL DESIGN SCHEMES

Where it becomes apparent to the Development Authority or municipality that too much development is being concentrated in one area:

(a) the Subdivision Authority or Development Authority may, with the approval of the Council, require that future development applications for the area be accompanied by a comprehensive development plan which has been approved by Council; or

(b) Council may require applicants proposing development in the area to undertake the preparation of an area structure plan or conceptual design scheme.

22. STANDARDS OF DEVELOPMENT (See Part 3 – General Land Use Provisions)

(1) Part 3 contains land use and development standards that may be required and stipulated as a condition of a subdivision or development approval.

(2) All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

23. **LANDSCAPING AND SCREENING** (See Part 3 – General Land Use Provisions)

24. **OFF-STREET PARKING REQUIREMENTS** (See Part 3 – General Land Use Provisions)

25. **USE SPECIFIC STANDARDS OF DEVELOPMENT** (See Part 4 – Use Specific Provisions)

26. **READY-TO-MOVE / MANUFACTURED HOME DEVELOPMENT STANDARDS** (See Part 4 – Use Specific Provisions)

27. **MOVED-IN DWELLINGS AND BUILDINGS** (See Part 4 – Use Specific Provisions)

28. **HOME OCCUPATIONS** (See Part 4 – Use Specific Provisions)

29. **SIGN REGULATIONS** (See Part 5)

30. **ALTERNATIVE / RENEWABLE ENERGY DEVELOPMENTS** (See Part 6)

31. **SUBDIVISION CRITERIA** (See Part 7)

32. **FORMS** (See Appendix B)

33. **FEES** (See Appendix C)

RURAL URBAN FRINGE – RUF

1. PURPOSE

To protect agricultural land for agricultural use while ensuring that the fringe areas of the urban municipalities are protected for future development by ensuring non-agricultural uses will not conflict with an urban environment and economic base.

2. PERMITTED, DISCRETIONARY AND PROHIBITED USES

(1) **Permitted Uses**

Accessory Buildings, Structures and Uses to an Approved Permitted Use
Agricultural Buildings and Structures (see Part 1, Section 13 - No permit required)
Day Homes (see Part 1, Section 13 - No permit required and Part 4, Section 13)
Dwellings:
- Single-detached Site-built
- Single detached Moved-In Residence
- Single-detached Manufactured Home 1 (see Part 4, Section 22)
- Single-detached Manufactured Home 2 (see Part 4, Section 22)
- Single-detached Ready-to-move (see Part 4, Section 22)

Extensive Agriculture and Grazing (see Part 1, Section 13 - No permit required)
Home Occupations 1 (see Part 4, Section 20)
Secondary Suites (contained within a single-detached dwelling) (see Part 4)
Secondary Suites (detached garage) (see Part 4)
Signs Type 1 (in accordance with Part 5)
Solar Collectors, Individual (see Part 6, Section 2)

(2) **Discretionary Uses**

Accessory Buildings, Structures and Uses to an Approved Discretionary Use
Agricultural Services
Alternative or Renewable Energy Facilities, Individual (see Part 6)
Bed and Breakfasts (see Part 4, Section 9)
Cemeteries
Day Care (see Part 4, Section 14)
Dwellings:
- Semi-detached (or duplex)
- Second or Additional Residences*

Garden Centre
Home Occupations 2 and 3 (see Part 4, Section 20)
Horticulture
Isolated Country Residential (for subdivision purposes)
Market Gardening and Nurseries
Moved-in Buildings (see Part 4, Section 25)
Personal Workshop and Storage (non-commercial) (see Part 4)
Public/Institutional Uses
Public and Private Utilities:
- General Utility Structures
- Sewage Disposal Plants and Lagoons
- Water Treatment Plants and Reservoirs

Public Parks

Recreation, Minor
Recreational Vehicle Storage (see Part 4, Section 28)
Riding Arena (personal use)
Seed Cleaning Processing Facilities
Signs Type 2 Fascia (in accordance with Part 5)
Shipping Containers (see Part 4, Section 32)
Small Wind Energy Conversion Systems (see Part 6, Section 3)
Stockpiles
Telecommunication Facilities (see Part 4, Section 36)
Veterinary Clinics, Small Animal
Wind Energy Conversion Systems (see Part 6)

(3) **Prohibited Uses**

Confined Feeding Operations
Grouped Country Residential – *Non-designated***
Grouped Industrial – *Non-designated***
Rural Commercial – *Non-designated***

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Part 1, Section 33, is a Prohibited Use.*

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* May be allowed with compliance to Part 1, Section 18 of this bylaw.
** "Non-designated" means a cluster or grouping of such uses that has not been designated as such in the land use bylaw.

3. MINIMUM LOT SIZE

(1) The minimum required parcel or lot size shall be:

(a) existing parcels;

(b) 0.8 ha (2 acres) of developable land or greater as reasonably required to support the proposed use.

(2) Parcels or lots less than 0.8 ha (2 acres) in size may be considered in the following circumstances:

(a) the lots are to be connected to municipal services; or

(b) the lots are included in a municipal approved area structure plan or design scheme and the lot area is based on an alternative or communal waste water treatment system acceptable to the municipality. In such situations, the minimum lot area should not be less than 0.2 ha (20,000 sq. ft.) unless special circumstances warrant a smaller size.

4. MINIMUM YARD SETBACK REQUIREMENTS

(1) No structure (excluding fencing) or dugout banks shall be within 6.1 metres (20 ft.) of a property line. For setbacks adjacent to or fronting roadways, the following Section 5 stipulations shall apply.

(2) **Special Setback Requirements**

All buildings, structures and development other than extensive cultivation or grazing on parcels having frontage on a provincial highway may have special requirements for setback, access and service roadways imposed as a condition of approval by the Development Authority in accordance with the requirements of Alberta Transportation and the *Highways Development Protection Regulation*.

5. MINIMUM SETBACKS FROM ROADWAYS

(1) No part of a building, structure or development shall be located within:

(a) 38.1 metres (125 ft.) of the centre line of any public roadway which is not designated as a provincial highway under the *Highways Development Protection Regulation*;

(b) 70.0 metres (230 ft.) of the centre line or 40.0 metres (131 ft.) from the right-of-way boundary, whichever is greater, of roads designated as provincial highways under the *Highways Development Protection Regulation;*

(c) for any development adjacent to provincial roadways classified as a four-lane divided highway or freeways/expressways, the required setback distances and accesses will be reviewed on a highway-by-highway/development-by-development basis and shall be as prescribed by Alberta Transportation;

(d) any greater distance that may be required by the Development Authority in order to facilitate future road widening, service road dedication, to reduce potential snow drifting, or vision restrictions.

(2) Where any parcel or part of a parcel has frontage on a provincial highway, special standards for setbacks, access, and service roadways may be required by Alberta Transportation under the *Highways Development Protection Regulation*.

(3) Landscaping and dugout setbacks shall be at the discretion of the Development Authority having consideration for future road widening and possible adverse effects on the safety of the roadway.

6. MINIMUM SETBACKS FOR USES INVOLVING LIVESTOCK OR ANIMALS

(1) All corrals, feeders, shelters or other structures for the feeding of animals less than the numbers outlined in the *Agricultural Operations and Practices Amendment Act 2001 and Regulations* shall not be located closer to a neighbouring residence than 30.5 metres (100 ft.).

(2) All corrals, feeders, shelters or other structures for the feeding of animals less than the numbers outlined in the *Agricultural Operations and Practices Amendment Act 2001 and Regulations* shall not be located within 30.5 metres (100 ft.) of the boundary or right-of-way an irrigation district canal, creek, stream, river, lake shore or water body.

7. DEVELOPMENT AND SETBACKS NEAR CANALS

All other development shall not be located within 30.5 metres (100 ft.) of the boundary of a right-of-way of an irrigation canal that serves any downstream users. In order to determine the status of a canal, the comments of the relevant irrigation district should be considered.

8. MAXIMUM SITE COVERAGE

(1) Unless specified elsewhere in this bylaw, the maximum percentage of the site that may be covered by buildings and structures shall be as determined by the Development Authority. No building, structure or driveway shall be located within the area or setbacks required or identified to treat private septic sewage.

(2) At the discretion of the Development Authority, the maximum size (i.e. square footage or building footprint) of an accessory building or structure to be located on a parcel may be stipulated as a condition of approval on a development permit.

9. ACCESS

(1) The municipality may, at the time of subdivision or development, require the developer to enter into an agreement for the construction of any approach(es) necessary to serve the lot or development area in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards*.

(2) To ensure proper emergency access, all developments shall have direct legal and developed physical access to a public roadway in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards*. If the development is within 304.8 metres (¼ mile) of a provincial highway, direct legal and physical access to a public roadway shall be to the satisfaction of Alberta Transportation.

(3) Access points adjacent to blind corners, hills, ridges, railway crossings and any other obstructions shall be positioned so as to provide a reasonably unobstructed view in either direction of 100 metres (328 ft.) on a local road.

(4) The requirement of a service road or subdivision street to provide access may be imposed as a condition of approval for any new development other than those deemed approved. Construction and survey costs for a service road shall be the responsibility of the applicant.

(5) If access is required onto a roadway under the jurisdiction of an adjacent municipality, the affected municipality shall be notified to obtain consent. In the case where an Intermunicipal Development Plan is adopted by the two municipalities, any applicable road network/access policies stipulated in that joint agreement shall apply.

10. ACCESSORY BUILDINGS AND STRUCTURES

(1) An accessory building or structure shall only be constructed in conjunction with an approved principal building or use and not be used as a permanent dwelling.

(2) An accessory building or structure shall not be located in the required setback from a public road or on an easement.

(3) An accessory building or structure shall be setback a minimum 3.0 metres (10 ft.) from the principal dwelling and from all other structures on the same lot.

(4) Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

(5) As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

11. FENCES AND SHELTERBELTS

In rural areas along local roads, the construction or erection of a fence, hedge or shelterbelt shall comply with the following:

(a) no fence, hedge or shelterbelt shall be erected which would unduly restrict the vision of approaching traffic;

(b) fencing surrounding public utility lots shall be as per *Lethbridge County Engineering Guidelines and Minimum Servicing Standards* or as stipulated in a Development Agreement;

(c) all fences must be sited to be able to meet the required corner site triangle setbacks as stipulated in Part 3, Section 11.

(d) a chain link, split rail or barb wire type fence may be located adjacent to the property line or within the required setbacks to a public road, but, solid material fences and snow fences must meet the stipulated setbacks to the public road;

(e) no hedge or shelterbelt shall be erected closer than the distances as stipulated in Part 3, Section 11, Fences, Trees and Shelter Belts in Rural Areas, Diagram 3.5, of the right-of-way of a public road.

12. OBJECTS PROHIBITED OR RESTRICTED IN YARDS

(1) No person shall allow a motor vehicle which has all or part of its superstructure removed, or a motor vehicle which is in a dilapidated or unsightly condition to remain within 30.5 metres (100 ft.) of a local road or provincial highway in the district unless it is suitably housed or screened to the satisfaction of the Development Authority.

(2) Not more than six (6) recreational vehicles shall be stored or parked on a parcel unless otherwise approved by the Development Authority.

(3) A recreational vehicle parked on a lot in any district shall not be used for permanent living or sleeping accommodation.

13. SERVICING REQUIREMENTS

(1) Every development shall be required to install a sewage disposal system and potable water system in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards* or other system as approved by the municipality.

(2) The Development Authority may refuse a development, and the Subdivision Authority may refuse to approve a subdivision, if the parcel on which it is proposed is not large enough or does not have suitable soil characteristics to support a sewage disposal system to the standard required.

(3) The Development Authority may refuse a development, and the Subdivision Authority may refuse to approve a subdivision, if it cannot be demonstrated to the satisfaction of the approval authority that the parcel has access to a secure potable water source or system.

14. LOCATIONAL CRITERIA FOR ISOLATED COUNTRY RESIDENTIAL DEVELOPMENT

(1) Isolated country residential development shall be discouraged if located within:

(a) the minimum distance separation as calculated from an existing or approved confined feeding operation;

(b) the required (reciprocal) setback distance of noxious industries or resource extraction uses to residential or higher density urban uses; or

(c) the required or recommended safe setback distance to hazardous, ecologically sensitive, or other geographical sensitive features (coulees, steep slopes, escarpment, floodplains or flood prone areas, drainage courses, water bodies) in accordance with the bylaw standards, or accepted engineering reports at the discretion of the Development Authority; or

(d) any other activity potentially detrimental to a residential environment;

unless the Development Authority or Subdivision and Development Appeal Board is satisfied that adequate measures will be undertaken to mitigate any nuisance or hazard, or the Development Authority determines that there is no other reasonable alternative or available area on the parcel of land in which to suitably locate the dwelling.

(2) In all instances, a development permit application for a residential dwelling shall not be approved if it is located within 500 metres (1,640 ft.) of an established Anhydrous Ammonia bulk storage facility.

15. HAZARDOUS OR NOXIOUS INDUSTRY

Development of hazardous or noxious uses shall be discouraged in this land use district.

16. DEVELOPMENT APPLICATION REFERRALS

(1) Development applications for discretionary uses within this land use district shall be referred to (where relevant) the Development Authority of the Town of Coaldale, Town of Picture Butte, Town of Coalhurst, Village of Barons, or the Village of Nobleford for comment, prior to making a decision on a permit application.

(2) Pursuant to the Lethbridge County Municipal Development Plan, the Development Authority may take into account the direct or indirect effects of development applications within this land use district on the immediate and surrounding areas, as well as the possible effect on future development of the Town of Coaldale, Town of Picture Butte, Town of Coalhurst, Village of Barons and Village of Nobleford as applicable.

(3) In areas of the Town of Coalhurst rural urban fringe, applications may be referred to the City of Lethbridge in accordance with any applicable Intermunicipal Development Plan policies.

(4) Land use policies, development restrictions or standards stipulated in any adopted Intermunicipal Development Plan with a neighbouring municipality, which are applicable to the rural urban fringe area, shall take precedence over any policy or standard in this bylaw.

18. STANDARDS OF DEVELOPMENT (See Part 3 – General Land Use Provisions)

(1) Part 3 contains land use and development standards that may be required and stipulated as a condition of a subdivision or development approval.

(2) All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

19. LANDSCAPING AND SCREENING (See Part 3 – General Land Use Provisions)

20. OFF-STREET PARKING REQUIREMENTS (See Part 3 – General Land Use Provisions)

21. USE SPECIFIC STANDARDS OF DEVELOPMENT (See Part 4 – Use Specific Provisions)

22. READY-TO-MOVE / MANUFACTURED HOME DEVELOPMENT STANDARDS (See Part 4 – Use Specific Provisions)

23. MOVED-IN DWELLINGS AND BUILDINGS (See Part 4 – Use Specific Provisions)

24. HOME OCCUPATIONS (See Part 4 – Use Specific Provisions)

25. SIGN REGULATIONS (See Part 5)

26. ALTERNATIVE / RENEWABLE ENERGY DEVELOPMENTS (See Part 6)

27. SUBDIVISION CRITERIA (See Part 7)

28. FORMS (See Appendix A)

LETHBRIDGE URBAN FRINGE – LUF

1. PURPOSE

To adopt more specific land use controls in the City of Lethbridge urban fringe area in accordance with the policies outlined in the Intermunicipal Development Plan adopted by both the City and Lethbridge County Councils, while ensuring non-agricultural uses are compatible with an urban environment, are of a high quality, and are considerate of servicing and growth issues.

2. PERMITTED, DISCRETIONARY AND PROHIBITED USES

(1) **Permitted Uses**

Accessory Buildings, Structures and Uses to an Approved Permitted Use
Agricultural Buildings and Structures (see Part 1, section 13 - No permit required)
Day Homes (see Part 1, Section 13 - No permit required and Part 4, Section 13)
Dwellings:
- Single-detached Site-built
- Single-detached Manufactured Homes 1 (see Part 4, Section 22)
- Single-detached Manufactured Homes 2 (see Part 4, Section 22)
- Single-detached Ready-to-move (see Part 4, Section 22)

Extensive Agriculture and Grazing (see Part 1, section 13 - No permit required)
Home Occupations 1 (see Part 4, Section 20)
Secondary Suites (contained within a single-detached dwelling) (see Part 4)
Secondary Suites (detached garage) (see Part 4)
Signs Type 1 (in accordance with Part 5)
Solar Collectors, Individual (see Part 6, Section 2)

(2) **Discretionary Uses**

Accessory Buildings, Structures and Uses to an Approved Discretionary Use
Airports and Airstrips
Alternative or Renewable Energy Facilities, Individual (see Part 6)
Bed and Breakfasts (see Part 4, Section 9)
Day Care (see Part 4, Section 14)
Dwellings:
- Second Single-detached or Additional Residences*
- Single-detached moved-in (see Part 4, Section 22)

Garden Centre
Gravel and Sand Pits (see Part 4, Section 27)
Home Occupations 2 and 3 (see Part 4, Section 20)
Isolated Country Residential (for subdivision purposes)
Kennels / Dog Training Facilities (see Section 6 (3) of this district, and Part 4, Section 21)
Market Gardening and Nurseries
Moved-in buildings (see Part 4, Section 25)
Municipal Servicing Installations
Personal Workshop and Storage (non-commercial) (see Part 4)
Public/Institutional Uses
Recreation, Minor
Public and Private Utilities
Railway and Railway Related Uses
Recreational Vehicle Storage (see Part 4, Section 28)

Shipping Containers (see Part 4)
Signs Type 2 Fascia (in accordance with Part 5)
Small Wind Energy Conversion Systems (see Part 6, Section 3)
Stockpiles
Telecommunication facilities (see Part 4, Section 36)
Veterinary Clinics, Small Animal
Wind Energy Conversion Systems (see Part 6)

(3) **Prohibited Uses**

Grouped Country Residential – *Non-designated***
Highway Commercial
Industrial – *Non-designated***

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Part 1, Section 33, is a Prohibited Use.*

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* May be allowed with compliance to Part 1, Section 18 of this bylaw.
** "Non-designated" means a cluster or grouping of such uses that has not been designated as such in the land use bylaw.

3. MINIMUM LOT SIZE

(1) The minimum required parcel or lot size shall be:

(a) existing parcels;

(b) 0.8 ha (2 acres) of developable land or greater as reasonably required to support the proposed use.

(2) Parcels or lots less than 0.8 ha (2 acres) in size may be considered in the following circumstances:

(a) the lots are to be connected to municipal services; or

(b) the lots are included in a municipal approved area structure plan or design scheme and the lot area is based on an alternative or communal waste water treatment system acceptable to the municipality. In such situations, the minimum lot area should not be less than 0.2 ha (20,000 sq. ft.) unless special circumstances warrant a smaller size.

4. MINIMUM YARD SETBACK REQUIREMENTS

(1) **Side Yard**

No building, structure (excluding fencing) or dugout banks shall be within 6.1 metres (20 ft.) of a property line not fronting on or adjacent to a municipal roadway. For setbacks adjacent to or fronting roadways, the following Section 5 stipulations shall apply.

(2) **Special Setback Requirements**

(a) All buildings, structures and development other than extensive cultivation or grazing on parcels having frontage on a provincial highway may have special requirements for setback, access and service roadways imposed as a condition of approval by the Development Authority in accordance with the requirements of Alberta Transportation and the *Highways Development Protection Regulation*.

(b) As determined by the Development Authority, all buildings, structures and development that are to be located in the vicinity of an escarpment, coulee break, river bank or other geographical feature

may have special requirements for setbacks upon due consideration of any geotechnical or slope stability analysis reports requested by the municipality.

5. MINIMUM SETBACKS FROM ROADWAYS

(1) No part of a building, structure or development shall be located within:

(a) 38.1 metres (125 ft.) of the centre line of any public roadway which is not designated as a provincial highway under the *Highways Development Protection Regulation*;

(b) 70.0 metres (230 ft.) of the centre line or 40.0 metres (131 ft.) from the right-of-way boundary, whichever is greater, of roads designated as provincial highways under the *Highways Development Protection Regulation;*

(c) for any development adjacent to provincial roadways classified as a four-lane divided highway or freeways/expressways, the required setback distances and accesses will be reviewed on a highway-by-highway/development-by-development basis and shall be as prescribed by Alberta Transportation;

(d) any greater distance that may be required by the Development Authority in order to facilitate future road widening, service road dedication, to reduce potential snow drifting, or vision restrictions.

(2) Where any parcel or part of a parcel has frontage on a provincial highway, special standards for setbacks, access, and service roadways may be required by Alberta Transportation under the *Highways Development Protection Regulation*.

(3) Where any parcel or part of a parcel has frontage on a City of Lethbridge roadway, special standards for setbacks, access, and service roadways may be required in consultation with the City of Lethbridge; or, as stipulated in any intermunicipal agreement or intermunicipal development plan adopted between the two municipalities.

6. MINIMUM SETBACKS FOR USES INVOLVING LIVESTOCK OR ANIMALS

(1) All corrals, feeders, shelters or other structures for the feeding of animals less than the numbers outlined in the *Agricultural Operations and Practices Amendment Act 2001 and Regulations* shall not be located closer to a neighbouring residence than 30.5 metres (100 ft.).

(2) All corrals, feeders, shelters or other structures for the feeding of animals less than the numbers outlined in the *Agricultural Operations and Practices Amendment Act 2001 and Regulations* shall not be located within 30.5 metres (100 ft.) of the boundary or right-of-way an irrigation district canal, creek, stream, river, lake shore or water body.

(3) A kennel or breeding facility shall not be located within 304.8 metres (1,000 ft.) of a neighbouring residential building.

7. DEVELOPMENT AND SETBACKS NEAR CANALS

All other development shall not be located within 30.5 metres (100 ft.) of the boundary of a right-of-way of an irrigation canal that serves any downstream users. In order to determine the status of a canal, the comments of the relevant irrigation district should be considered.

8. MAXIMUM SITE COVERAGE

(1) Unless specified elsewhere in this bylaw, the maximum percentage of the site that may be covered by buildings and structures shall be as determined by the Development Authority. No building, structure or driveway shall be located within the area or setbacks required or identified to treat private septic sewage.

(2) At the discretion of the Development Authority, the maximum size (i.e. square footage or building footprint) of an accessory building or structure to be located on a parcel may be stipulated as a condition of approval on a development permit.

9. ACCESS

(1) The municipality may, at the time of subdivision or development, require the developer to enter into an agreement for the construction of any approach(es) necessary to serve the lot or development area in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards*.

(2) To ensure proper emergency access, all developments shall have direct legal and developed physical access to a public roadway in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards*. If the development is within 304.8 metres (¼ mile) of a provincial highway, direct legal and physical access to a public roadway shall be to the satisfaction of Alberta Transportation.

(3) Access points adjacent to blind corners, hills, ridges, railway crossings and any other obstructions shall be positioned so as to provide a reasonably unobstructed view in either direction of 100 metres (328 ft.) on a local road.

(4) The requirement of a service road or subdivision street to provide access may be imposed as a condition of approval for any new development other than those deemed approved. Construction and survey costs for a service road shall be the responsibility of the applicant.

(5) If access is required onto a roadway under the jurisdiction of the City of Lethbridge, the affected municipality shall be notified to obtain consent. In the case where an Intermunicipal Development Plan is adopted by the two municipalities, any applicable road network/access policies stipulated in that joint agreement shall apply.

10. ACCESSORY BUILDINGS AND STRUCTURES

(1) An accessory building or structure shall only be constructed in conjunction with an approved principal building or use and not be used as a permanent dwelling.

(2) An accessory building or structure shall not be located in the required setback from a public road or on an easement.

(3) An accessory building or structure shall be setback a minimum 3.0 metres (10 ft.) from the principal dwelling and from all other structures on the same lot.

(4) Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

(5) As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

11. FENCES AND SHELTERBELTS

In rural areas along local roads, the construction or erection of a fence, hedge or shelterbelt shall comply with the following:

(a) no fence, hedge or shelterbelt shall be erected which would unduly restrict the vision of approaching traffic;

(b) fencing surrounding public utility lots shall be as per the *Lethbridge County Engineering Guidelines and Minimum Servicing Standards* or as stipulated in a Development Agreement;

(c) all fences must be sited to be able to meet the required corner site triangle setbacks as stipulated in Part 3, Section 11;

(d) a chain link, split rail or barb wire type fence may be located adjacent to the property line or within the required setbacks to a public road, but, solid material fences and snow fences must meet the stipulated setbacks to the public road;

(e) no hedge or shelterbelt shall be erected closer than the distances as stipulated in Part 3, Section 11, Fences, Trees and Shelter Belts in Rural Areas, Diagram 3.5, of the right-of-way of a public road.

12. OBJECTS PROHIBITED OR RESTRICTED IN YARDS

(1) No person shall allow a motor vehicle which has all or part of its superstructure removed, or a motor vehicle which is in a dilapidated or unsightly condition to remain within 30.5 metres (100 ft.) of a local road or provincial highway in the district unless it is suitably housed or screened to the satisfaction of the Development Authority.

(2) Not more than six (6) recreational vehicles shall be stored or parked on a parcel unless otherwise approved by the Development Authority.

(3) A recreational vehicle parked on a lot in any district shall not be used for permanent living or sleeping accommodation.

13. SERVICING REQUIREMENTS

(1) Every development shall be required to install a sewage disposal system and potable water system in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards* or other system as approved by the municipality.

(2) The Development Authority may refuse a development, and the Subdivision Authority may refuse to approve a subdivision, if the parcel on which it is proposed is not large enough or does not have suitable soil characteristics to support a sewage disposal system to the standard required.

(3) The Development Authority may refuse a development, and the Subdivision Authority may refuse to approve a subdivision, if it cannot be demonstrated to the satisfaction of the approval authority that the parcel has access to a secure potable water source or system.

14. ARCHITECTURAL CONTROLS

All development must comply with any approved architectural controls if required as part of an area structure plan or subdivision approval. Proof of compliance to the applicable architectural controls is required at the time of submission of a development permit application.

15. DEVELOPMENT APPLICATION REFERRALS

(1) Applications for development permits shall be forwarded to the City of Lethbridge for comments in accordance with the Intermunicipal Development Plan, prior to a decision being made on an application.

(2) Land use policies, development restrictions or standards stipulated in any adopted Intermunicipal Development Plan with the City of Lethbridge, which are applicable to the Lethbridge Urban Fringe area, shall take precedence over any policy or standard in this bylaw if there is a perceived conflict.

16. BYLAW AMENDMENT APPLICATION REFERRALS

Applications for bylaw amendments to redesignate a parcel of land from the Lethbridge Urban Fringe to another land use district shall be forwarded to the City of Lethbridge for comments, prior to a decision being made by Council, in accordance with the Intermunicipal Development Plan.

17. AIRPORT AREA RESTRICTIONS

Properties that lie within the area shown in Map 4, Part 9, will have additional subdivision and development restrictions as outlined in Part 4, Airport Area Restrictions.

18. URBAN STAR PARK OVERLAY DISTRICT

The following provisions are intended to protect Popson Park and the Oldman River Observatory (ORO), located within the City of Lethbridge, which has been designated an Urban Star Park. The purpose of these provisions are to protect the observatory from direct illumination by outdoor lighting located within or adjacent to Popson Park and to limit contributions to sky glow in the vicinity of Popson Park. The provisions consider a circular general Sky Glow Protection Region 1500 metres in radius that is centred on the Oldman River Observatory in Popson Park and an irregular shaped zone (Lighting Setback Area) that borders the south side of the Oldman River Valley. Within this area, special luminaire and mounting height restrictions may be required at the discretion of the Development Authority.

(1) **Applicability**

(a) For properties within the Lethbridge Urban Fringe that are located within the 1500-metre radius to the ORO, as identified in the area illustrated on Part 9, Map 3, Lethbridge Urban Fringe – LUF Overlay Map 1500 m Lighting Restriction Area, specific restrictions pertaining to lighting and illumination may be applied by the Development Authority.

(b) Lighting design is to achieve illumination levels minimizing stay illumination to the observatory.

(c) As part of an approval for a development permit for either a permitted or discretionary use, the Development Authority may place conditions on the permit that stipulate the type of lighting, fixture and illumination that may be required and may also place restrictions on the mounting height of lighting in order to ensure that the provisions of this section are respected.

(2) **Information Requirements**

In addition to the standard bylaw requirements for submitting a development permit application, the Development Authority may request that a development permit application also contain, but may not be limited to, the following:

(a) plans indicating:

(i) the location of all buildings and structures on the property;

(ii) the location, number, type, position, elevation and mounting height of all Outdoor Light Fixtures;

(iii) the number and location of Outdoor Light Fixtures to be equipped with Automatic Timing Devices; and

(iv) any building design or other features which may affect the nature, intensity or direction of light emission from Outdoor Light fixtures;

(b) a description of and background information regarding all Outdoor Light Fixtures, including:

(i) power (in watts),

(ii) type of light source,

(iii) filtering, if any,

(iv) information evidencing whether or not Outdoor Light Fixtures are Shielded,

(v) information as to light distribution in the horizontal and vertical phase planes,

(vi) information as to light distribution in the horizontal plane between 10:00 p.m. and 6:00 a.m. the following day, and

(vii) manufacturer's catalogue information and drawings;

(c) information regarding the design capability of the Outdoor Light Fixture to permit any change in the items referred to in paragraphs (a) and (b).

19. LANDSCAPING AND SCREENING (See Part 3 – General Land Use Provisions)

20. STANDARDS OF DEVELOPMENT (See Part 3 – General Land Use Provisions)

21. OFF-STREET PARKING REQUIREMENTS (See Part 3 – General Land Use Provisions)

22. USE SPECIFIC PROVISIONS (See Part 4 – Use Specific Provisions)

23. READY-TO-MOVE / MANUFACTURED HOME DEVELOPMENT STANDARDS (See Part 4 – Use Specific Provisions)

24. HOME OCCUPATIONS (See Part 4 – Use Specific Provisions)

25. SIGN REGULATIONS (See Part 5)

26. ALTERNATIVE / RENEWABLE ENERGY DEVELOPMENTS (See Part 6)

27. SUBDIVISION CRITERIA (See Part 7)

28. FORMS (See Appendix B)

29. FEES (See Appendix C)

GROUPED COUNTRY RESIDENTIAL – GCR

1. PURPOSE

To provide for a high quality of clustered residential development in areas where no conflict with agriculture or industrial type land uses can be anticipated pursuant to the Municipal Development Plan. Uses which are incompatible with the primarily residential character of this district are discouraged.

2. PERMITTED, DISCRETIONARY AND PROHIBITED USES

(1) **Permitted Uses**

Accessory Buildings, Structures and Uses to an Approved Permitted Use
Day Homes (see Part 1, Section 13 - No permit required)
Dwellings:
- Single-detached Site-built
- Single-detached Manufactured Homes 1 (see Part 4, Section 22)
- Single-detached Ready-to-move (see Part 4, Section 22)

Home Occupations 1 (see Part 4,Section 20)
Secondary Suites (contained within a single-detached dwelling) (see Part 4)
Signs Type 1 (in accordance with Part 5)
Solar Collectors, Individual (see Part 6, Section 2)

(2) **Discretionary Uses**

Accessory Buildings, Structures and Uses to an Approved Discretionary Use
Bed and Breakfasts (see Part 4, Section 9)
Day Care (see Part 4, Section 14)
Dwellings:
- Moved-in
- Semi-detached / Duplex
- Single-detached Manufactured Homes 2 (see Part 4, Section 22)

Home Occupations 2 (see Part 4, Section 20)
Manufactured Home Parks
Moved-in Buildings (see Part 4, Section 25)
Parks, Playgrounds and Sportfields
Secondary Suites (detached garage) (see Part 4)
Signs Type 2 Fascia (in accordance with Part 5)
Small Wind Energy Conversion Systems (see Part 6, Part 3)
Tourist Homes (see Part 4, Section 37)

(3) **Prohibited Uses**

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Part 1, Section 33, is a Prohibited Use.*

3. MINIMUM LOT SIZE

(1) The minimum required parcel or lot size shall be:

(a) existing parcels;

(b) 0.8 ha (2 acres) of developable land or greater as reasonably required to support the proposed use if private disposal sewage systems are used.

(2) Parcels or lots less than 0.8 ha (2 acres) in size may be considered in the following circumstances:

(a) the lots are to be connected to municipal services; or

(b) the lots are included in a municipal approved area structure plan or design scheme and the lot area is based on an alternative or communal waste water treatment system acceptable to the municipality. In such situations, the minimum lot area should not be less than 0.2 ha (20,000 sq. ft.) unless special circumstances warrant a smaller size; or

(c) the lots are part of an area that has a valid area structure plan or design scheme applicable to it, which was approved by Council prior to this land use bylaw taking effect, and the subdivision is being registered or developed in stages which have been initiated.

4. MINIMUM YARD SETBACK REQUIREMENTS

(1) **Side Yard**

No building, structure (excluding fencing) or dugout banks shall be within 6.1 metres (20 ft.) of a property line not fronting on or adjacent to a municipal roadway, or as established in an adopted area structure plan or design scheme.

(2) **Front yards**

Front yards setbacks for all uses shall be a minimum of 15.2 metres (50 ft.) from the property line adjacent to or fronting a local or internal subdivision road, not categorized as a statutory municipal road allowance. For setbacks adjacent to or fronting other roadways Section 5 stipulations shall apply, unless a variance is approved by the Development Authority or Alberta Transportation.

(3) **Special Setback Requirements**

(a) All buildings, structures and development other than extensive cultivation or grazing on parcels having frontage on a provincial highway may have special requirements for setback, access and service roadways imposed as a condition of approval by the Development Authority in accordance with the requirements of Alberta Transportation and the *Highways Development Protection Regulation.*

(b) As determined by the Development Authority, all buildings, structures and development that are to be located in the vicinity of an escarpment, coulee break, river bank or other geographical feature may have special requirements for setbacks upon due consideration of any geotechnical or slope stability analysis reports requested by the municipality.

5. MINIMUM SETBACKS FROM ROADWAYS

(1) No part of a building, structure or development shall be located within:

(a) 38.1 metres (125 ft.) of the centre line of any public roadway which is not designated as a provincial highway under the *Highways Development Protection Regulation*;

(b) 70.0 metres (230 ft.) of the centre line or 40.0 metres (131 ft.) from the right-of-way boundary, whichever is greater, of roads designated as provincial highways under the *Highways Development Protection Regulation;*

(c) for any development adjacent to provincial roadways classified as a four-lane divided highway or freeways/expressways, the required setback distances and accesses will be reviewed on a highway-

by-highway/development-by-development basis and shall be as prescribed by Alberta Transportation;

(d) any greater distance that may be required by the Development Authority in order to facilitate future road widening, service road dedication, to reduce potential snow drifting, or vision restrictions.

(2) Where any parcel or part of a parcel has frontage on a provincial highway, special standards for setbacks, access, and service roadways may be required by Alberta Transportation under the *Highways Development Protection Regulation*.

6. MINIMUM SETBACKS FOR USES INVOLVING LIVESTOCK OR ANIMALS

(1) All corrals, feeders, shelters or other structures for the feeding of animals less than the numbers outlined in the *Agricultural Operations and Practices Amendment Act 2001 and Regulations* shall not be located closer to a neighbouring residence than 30.5 metres (100 ft.).

(2) All corrals, feeders, shelters or other structures for the feeding of animals less than the numbers outlined in the *Agricultural Operations and Practices Amendment Act 2001 and Regulations* shall not be located within 30.5 metres (100 ft.) of the boundary or right-of-way an irrigation district canal, creek, stream, river, lake shore or water body.

7. DEVELOPMENT AND SETBACKS NEAR CANALS

All other development shall not be located within 30.5 metres (100 ft.) of the boundary of a right-of-way of an irrigation canal that serves any downstream users. In order to determine the status of a canal, the comments of the relevant irrigation district should be considered.

8. MAXIMUM SITE COVERAGE

(1) Unless specified elsewhere in this bylaw, the maximum percentage of the site that may be covered by buildings and structures shall be:

(a) as determined by the Development Authority – no building, structure or driveway shall be located within the area or setbacks required or identified to treat private septic sewage; or

(b) as established in an adopted area structure plan or design scheme.

(2) The maximum size (i.e. square footage or building footprint) of an accessory building or structure to be located on a lot or parcel shall not exceed the sizes as stipulated in Section 10 of this district.

9. ACCESS

(1) The municipality may, at the time of subdivision or development, require the developer to enter into an agreement for the construction of any approach(es) necessary to serve the lot or development area in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards*.

(2) To ensure proper emergency access, all developments shall have direct legal and developed physical access to a public roadway in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards*. If the development is within 304.8 metres (¼ mile) of a provincial highway, direct legal and physical access to a public roadway shall be to the satisfaction of Alberta Transportation.

(3) Access points adjacent to blind corners, hills, ridges, railway crossings and any other obstructions shall be positioned so as to provide a reasonably unobstructed view in either direction of 100 metres (328 ft.) on a local road.

(4) The requirement of a service road or subdivision street to provide access may be imposed as a condition of approval for any new development other than those deemed approved. Construction and survey costs for a service road shall be the responsibility of the applicant.

(5) A shared local service road or the construction of shared accesses/approaches may be required to be provided by the developer of multi-lot subdivisions in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards.*

10. ACCESSORY BUILDINGS AND STRUCTURES

(1) An accessory building or structure shall only be constructed in conjunction with an approved principal building or use and not be used as a permanent dwelling.

(2) An accessory building shall not be located in the required setback from a public road or on an easement.

(3) An accessory building shall be setback a minimum 3.0 metres (10 ft.) from the principal dwelling and from all other structures on the same lot.

(4) Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

(5) As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building.

(6) Maximum height – No accessory buildings shall exceed 6.1 metres (20 ft.) in height.

(7) Maximum size of accessory buildings or structures:

(a) on parcels 0.8 ha (2.0 acres) or less in size, the maximum size of an accessory building or structure shall not exceed 167.22 m^2 (1,800 sq. ft.);

(b) on parcels greater than 0.8 ha (2.0 acres) in size, the maximum size of an accessory building or structure shall not exceed 914.4 m^2 (3,000 sq. ft.).

11. FENCES AND SHELTERBELTS

In rural areas along local roads, the construction or erection of a fence, hedge or shelterbelt shall comply with the following:

(a) no fence, hedge or shelterbelt shall be erected which would unduly restrict the vision of approaching traffic;

(b) fencing surrounding public utility lots shall be as per *Lethbridge County Engineering Guidelines and Minimum Servicing Standards* or as stipulated in a Development Agreement;

(c) all fences must be sited to be able to meet the required corner site triangle setbacks as stipulated in Part 3, Section 11;

(d) a chain link, split rail or barb wire type fence may be located adjacent to the property line or within the required setbacks to a public road, but, solid material fences and snow fences must meet the stipulated setbacks to the public road.

(e) no hedge or shelterbelt shall be erected closer than the distances as stipulated in Part 3, Section 11, Fences, Trees and Shelter Belts in Rural Areas, Diagram 3.5, of the right-of-way of a public road.

12. OBJECTS PROHIBITED OR RESTRICTED IN YARDS

(1) No person shall allow a motor vehicle which has all or part of its superstructure removed, or a motor vehicle which is in a dilapidated or unsightly condition to remain within 30.5 metres (100 ft.) of a local road or provincial highway in the district unless it is suitably housed or screened to the satisfaction of the Development Authority.

(2) Not more than three (3) recreational vehicles shall be stored or parked on a parcel unless otherwise approved by the Development Authority.

(3) A recreational vehicle parked on a lot in any district shall not be used for permanent living or sleeping accommodation.

13. SERVICING REQUIREMENTS

(1) Every development shall be required to install a sewage disposal system and potable water system in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards* or other system as approved by the municipality.

(2) The Development Authority may refuse a development, and the Subdivision Authority may refuse to approve a subdivision, if the parcel on which it is proposed is not large enough or does not have suitable soil characteristics to support a sewage disposal system to the standard required.

(3) The Development Authority may refuse a development, and the Subdivision Authority may refuse to approve a subdivision, if it cannot be demonstrated to the satisfaction of the approval authority that the parcel has access to a secure potable water source or system.

14. STANDARDS OF DEVELOPMENT

Standards detailed in Parts 3 and 4 apply to all uses unless more detailed and restrictive standards are established under an adopted area structure plan or design scheme.

15. DEVELOPMENT STANDARDS FOR MANUFACTURED AND READY-TO-MOVE HOMES

Standards detailed in Part 4, Section 22 apply to all uses unless more detailed and restrictive standards are established under an adopted area structure plan or design scheme.

16. AREA STRUCTURE PLANS AND DESIGN SCHEMES

Pursuant to the criteria outlined in the Municipal Development Plan:

(1) Council may require applicants proposing development in the area to undertake the preparation of an area structure plan or conceptual design scheme.

(2) The Subdivision Authority or Development Authority may recommend that Council require the adoption of an area structure plan or design scheme prior to approving applications for subdivision or development, where it becomes apparent to the relevant approval authority or the municipality that too much development is being concentrated in one area without a formal land use designation being approved.

17. SITE GRADING AND DRAINAGE

(1) If not provided in conjunction with an approved area structure plan or design scheme, or at the land use redesignation stage, the Subdivision Authority or Development Authority may request a drainage study conducted by a licensed, qualified engineer to be submitted as part of an application for subdivision or

development approval. The study must include the land that is subject to the application as well as adjacent and other lands that may be affected by the development and drainage proposals.

(2) The Development Authority may require as a condition of development approval:

(a) engineered grading and drainage plans for the development and a legal survey demonstrating that engineered grades have been met;

(b) grading and other measures, as appropriate, to control surface drainage, reduce or eliminate grade difference between adjacent lots, and minimize erosion or slope instability;

(3) The applicant is responsible for ensuring adherence to any required final grades that are established by the engineer and approved by the municipality.

18. ARCHITECTURAL CONTROLS

All development must comply with any approved architectural controls if required as part of an area structure plan or subdivision approval. Proof of compliance to the applicable architectural controls is required at the time of submission of a development permit application.

19. AIRPORT AREA RESTRICTIONS

Properties that lie within the area shown in Map 1, Part 4, will have additional subdivision and development restrictions as outlined in Part 4, Section 2, Airport Area Restrictions.

20. RIVER VALLEYS AND SHORELANDS

(1) Before approving any application in or adjacent to a river valley or shoreland area to locate or expand a land use, or which requires a land use bylaw waiver, the Development Authority shall refer such an application to any local, regional, provincial or federal government agency that, in its opinion, has an interest in land use management.

(2) No application to locate or expand a land use in or adjacent to a river valley or shoreland area shall be approved unless, in the opinion of the Development Authority, the proposal will not:

(a) be located in a flood prone area; and

(b) cause soil erosion or damage to a river bank; and

(c) cause deterioration of water quality; and

(d) hinder the flow of water to the river; and

(e) compromise aesthetic quality or natural amenities; and

(f) be detrimental to area of ecologically sensitive habitat or of historic or scenic importance; and

(g) have a detrimental effect on adjoining or nearby agricultural operations if the proposed development is for a non-agricultural use; and

(h) have a detrimental effect on existing or proposed recreation areas; and

(i) have a detrimental effect on existing or proposed irrigation canals or water diversion structures.

(3) Where a proposed development is granted permission to locate within the one in one hundred year flood plain of any watercourse, the Development Authority may request the developer to provide any or all of the following requirements prior to the issuance of a development permit:

(a) the registration of a Save Harmless Agreement against the title indemnifying the municipality in case of a subsequent flood causing damage to the development;

(b) the provision of an appropriate private sewage disposal system to the satisfaction of the appropriate health authority and the *Safety Codes Act*;

(c) a certificate from a qualified Alberta Land Surveyor stating the top of the footings of any proposed development will be at or above the one in one hundred flood plain level and proof of such elevation;

(d) an assurance that any proposed setback requirements as established by Alberta Environment or other government department are met or exceeded.

21. SITE SUITABILITY

(1) The Subdivision Authority or Development Authority shall take into consideration Part 1 – Administrative, Sections 20-22 of this Bylaw, when making a decision on an application for subdivision or development in this land use district.

(2) The Subdivision Authority or Development Authority may place any or all of the following conditions, in addition to a development agreement, on subdivision or development permit approval to ensure any concerns over the suitability of the land and development are satisfied:

(a) the provision of a professional geotechnical investigation/test and report to ensure the site is suitable in terms of topography, stability, soil characteristics, flooding subsidence, erosion and sanitary sewerage servicing;

(b) require the developer to provided suitable access, so the site will be legally and physically accessible to a developed municipal road or if within 300 metres (984 ft.) of a provincial highway will meet the requirements of Alberta Transportation;

(c) stipulate the alteration of proposed lot configurations, building sizes or locations to ensure any setback requirements of this land use bylaw or the Subdivision and Development Regulation can be met;

(d) any reasonable measures to ensure any other requirements of this Land Use Bylaw are complied with;

(e) any measures to adequately ensure applicable provincial legislation such as the *Safety Codes Act* is complied with or not compromised.

22. HAZARDOUS OR NOXIOUS USES

Development of hazardous or noxious uses shall be discouraged in this land use district.

23. LANDSCAPING AND SCREENING (See Part 3 – General Land Use Provisions)

24. STANDARDS OF DEVELOPMENT (See Part 3 – General Land Use Provisions)

25. OFF-STREET PARKING REQUIREMENTS (See Part 3 – General Land Use Provisions)

26. USE SPECIFIC STANDARDS OF DEVELOPMENT (See Part 4 – Use Specific Provisions)

27. READY-TO-MOVE / MANUFACTURED HOME DEVELOPMENT STANDARDS (See Part 4 – Use Specific Provisions)

28. **MOVED-IN BUILDINGS** (See Part 4 – Use Specific Provisions)

29. **HOME OCCUPATIONS** (See Part 4 – Use Specific Provisions)

30. **SIGN REGULATIONS** (See Part 5)

31. **ALTERNATIVE / RENEWABLE ENERGY DEVELOPMENTS** (See Part 6)

32. **FORMS** (See Appendix B)

33. **FEES** (See Appendix C)

RURAL GENERAL INDUSTRIAL – RGI

1. PURPOSE

To allow for the location of industrial uses, either isolated or grouped development, pursuant to the Municipal Development Plan in areas that will not conflict with the conservation of agricultural land for agricultural use or with adjacent non-industrial uses. This district provides for rural or agricultural-related industry type land uses along with some more general industrial.

2. PERMITTED, DISCRETIONARY AND PROHIBITED USES

(1) **Permitted Uses**

Accessory Buildings, Structures and Uses to an Approved Permitted Use
Agricultural Services
Automotive Repair and Service Shops (see Part 4, Section 6)
Building and Trade Contractor Services
Cartage/Moving Services
Farm Machinery and Equipment Sales
Farm Service Product Sales
Machinery and Equipment Sales, Rental and Service
Mini-storage
Minor Building Additions or Renovations to Existing Residential Structures
Offices, Public and Private
Outdoor Storage for an approved permitted use
Professional Services
Public or Private Utilities
Recreational Vehicle Storage (see Part 4, Section 28)
Recycling Drop-off
Retail Sales or Uses
Signs Type 1 (in accordance with Part 5)
Signs Type 2 (in accordance with Part 5)
Small Wind Energy Conversion Systems (see Part 6, Section 3)
Solar Collectors, Individual (see Part 4, Section 2)
Veterinary Clinic, Small Animal
Warehousing and Indoor Storage

(2) **Discretionary Uses**

Abattoirs (see Part 4, Section 5)
Accessory Buildings, Structures and Uses to an Approved Discretionary Use
Alternative or Renewable Energy Commercial/Industrial Facilities (see Part 6)
Auction Market (see Section 6 of this district)
Auction Sales, Non-livestock
Automotive Detail (see Part 4, Section 6)
Automotive Paint Shop (see Part 4, Section 6)
Bulk Fuel Storage and Sales
Cannabis Processing (see Part 4)
Day Care (see Part 4, Section 14)
Feed Mills / Grain Terminals
Fertilizer Storage and Sales
Food Processing

Garden Centres / Greenhouses
Industrial Supplies and Sales
Kennels / Dog Training Facilities (see Part 4, Section 21)
Light Processing and Manufacturing
Lumber Yards / Building Supplies
Market Gardens and Nurseries
Moved-in Buildings (see Part 4, Section 25)
Outdoor Storage
Recreation, Minor
Railway and Railway Related Uses
Retail Sales or Uses
Salvage or Wrecking Yards (see Part 4, Section 7)
Sandblasting
Security Suites
Seed Cleaning and Processing
Service Stations / Gas Bars (see Part 4, Section 31)
Shipping Containers (see Part 4, Section 32)
Signs Type 3 (in accordance with Part 5)
Telecommunications Facilities (see Part 4, Section 36)
Truck Transportation Dispatch/Depots
Veterinary Clinics, Large Animal
Waste Management, Minor
Welding / Metal fabrication
Wind Energy Conversion Systems (see Part 6)
Work Camps (see Part 4, Section 39)

(3) **Prohibited Uses**

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Part 1, Section 33, is a Prohibited Use.*

3. MINIMUM LOT SIZE

(1) The minimum required parcel or lot size shall be:

(a) existing parcels;

(b) 0.8 ha (2 acres) of developable land or greater as reasonably required to support the proposed use if private disposal sewage systems are used.

(2) Parcels or lots less than 0.8 ha (2 acres) in size may be considered in the following circumstances:

(a) the lots are to be connected to municipal services; or

(b) the lots are included in a municipal approved area structure plan or design scheme and the lot area is based on an alternative or communal waste water treatment system acceptable to the municipality. In such situations, the minimum lot area should not be less than 0.2 ha (20,000 sq. ft.) unless special circumstances warrant a smaller size; and

(c) the Subdivision Authority or Development Authority is satisfied that the minimum setback requirements of this bylaw can be met.

4. MINIMUM LOT AREA

In addition to the minimum lot size required, the following minimum parcel and lot areas for all the permitted and discretionary uses listed above are also applicable:

Use	Frontage Minimum		Depth Minimum	
	m	ft.	m	ft.
All uses	61.0	200	As required to meet lot size	

5. MINIMUM YARD SETBACK REQUIREMENTS

(1) All uses except extensive agriculture require a minimum property line setback of:

Front Yard		Side Yard		Rear Yard	
m	ft	m	ft	m	ft
9.1	30	6.1	20	9.1	30

(2) Where any part of a parcel to be developed for a business or industrial use has frontage on a provincial highway, special standards for setbacks, access, and service roadways may be imposed as a condition of approval by the Development Authority in accordance with the requirements of Alberta Transportation and the *Highways Development Protection Regulation.* The following Section 6 stipulations shall also apply.

(3) As determined by the Development Authority, all buildings, structures and development that are to be located in the vicinity of an escarpment, coulee break, river bank or other geographical feature may have special requirements for setbacks, upon due consideration of any geotechnical or slope stability analysis reports requested by the municipality.

(4) For setbacks on parcels adjacent to or fronting statutory road allowances, additional setbacks as stipulated in Section 5(1) will be applied in accordance with Section 6 below, or on the recommendations or requirements of the Director of Municipal Services for Lethbridge County.

6. MINIMUM SETBACKS FROM ROADWAYS

(1) No part of a building, structure or development shall be located within:

(a) 38.1 metres (125 ft.) of the centre line of any municipal road allowance, unless authorized by the Development Authority;

(b) 70.0 metres (230 ft.) of the centre line or 40.0 metres (131 ft.) from the right-of-way boundary, whichever is greater, of roads designated as provincial highways under the *Highways Development Protection Regulation;*

(c) for any development adjacent to provincial roadways classified as a four-lane divided highway or freeways/expressways, the required setback distances and accesses will be reviewed on a highway-by-highway/development-by-development basis and shall be as prescribed by Alberta Transportation;

(d) any greater distance that may be required by the Development Authority in order to facilitate future road widening, service road dedication, to reduce potential snow drifting, or vision restrictions.

(2) Landscaping setbacks shall be at the discretion of the Development Authority having consideration for future road widening and possible adverse effects on the safety of the roadway.

7. DEVELOPMENT AND SETBACKS NEAR CANALS

All other development shall not be located within 30.5 metres (100 ft.) of the boundary of a right-of-way of an irrigation canal that serves any downstream users. In order to determine the status of a canal, the comments of the relevant irrigation district should be considered.

8. ACCESS

(1) The municipality may, at the time of subdivision or development, require the developer to enter into an agreement for the construction of any approach(es) necessary to serve the lot or development area in accordance with the *Lethbridge County Engineering Guidelines and Minimum Servicing Standards*.

(2) To ensure proper emergency access, all developments shall have direct legal and developed physical access to a public roadway in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards,* unless otherwise approved by the municipality. If the development is within 304.8 metres (¼ mile) of a provincial highway, direct legal and physical access to a public roadway shall be to the satisfaction of Alberta Transportation.

(3) No full-access frontages to parcels from local roads shall be allowed and developers shall be limited to one access per parcel in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards,* unless otherwise approved by the municipality.

(4) Access points adjacent to blind corners, hills, ridges, railway crossings and any other obstructions shall be positioned so as to provide a reasonably unobstructed view in either direction of 100 metres (328 ft.) on a local road.

(5) The requirement of a service road or subdivision street to provide access may be imposed as a condition of approval for any new subdivision or development. Construction and survey costs for a service road shall be the responsibility of the applicant.

9. MAXIMUM SITE COVERAGE

The maximum site coverage for all permitted and discretionary uses:

(a) principal and accessory buildings combined – 50 percent; or

(b) as required by the Development Authority.

10. ACCESSORY BUILDINGS AND STRUCTURES

(1) An accessory building or structure shall not be located in the required setback from a public road or on an easement.

(2) An accessory building or structure shall be setback a minimum 3.0 metres (10 ft.) from the principal dwelling and from all other structures on the same lot.

(3) Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

(4) As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

11. SERVICING REQUIREMENTS

(1) Every development shall be required to install a sewage disposal system and potable water system in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards* or other system as approved by the municipality.

(2) The Development Authority may refuse a development, and the Subdivision Authority may refuse to approve a subdivision, if the parcel on which it is proposed is not large enough or does not have suitable soil characteristics to support a sewage disposal system to the standard required.

(3) The Development Authority may refuse a development, and the Subdivision Authority may refuse to approve a subdivision, if it cannot be demonstrated to the satisfaction of the approval authority that the parcel has access to a secure potable water source or system.

(4) Industrial or business uses that require or use a large volume of water may be denied a development permit if a secured source of water, relative to what is required for the development, is not verified or cannot be guaranteed to the satisfaction of Lethbridge County. This may include, but is not limited to, car/ truck wash facilities, food or other various processing industries, and biofuel plants associated with ethanol production.

12. ARCHITECTURAL CONTROLS

All development must comply with any approved architectural controls if required as part of an area structure plan or subdivision approval. Proof of compliance to the applicable architectural controls is required at the time of submission of a development permit application.

13. AREA STRUCTURE PLANS AND DESIGN SCHEMES

Pursuant to the criteria outlined in the Municipal Development Plan, the Development Authority may recommend that Council require the adoption of an area structure plan or design scheme prior to consideration of an application.

14. INDUSTRIAL DEVELOPMENT STANDARDS

(1) No use shall be approved which may generate traffic problems within the district.

(2) Any proposed industrial development shall meet all the required and appropriate regulations of the Alberta Building Code.

(3) On parcels located adjacent to provincial highways, any storage of goods, products, raw materials, etc. shall be effectively screened from view by buildings, solid fences, landscaped features, or combinations thereof and be maintained in good repair.

(4) Landscaping, fencing, screening and siting or setback restrictions may be imposed as a condition of a development permit, with consideration for Section 15 below, and Part 3, Section 25.

(5) Where it appears that greater side yard setbacks may be necessary, the Development Authority may impose such a requirement as a condition of a development permit.

(6) No large animal veterinary clinic, kennel or riding stable shall be located within 304.8 metres (1000 ft.) of a neighbouring residential building excepting an approved dwelling that is ancillary to the designated use.

(7) See Part 3 – General Land Use Provisions for additional standards.

15. LANDSCAPING, SCREENING AND LOCATION OF STORAGE

(1) Separation, or buffering, between adjacent land uses may be required, including the use of trees, shrubs, fences, walls, and berms to buffer or screen uses of negative impact.

(2) For landscaping requirements see Part 3 – General Land Use Provisions, Section 25.

(3) Outdoor storage is prohibited in the front yard.

(4) The outdoor display of goods, materials or equipment solely for advertisement purposes may be allowed, unless otherwise stipulated by the Development Authority, subject to the following:

(a) the display of goods, materials or equipment may be permitted in the front yard provided that it is restricted to examples of limited equipment, products, vehicles or items sold by the business or industrial use located on the subject site containing the display area;

(b) the outdoor display areas are not located within any required setback; and

(c) the display areas are not located on any required and approved landscaping area.

(5) Refuse or garbage shall be kept in a suitably-sized container or enclosure, effectively screened, and the refuse containers shall be located in a rear yard only.

(6) Wrecked or damaged motor vehicles which might be located or stockpiled on the property must be effectively screened from all adjacent parcels and roadways in the vicinity.

(7) Where screen planting is not sufficient to buffer outdoor storage (including salvage yards, lumber yards, pipe storage and similar uses), a fence and/or earth berm with sufficient height to block the view may be required by the Development Authority.

16. LOADING AREA REQUIREMENTS

(1) For commercial, industrial and other uses, there shall be a minimum of one off-street designated loading area, or more as required by the Development Authority.

(2) Each loading area shall be designed in such a manner that it will not interfere with convenient and safe pedestrian movement, traffic flow, site access/approaches onto public roadways, or parking.

(3) See Part 3 – General Land Use Provisions for additional standards.

17. STANDARDS OF DEVELOPMENT (See Part 3 – General Land Use Provisions)

(1) Part 3 contains land use and development standards that may be required and stipulated as a condition of a subdivision or development approval.

(2) All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

18. OFF-STREET PARKING REQUIREMENTS (See Part 3 – General Land Use Provisions)

19. USE SPECIFIC STANDARDS OF DEVELOPMENT (See Part 4 – Use Specific Provisions)

20. MOVED-IN BUILDINGS (See Part 4 – Use Specific Provisions)

21. SIGN REGULATIONS (See Part 5)

BUSINESS LIGHT INDUSTRIAL – BLI

1. PURPOSE

To allow low intensity businesses, light industrial and other compatible development in those areas of the County considered most suitable, typically in a planned business centre or office park, which is located in a highly visible and accessible location and displays a higher standard of design and appearance. The stipulated permitted and discretionary uses include some minor service functions and mixed-use developments, while prohibiting noxious uses.

2. PERMITTED, DISCRETIONARY AND PROHIBITED USES

(1) **Permitted Uses**

Accessory Buildings, Structures and Uses to an Approved Permitted Use
Agricultural Services
Big Box/Comprehensive Retail
Business Support Services
Garden Centres / Greenhouses
Mini-storage
Minor Building Additions or Renovations to Existing Residential Structures
Offices, Public And Private
Professional Services
Public or Private Utilities
Retail, Convenience
Signs Type 1 (in accordance with Part 5)
Signs Type 2 (in accordance with Part 5)
Small Wind Energy Conversion Systems (see Part 6, Section 3)
Solar Collectors, Individual (see Part 6, Section 2)
Technology Centres/Hubs

(2) **Discretionary Uses**

Accessory Buildings, Structures and Uses to an Approved Discretionary Use
Agricultural Markets
Alternative or Renewable Energy Facilities (see Part 6)
Auction Sales, Non-livestock
Automotive Detail (see Part 4, Section 6)
Automotive Repair and Service Shops (see Part 4, Section 6)
Building and Trade Contractor Services
Bulk Fuel Storage and Sales
Car/Truck Washes (see Part 4, Section 11)
Cartage/Moving Services
Contractor Trade Shops
Crematorium/Funeral Homes
Day Care (see Part 4, Section 14)
Farm Service Product Sales
Light Industrial Processing and Manufacturing
Machinery and Equipment Sales, Rental and Service
Outdoor Storage
Recreation, Minor
Recreational Vehicle Storage (see Part 4, Section 28)

Restaurants
Retail, Large (5,000 sq. ft. or more)
Retail Uses Ancillary to Industrial or Warehousing Use
Security Suites
Service Stations / Gas Bars (see Part 4, Section 31)
Signs Type 3 (in accordance with Part 5)
Telecommunications Facilities (see Part 4, Section 36)
Truck Transportation Depots
Veterinary Clinics, Small Animal
Warehousing and Indoor Storage
Wind Energy Conversion Systems (see Part 6)

(3) **Prohibited Uses**

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Part 1, Section 33, is a Prohibited Use.*

3. MINIMUM LOT SIZE

(1) The minimum required parcel or lot size shall be:

(a) existing parcels;

(b) 0.8 ha (2 acres) of developable land or greater as reasonably required to support the proposed use if private disposal sewage systems are used.

(2) Parcels or lots less than 0.8 ha (2 acres) in size may be considered in the following circumstances:

(a) the lots are to be connected to municipal services; or

(b) the lots are included in a municipal approved area structure plan or design scheme and the lot area is based on an alternative or communal waste water treatment system acceptable to the municipality. In such situations, the minimum lot area should not be less than 0.2 ha (20,000 sq. ft.) unless special circumstances warrant a smaller size; and

(c) the Subdivision Authority or Development Authority is satisfied that the minimum setback requirements of this bylaw can be met.

4. MINIMUM LOT DIMENSIONS

In addition to the minimum lot size required, the following minimum parcel and lot areas for all the permitted and discretionary uses listed above are also applicable:

Use	Frontage Minimum		Depth Minimum	
	m	ft.	m	ft.
All uses	45.7	150	As required to meet lot size	

5. MINIMUM YARD SETBACK REQUIREMENTS

(1) All uses except extensive agriculture require a minimum property line setback of:

Front Yard			Side Yard			Rear Yard	
m	ft.		m	ft.	m	ft.
9.1	30	interior lot	6.1	20	9.1	30
		corner lot	1 @ 9.1 1 @ 6.1	1 @ 30 1 @ 20		

(2) Where any part of a parcel to be developed for a business or industrial use has frontage on a provincial highway, special standards for setbacks, access, and service roadways may be imposed as a condition of approval by the Development Authority in accordance with the requirements of Alberta Transportation and the *Highways Development Protection Regulation.* For parcel setbacks adjacent to or fronting highways or municipal road allowances, the following Section 6 stipulations shall apply.

(3) As determined by the Development Authority, all buildings, structures and development that are to be located in the vicinity of an escarpment, coulee break, river bank or other geographical feature may have special requirements for setbacks upon due consideration of any geotechnical or slope stability analysis reports requested by the municipality.

6. MINIMUM SETBACKS FROM ROADWAYS

(1) No part of a building, structure or development shall be located within:

(a) 38.1 metres (125 ft.) of the centre line of any municipal road allowance, unless authorized by the Development Authority;

(b) 70.0 metres (230 ft.) of the centre line or 40.0 metres (131 ft.) from the right-of-way boundary, whichever is greater, of roads designated as provincial highways under the *Highways Development Protection Regulation;*

(c) for any development adjacent to provincial roadways classified as a four-lane divided highway or freeways/expressways, the required setback distances and accesses will be reviewed on a highway-by-highway/development-by-development basis and shall be as prescribed by Alberta Transportation;

(d) any greater distance that may be required by the Development Authority in order to facilitate future road widening, service road dedication, to reduce potential snow drifting, or vision restrictions.

(2) Landscaping setbacks shall be at the discretion of the Development Authority having consideration for future road widening and possible adverse effects on the safety of the roadway.

7. DEVELOPMENT AND SETBACKS NEAR CANALS

All other development shall not be located within 30.5 metres (100 ft.) of the boundary of a right-of-way of an irrigation canal that serves any downstream users. In order to determine the status of a canal, the comments of the relevant irrigation district should be considered.

8. ACCESS

(1) The municipality may, at the time of subdivision or development, require the developer to enter into an agreement for the construction of any approach(es) necessary to serve the lot or development area in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards*.

(2) To ensure proper emergency access, all developments shall have direct legal and developed physical access to a public roadway in accordance with *Lethbridge County Engineering Guidelines and Minimum*

Servicing Standards, unless otherwise approved by the municipality. If the development is within 304.8 metres (¼ mile) of a provincial highway, direct legal and physical access to a public roadway shall be to the satisfaction of Alberta Transportation.

(3) No full-access frontages to parcels from local roads shall be allowed and developers shall be limited to one access per parcel in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards,* unless otherwise approved by the municipality.

(4) Access points adjacent to blind corners, hills, ridges, railway crossings and any other obstructions shall be positioned so as to provide a reasonably unobstructed view in either direction of 100 metres (328 ft.) on a local road.

(5) The requirement of a service road or subdivision street to provide access may be imposed as a condition of approval for any new subdivision or development. Construction and survey costs for a service road shall be the responsibility of the applicant.

9. MAXIMUM SITE COVERAGE

The maximum site coverage for all permitted and discretionary uses:

(a) principal and accessory buildings combined – 50 percent; or

(b) as required by the Development Authority.

10. ACCESSORY BUILDINGS AND STRUCTURES

(1) An accessory building or structure shall not be located in the required setback from a public road or on an easement.

(2) An accessory building or structure shall be setback a minimum 3.0 metres (10 ft.) from the principal dwelling and from all other structures on the same lot.

(3) Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

(4) As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

11. SERVICING REQUIREMENTS

(1) Every development shall be required to install a sewage disposal system and potable water system in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards* or other system as approved by the municipality.

(2) The Development Authority may refuse a development, and the Subdivision Authority may refuse to approve a subdivision, if the parcel on which it is proposed is not large enough or does not have suitable soil characteristics to support a sewage disposal system to the standard required.

(3) The Development Authority may refuse a development, and the Subdivision Authority may refuse to approve a subdivision, if it cannot be demonstrated to the satisfaction of the approval authority that the parcel has access to a secure potable water source or system.

(4) Commercial developments catering to the public, such as restaurants, food establishments, and hotels, must a secure potable water source or system provided the satisfaction of Lethbridge County and the Regional Health Authority.

(5) Industrial or business uses that require or use a large volume of water may be denied a development permit if a secured source of water, relative to what is required for the development, is not verified or cannot be guaranteed to the satisfaction of Lethbridge County. This may include, but is not limited to, car/ truck wash facilities, food or other various processing industries, and biofuel plants associated with ethanol production.

12. ARCHITECTURAL CONTROLS

All development must comply with any approved architectural controls if required as part of an area structure plan or subdivision approval. Proof of compliance to the applicable architectural controls is required at the time of submission of a development permit application.

13. AREA STRUCTURE PLANS AND DESIGN SCHEMES

Pursuant to the criteria outlined in the Municipal Development Plan, the Development Authority may recommend that Council require the adoption of an area structure plan or design scheme prior to consideration of an application.

14. AIRPORT AREA RESTRICTIONS

Properties that lie within the area shown in Map 1, Part 1, will have additional subdivision and development restrictions as outlined in Part 14, Airport Area Restrictions.

15. LIGHT INDUSTRIAL DEVELOPMENT STANDARDS

(1) No use shall be approved which may generate traffic problems within the district.

(2) Any proposed industrial development shall meet all the required and appropriate regulations of the Alberta Building Code.

(3) On parcels located adjacent to provincial highways, any storage of goods, products, raw materials, etc. shall be effectively screened from view by buildings, solid fences, landscaped features, or combinations thereof and be maintained in good repair.

(4) Landscaping, fencing, screening and siting or setback restrictions may be imposed as a condition of a development permit, with consideration for Section 16 below, and Part 5, section 25.

(5) Where it appears that greater side yard setbacks may be necessary, the Development Authority may impose such a requirement as a condition of a development permit.

(6) No veterinary clinic shall be located within 304.8 metres (1000 ft.) of a neighbouring residential building excepting an approved dwelling that is ancillary to the designated use.

(7) No operation or activity associated with any use in this district shall be permitted which would create a nuisance factor from noise, odour, earthborn vibrations, heat, intense light sources or dust, outside an enclosed building.

(8) See Part 3 – General Land Use Provisions for additional requirements.

(9) See Part 4 – Use Specific Provisions.

16. LANDSCAPING, SCREENING AND LOCATION OF STORAGE

(1) Separation, or buffering, between adjacent land uses may be required, including the use of trees, shrubs, fences, walls, and berms to buffer or screen uses of negative impact.

(2) See Part 3 – General Land Use Provisions, Section 25 for landscaping requirements.

(3) Outdoor storage is prohibited in the front yard. All loading, service, and storage areas (where permitted), shall be located to the rear and sides of the principal building and shall be screened from view from any public roadway other than a lane, and from adjacent sites by a wall, landscape materials, berms, fences, or a combination of these features, to the satisfaction of the Development Authority.

(4) The outdoor display of goods, materials or equipment solely for advertisement purposes may be allowed, unless otherwise stipulated by the Development Authority, subject to the following:

(a) The display of goods, materials or equipment may be permitted in the front yard provided that it is restricted to examples of limited equipment, products, vehicles or items sold by the business or industrial use located on the subject site containing the display area;

(b) the outdoor display areas are not located within any required setback; and

(c) the display areas are not located on any required and approved landscaping area.

(5) Refuse or garbage shall be kept in a suitably-sized container or enclosure and shall be located in a rear yard only. Refuse containers shall be screened from view from any public roadway other than a lane, and from adjacent sites by a wall, landscape materials, berms, fences, or a combination of these features, to the satisfaction of the Development Authority.

(6) Wrecked or damaged motor vehicles which might be located or stockpiled on the property must be effectively screened from all adjacent parcels and roadways in the vicinity.

(7) The Development Authority may require that any exposed projections outside the building, such as mechanical and electrical equipment and cooling towers, be screened from view from any public roadway and adjacent sites if, in the opinion of the Development Authority such projections are:

(a) inconsistent with the character and appearance of surrounding development or intended visual qualities of this district; or

(b) are required in accordance with any area structure plan or intermunicipal development plan policies.

17. LOADING AREA REQUIREMENTS

(1) For commercial, industrial and other uses, there shall be a minimum of one off-street designated loading area, or more as required by the Development Authority. Uses such as office buildings, business support services, and professional services that do not involve the production, sales, storage or shipping of products or goods may be exempted from this requirement by the Development Authority.

(2) Each loading area shall be designed in such a manner that it will not interfere with convenient and safe pedestrian movement, traffic flow, site access/approaches onto public roadways, or parking.

(3) See Part 3 – General Land Use Provisions for additional standards.

18. MIXED-USE DEVELOPMENTS

Development permit applications for mixed-use developments (buildings or parcels of land) may be considered for approval in this district if the uses conform to the list of permitted or discretionary uses. For specific details, the criteria and standards of development stipulated in Part 6 will apply.

19. SITE PLANS

(1) The Development Authority may require a professionally prepared detailed comprehensive site plan as part of the development permit application to illustrate existing and proposed buildings, structures, roads and access points, setbacks, landscaping, parking, and utility easements.

(2) The Development Authority shall require professionally prepared site plan as described in Section 19(1) as part of the development permit application, for any proposed mixed-use parcel of land.

20. STANDARDS OF DEVELOPMENT (See Part 3 – General Land Use Provisions)

(1) Part 3 contains land use and development standards that may be required and stipulated as a condition of a subdivision or development approval.

(2) All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

21. OFF-STREET PARKING REQUIREMENTS (See Part 3 – General Land Use Provisions)

22. USE SPECIFIC STANDARDS OF DEVELOPMENT (See Part 4 – Use Specific Provisions)

23. MOVED-IN BUILDINGS (See Part 4 – Use Specific Provisions)

24. SIGN REGULATIONS (See Part 5)

25. ALTERNATIVE / RENEWABLE ENERGY DEVELOPMENTS (See Part 6)

26. FORMS (See Appendix B)

27. FEES (See Appendix C)

RURAL HEAVY INDUSTRIAL – RHI

1. PURPOSE

To provide for large scale and major industrial uses that may have large land requirements and/or some nuisance effects on adjacent sites. This district is generally not located adjacent to residential areas because of potential nuisance factors. The application of use restrictions and additional regulations is to reduce the risks to public safety and minimize nuisance associated with heavy industry.

2. PERMITTED, DISCRETIONARY AND PROHIBITED USES

(1) **Permitted Uses**

Accessory Buildings, Structures and Uses to an Approved Permitted Use
Agricultural Services
Automotive Repair and Service Shops (see Part 4, Section 6)
Building and Trade Contractor Services
Machinery and Equipment Services
Oilfield Contractor Services
Outdoor Storage
Public or Private Utilities
Recycling Drop-off
Seed Cleaning and Processing
Shipping Containers (see Part 4, Section 32)
Signs Type 1 (in accordance with Part 5)
Small Wind Energy Conversion Systems (see Part 6)
Solar Collectors, Individual (see Part 6, Section 2)
Truck Transportation Dispatches/Depots
Veterinary Clinics, Large Animal
Warehousing and Storage
Waste Management Facilities, Minor
Welding / Metal Fabrication (see Part 4, Section 29)

(2) **Discretionary Uses**

Abattoirs (see Part 4, Section 5)
Accessory Buildings, Structures and Uses to an Approved Discretionary Use
Aggregate Extraction/Processing (see Part 4, Section 27)
Alternative or Renewable Energy Commercial/Industrial Facilities (see Part 6)
Anhydrous Ammonia Storage/Facilities (see Part 4, Section 4)
Asphalt Batch Plants (see Part 4, Section 8)
Automotive Paint Shops (see Part 4, Section 6)
Bulk Fuel Storage and Sales
Chemical Processing and Storage
Concrete Batch Plants (see Part 4, Section 8)
Fertilizer Storage and Sales
Heavy Industrial Processing and Manufacturing
Light Industrial Processing and Manufacturing
Lumber Yards / Building Supplies
Moved-in Buildings (see Part 4, Section 25)
Oilfield/Pipe Equipment and Storage
Railway and Railway Related Uses

Recycling Depot Facilities
Recycling, Oil Depots
Recycling Soils
Resource Extraction Processing (see Part 4, Section 27)
Sandblasting Facilities (see Part 4, Section 29)
Salvage or Wrecking Yards (see Part 4, Section 7)
Security Suites
Signs Type 2 (in accordance with Part 5)
Telecommunications Facilities (see Part 4, Section 36)
Truck Washes (see Part 4, Section 11)
Waste Management Facilities, Major
Wind Energy Conversion Systems (see Part 6)
Work Camps (see Part 4, Section 39)

(3) **Prohibited Uses**

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Part 1, Section 33, is a Prohibited Use.*

3. MINIMUM LOT SIZE

(1) The minimum required parcel or lot size shall be:

(a) existing parcels;

(b) 0.8 ha (2 acres) of developable land or greater as reasonably required to support the proposed use if private disposal sewage systems are used.

(2) Parcels or lots less than 0.8 ha (2 acres) in size may be considered in the following circumstances:

(a) the lots are to be connected to municipal services; or

(b) the lots are included in a municipal approved area structure plan or design scheme and the lot area is based on an alternative or communal waste water treatment system acceptable to the municipality. In such situations, the minimum lot area should not be less than 0.2 ha (20,000 sq. ft.) unless special circumstances warrant a smaller size; and

(c) the Subdivision Authority or Development Authority is satisfied that the minimum setback requirements of this bylaw can be met.

4. MINIMUM LOT DIMENSIONS

In addition to the minimum lot size required, the following minimum parcel and lot areas for all the permitted and discretionary uses listed above are also applicable:

Use	Frontage Minimum		Depth Minimum	
	m	ft.	m	ft.
All uses	61.0	200	As required to meet lot size	

5. MINIMUM YARD SETBACK REQUIREMENTS

(1) All uses except extensive agriculture require a minimum property line setback of:

Front Yard			Side Yard			Rear Yard	
m	ft.		m	ft.		m	ft.
15.24	50	interior lot	9.1	30		15.24	50

(2) Where any part of a parcel to be developed for a business or industrial use has frontage on a provincial highway, special standards for setbacks, access, and service roadways may be imposed as a condition of approval by the Development Authority in accordance with the requirements of Alberta Transportation and the *Highways Development Protection Regulation.* For setbacks adjacent to or fronting highways or municipal road allowances, the following Section 6 stipulations shall apply.

(3) As determined by the Development Authority, all buildings, structures and development that are to be located in the vicinity of an escarpment, coulee break, river bank or other geographical feature may have special requirements for setbacks upon due consideration of any geotechnical or slope stability analysis reports requested by the municipality.

6. MINIMUM SETBACKS FROM ROADWAYS

(1) No part of a building, structure or development shall be located within:

(a) 38.1 metres (125 ft.) of the centre line of any municipal road allowance, unless authorized by the Development Authority;

(b) 70.0 metres (230 ft.) of the centre line or 40.0 metres (131 ft.) from the right-of-way boundary, whichever is greater, of roads designated as provincial highways under the *Highways Development Protection Regulation;*

(c) for any development adjacent to provincial roadways classified as a four-lane divided highway or freeways/expressways, the required setback distances and accesses will be reviewed on a highway-by-highway/development-by-development basis and shall be as prescribed by Alberta Transportation;

(d) any greater distance that may be required by the Development Authority in order to facilitate future road widening, service road dedication, to reduce potential snow drifting, or vision restrictions.

(2) Landscaping setbacks shall be at the discretion of the Development Authority having consideration for future road widening and possible adverse effects on the safety of the roadway.

7. DEVELOPMENT AND SETBACKS NEAR CANALS

All other development shall not be located within 30.5 metres (100 ft.) of the boundary of a right-of-way of an irrigation canal that serves any downstream users. In order to determine the status of a canal, the comments of the relevant irrigation district should be considered.

8. ACCESS

(1) The municipality may, at the time of subdivision or development, require the developer to enter into an agreement for the construction of any approach(es) necessary to serve the lot or development area in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards*.

(2) To ensure proper emergency access, all developments shall have direct legal and developed physical access to a public roadway in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards,* unless otherwise approved by the municipality. If the development is within 304.8 metres (¼ mile) of a provincial highway, direct legal and physical access to a public roadway shall be to the satisfaction of Alberta Transportation.

(3) No full-access frontages to parcels from local roads shall be allowed and developers shall be limited to one access per parcel in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards,* unless otherwise approved by the municipality.

(4) Access points adjacent to blind corners, hills, ridges, railway crossings and any other obstructions shall be positioned so as to provide a reasonably unobstructed view in either direction of 100 metres (328 ft.) on a local road.

(5) The requirement of a service road or subdivision street to provide access may be imposed as a condition of approval for any new subdivision or development. Construction and survey costs for a service road shall be the responsibility of the applicant.

9. MAXIMUM SITE COVERAGE

The maximum site coverage for all permitted and discretionary uses:

(a) principal and accessory buildings combined – 50 percent; or

(b) as required by the Development Authority.

10. ACCESSORY BUILDINGS AND STRUCTURES

(1) An accessory building or structure shall not be located in the required setback from a public road or on an easement.

(2) An accessory building or structure shall be setback a minimum 3.0 metres (10 ft.) from the principal building and from all other structures on the same lot.

(3) Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

(4) As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

(5) Setbacks shall be applied as per Section 5(1).

11. SERVICING REQUIREMENTS

(1) Every development shall be required to install a sewage disposal system and potable water system in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards* or other system as approved by the municipality.

(2) The Development Authority may refuse a development, and the Subdivision Authority may refuse to approve a subdivision, if the parcel on which it is proposed is not large enough or does not have suitable soil characteristics to support a sewage disposal system to the standard required.

(3) The Development Authority may refuse a development, and the Subdivision Authority may refuse to approve a subdivision, if it cannot be demonstrated to the satisfaction of the approval authority that the parcel has access to a secure potable water source or system.

(4) Industrial or business uses that require or use a large volume of water may be denied a development permit if a secured source of water, relative to what is required for the development, is not verified or cannot be guaranteed to the satisfaction of Lethbridge County. This may include, but is not limited to,

car/truck wash facilities, food or other various processing industries, and biofuel plants associated with ethanol production.

(5) Notwithstanding that a use may be permitted or discretionary in a land use district, the Development Authority may refuse to approve a development permit for a use where, in the opinion of the Development Authority, the proposed water or sewer system is not available or sufficient to service the development.

12. ARCHITECTURAL CONTROLS

All development must comply with any approved architectural controls if required as part of an area structure plan or subdivision approval. Proof of compliance to the applicable architectural controls is required at the time of submission of a development permit application.

13. AREA STRUCTURE PLANS AND DESIGN SCHEMES

Pursuant to the criteria outlined in the Municipal Development Plan, the Development Authority may recommend that Council require the adoption of an area structure plan or design scheme prior to consideration of an application.

14. AIRPORT AREA RESTRICTIONS

Properties that lie within the area shown in Map 1, Part 4, will have additional subdivision and development restrictions as outlined in Part 4, section 2, Airport Area Restrictions.

15. INDUSTRIAL DEVELOPMENT STANDARDS

(1) No use shall be approved which may generate traffic problems within the district.

(2) Any proposed industrial development shall meet all the required and appropriate regulations of the Alberta Building Code.

(3) On parcels located adjacent to provincial highways, any storage of goods, products, raw materials, etc. shall be effectively screened from view by buildings, solid fences, landscaped features, or combinations thereof and be maintained in good repair. Refer to Section 16 for specific standards.

(4) Landscaping, fencing, screening and siting or setback restrictions may be imposed as a condition of a development permit, with consideration for Section 16 below, and Part 3, Section 25.

(5) Where it appears that greater side yard setbacks may be necessary, the Development Authority may impose such a requirement as a condition of a development permit.

(6) Safety, risk and environmental assessment are integral components of the industrial development review process. Where there are potential effects or risk associated with a proposed development, a Development Authority may require an applicant to retain a qualified professional acceptable to the Development Authority to provide an environmental impact assessment and/or a quantitative risk assessment report of the proposed development, as part of the development application requirements.

(7) The Development Authority may as condition of a development permit, for either a permitted or discretionary use, require the applicant to provide a professionally prepared environmental impact assessment.

(8) The Development Authority may require, as part of the application requirements for development permit for heavy or noxious industrial uses at which dangerous goods are produced, processed, handled, stored or disposed of on-site, that an applicant retain a qualified professional acceptable to the Development Authority to prepare a risk assessment review statement, to determine the suitability of the use and identify any special siting or operational requirements.

16. LANDSCAPING, SCREENING AND LOCATION OF STORAGE

(1) Separation, or buffering, between adjacent land uses may be required, including the use of trees, shrubs, fences, walls, and berms to buffer or screen uses of negative impact.

(2) See Part 3 – General Land Use Provisions, Section 25 for landscaping requirements.

(3) Outdoor storage is prohibited in the front yard.

(4) The outdoor display of goods, materials or equipment solely for advertisement purposes may be allowed, unless otherwise stipulated by the Development Authority, subject to the following:

(a) the display of goods, materials or equipment may be permitted in the front yard provided that it is restricted to examples of limited equipment, products, vehicles or items sold by the business or industrial use located on the subject site containing the display area;

(b) the outdoor display areas are not located within any required setback; and

(c) the display areas are not located on any required and approved landscaping area.

(5) Refuse or garbage shall be kept in a suitably-sized container or enclosure, effectively screened, and the refuse containers shall be located in a rear yard only.

(6) Wrecked or damaged motor vehicles which might be located or stockpiled on the property must be effectively screened from all adjacent parcels and roadways in the vicinity.

17. LOADING AREA REQUIREMENTS

(1) For commercial, industrial and other uses, there shall be a minimum of one off-street designated loading area, or more as required by the Development Authority.

(2) Each loading area shall be designed in such a manner that it will not interfere with convenient and safe pedestrian movement, traffic flow, site access/approaches onto public roadways, or parking.

(3) See Part 3 – General Land Use Provisions for additional standards.

18. STANDARDS OF DEVELOPMENT (See Part 3 - General Land Use Provisions)

(1) Part 3 contains land use and development standards that may be required and stipulated as a condition of a subdivision or development approval.

(2) All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

19. **OFF-STREET PARKING REQUIREMENTS** (See Part 3 – General Land Use Provisions)

20. **USE SPECIFIC STANDARDS OF DEVELOPMENT** (See Part 4 – Use Specific Provisions)

21. **MOVED-IN BUILDINGS** (See Part 4 – Use Specific Provisions)

22. **SIGN REGULATIONS** (See Part 5)

23. **ALTERNATIVE / RENEWABLE ENERGY DEVELOPMENTS** (See Part 6)

24. **FORMS** (See Appendix B)

25. **FEES** (See Appendix C)

RURAL COMMERCIAL – RC

1. PURPOSE

To allow for the location of commercial uses pursuant to the Municipal Development Plan in areas that will not conflict with the conservation of agricultural land for agricultural uses, while providing services to the travelling public and ensuring efficient operation of the highway system. The district includes allowing for the consideration of commercial power-centres or mixed-use developments in buildings or on parcels of land in accordance with the standards of the bylaw.

2. PERMITTED, DISCRETIONARY AND PROHIBITED USES

(1) **Permitted Uses**

Accessory Buildings, Structures and Uses to an Approved Permitted Use
Agricultural Markets
Agricultural Service and Repair
Building and Trade Contractor Services
Extensive Agriculture
Garden Centres / Greenhouses
Highway Commercial Uses: (see Parts 3 and 4)
- Convenience Stores
- Drive-in Restaurants
- Hotels and Motels
- Rest Stops
- Restaurants
- Service Stations / Gas Bars

Recreation, Minor
Retail, Small (less than 5,000 sq. ft. in size)
Signs Type 1 (in accordance with Part 5)
Signs Type 2 (in accordance with Part 5)
Small Veterinarian Clinic
Solar Collectors, Individual (see Part 6, Section 2)

(2) **Discretionary Uses**

Accessory Buildings, Structures and Uses to an Approved Discretionary Use
Alternative or Renewable Energy Facilities (see Part 6)
Automotive Sales and Service
Big Box/Comprehensive Retail
Farm Machinery Sales and Service
Flea Markets
Machinery and Equipment Sales and Service
Manufactured Home Sales
Public and Institutional
Public and Private Utilities
Recreational Vehicle Sales and Service
Residential Uses if Secondary to the Approved Commercial Use
Retail Cannabis Store
Retail, Large (5,000 sq. ft. or greater in size)
Signs Type 3 (in accordance with Part 5)
Small Wind Energy Conversion Systems (see Part 6)

Truck Stops
Workshop Institutional Use

(3) **Prohibited Uses**

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Part 1, Section 33, is a Prohibited Use.*

3. MINIMUM LOT SIZE

(1) The minimum required parcel or lot size shall be:

(a) existing parcels;

(b) 0.8 ha (2 acres) of developable land or greater as reasonably required to support the proposed use if private disposal sewage systems are used.

(2) Parcels or lots less than 0.8 ha (2 acres) in size may be considered in the following circumstances:

(a) the lots are to be connected to municipal services; or

(b) the lots are included in a municipal approved area structure plan or design scheme and the lot area is based on an alternative or communal waste water treatment system acceptable to the municipality. In such situations, the minimum lot area should not be less than 0.2 ha (20,000 sq. ft.) unless special circumstances warrant a smaller size; and

(c) the Subdivision Authority or Development Authority is satisfied that the minimum setback requirements of this bylaw can be met.

4. MINIMUM LOT DIMENSIONS

In addition to the minimum lot size required, the following minimum parcel and lot areas for all the permitted and discretionary uses listed above are also applicable:

Use	Frontage Minimum		Depth Minimum	
	m	ft.	m	ft.
All uses	30.5	100	45.7	150

5. MINIMUM YARD SETBACK REQUIREMENTS

(1) All uses except extensive agriculture require a minimum property line setback of:

Front Yard			Side Yard		Rear Yard	
m	ft.		m	ft.	m	ft.
9.1	30	interior lot	6.1	20	9.1	30
		corner lot	1 @ 9.1 1 @ 6.1	1 @ 30 1 @ 20		

(2) Where any part of a parcel to be developed for a business or industrial use has frontage on a provincial highway, special standards for setbacks, access, and service roadways may be imposed as a condition of approval by the Development Authority in accordance with the requirements of Alberta Transportation and the *Highways Development Protection Regulation.* For setbacks adjacent to or fronting highways or municipal road allowances, the following Section 6 stipulations shall apply.

(3) As determined by the Development Authority, all buildings, structures and development that are to be located in the vicinity of an escarpment, coulee break, river bank or other geographical feature may have special requirements for setbacks upon due consideration of any geotechnical or slope stability analysis reports requested by the municipality.

6. MINIMUM SETBACKS FROM ROADWAYS

(1) No part of a building, structure or development shall be located within:

(a) 38.1 metres (125 ft.) of the centre line of any municipal road allowance, unless authorized by the Development Authority;

(b) 70.0 metres (230 ft.) of the centre line or 40.0 metres (131 ft.) from the right-of-way boundary, whichever is greater, of roads designated as provincial highways under the *Highways Development Protection Regulation;*

(c) for any development adjacent to provincial roadways classified as a four-lane divided highway or freeways/expressways, the required setback distances and accesses will be reviewed on a highway-by-highway/development-by-development basis and shall be as prescribed by Alberta Transportation;

(d) any greater distance that may be required by the Development Authority in order to facilitate future road widening, service road dedication, to reduce potential snow drifting, or vision restrictions.

(2) Landscaping setbacks shall be at the discretion of the Development Authority having consideration for future road widening and possible adverse effects on the safety of the roadway.

7. DEVELOPMENT AND SETBACKS NEAR CANALS

All other development shall not be located within 30.5 metres (100 ft.) of the boundary of a right-of-way of an irrigation canal that serves any downstream users. In order to determine the status of a canal, the comments of the relevant irrigation district should be considered.

8. ACCESS

(1) The municipality may, at the time of subdivision or development, require the developer to enter into an agreement for the construction of any approach(es) necessary to serve the lot or development area in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards*.

(2) To ensure proper emergency access, all developments shall have direct legal and developed physical access to a public roadway in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards,* unless otherwise approved by the municipality. If the development is within 304.8 metres (¼ mile) of a provincial highway, direct legal and physical access to a public roadway shall be to the satisfaction of Alberta Transportation.

(3) No full-access frontages to parcels from local roads shall be allowed and developers shall be limited to one access per parcel in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards,* unless otherwise approved by the municipality.

(4) Access points adjacent to blind corners, hills, ridges, railway crossings and any other obstructions shall be positioned so as to provide a reasonably unobstructed view in either direction of 100 metres (328 ft.) on a local road.

(5) The requirement of a service road or subdivision street to provide access may be imposed as a condition of approval for any new subdivision or development. Construction and survey costs for a service road shall be the responsibility of the applicant.

(6) To provide opportunities for convenient and free flowing traffic movements between lots, development on adjoining lots may be integrated by direct on-site access connections.

(7) Vehicle-oriented highway or retail commercial uses, which cater to patrons generally remaining inside their vehicles, such as drive-in restaurants, drive-through vehicular services and gas bars, may be subject to special access and siting standards, in accordance with Section 15 below.

9. MAXIMUM SITE COVERAGE

The maximum site coverage for all permitted and discretionary uses:

(a) principal and accessory buildings combined – 45 percent; or

(b) as required by the Development Authority.

10. ACCESSORY BUILDINGS AND STRUCTURES

(1) An accessory building or structure shall not be located in the required setback from a public road or on an easement.

(2) An accessory building or structure shall be setback a minimum 3.0 metres (10 ft.) from the principal building and from all other structures on the same lot.

(3) Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

(4) As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

11. SERVICING REQUIREMENTS

(1) Every development shall be required to install a sewage disposal system and potable water system in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards* or other system as approved by the municipality.

(2) The Development Authority may refuse a development, and the Subdivision Authority may refuse to approve a subdivision, if the parcel on which it is proposed is not large enough or does not have suitable soil characteristics to support a sewage disposal system to the standard required.

(3) The Development Authority may refuse a development, and the Subdivision Authority may refuse to approve a subdivision, if it cannot be demonstrated to the satisfaction of the approval authority that the parcel has access to a secure potable water source or system. All food establishments must be connected to a secure licensed or municipal potable water source.

(4) Industrial or business uses that require or use a large volume of water may be denied a development permit if a secured source of water, relative to what is required for the development, is not verified or cannot be guaranteed to the satisfaction of Lethbridge County. This may include, but is not limited to, car/ truck wash facilities, food or other various processing industries, and biofuel plants associated with ethanol production.

12. ARCHITECTURAL CONTROLS

All development must comply with any approved architectural controls if required as part of an area structure plan or subdivision approval. Proof of compliance to the applicable architectural controls is required at the time of submission of a development permit application.

13. AREA STRUCTURE PLANS AND DESIGN SCHEMES

Pursuant to the criteria outlined in the Municipal Development Plan, the Development Authority may recommend that Council require the adoption of an area structure plan or design scheme prior to consideration of an application.

14. AIRPORT AREA RESTRICTIONS

Properties that lie within the area shown in Map 1, Part 4, will have additional subdivision and development restrictions as outlined in Part 4, Section 2, Airport Area Restrictions.

15. VEHICLE-ORIENTED USES SITING STANDARDS

(1) Vehicle-oriented uses should be located only where the development will not adversely affect the functioning of surrounding public roadways.

(2) Queuing space should be provided as follows:

(a) In addition to the off-street parking requirements, a drive-through use is required to provide the following minimum stacking spaces:

Restaurant use:	30.5 metres (100 ft.) from order box to pick-up window
Gas station:	9.1 metres (30 ft.) from each end on pump island
Bank machine:	22.9 metres (75 ft.) from bank machine window
Car wash:	15.2 metres (50 ft.) from car wash entrance
Vehicle services (drive-in bay):	15.2 metres (50 ft.) from car wash entrance
Other:	As determined by the Development Authority

(b) The minimum stacking space requirements in Section 15(2)(a) may be varied by the Development Authority depending upon the intensity of the proposed development.

(c) Queuing lanes should be located to the outer perimeter of the businesses parking lot wherever possible, to avoid vehicles in queuing spaces from impeding/blocking other vehicles navigating parking spaces.

(d) Queuing lanes must provide sufficient space for turning and manoeuvring, and be maintained by the registered owner or lessee.

16. COMMERCIAL DEVELOPMENT STANDARDS

(1) No use shall be approved which may generate traffic problems within the district.

(2) Any proposed industrial development shall meet all the required and appropriate regulations of the Alberta Building Code.

(3) On parcels located adjacent to provincial highways, any storage of goods, products, raw materials, etc. shall be effectively screened from view by buildings, solid fences, landscaped features, or combinations thereof and be maintained in good repair.

(4) Landscaping, fencing, screening and siting or setback restrictions may be imposed as a condition of a development permit, with consideration for Section 17 below, and Part 3, Section 25.

(5) Where it appears that greater side yard setbacks may be necessary, the Development Authority may impose such a requirement as a condition of a development permit.

17. LANDSCAPING, SCREENING AND LOCATION OF STORAGE

(1) Separation, or buffering, between adjacent land uses may be required, including the use of trees, shrubs, fences, walls, and berms to buffer or screen uses of negative impact.

(2) See Part 3 – General Land Use Provisions, Section 25 for landscaping requirements.

(3) Outdoor storage is prohibited in the front yard.

(4) The outdoor display of goods, materials or equipment solely for advertisement purposes may be allowed, unless otherwise stipulated by the Development Authority, subject to the following:

(a) the display of goods, materials or equipment may be permitted in the front yard provided that it is restricted to examples of limited equipment, products, vehicles or items sold by the business or industrial use located on the subject site containing the display area;

(b) the outdoor display areas are not located within any required setback; and

(c) the display areas are not located on any required and approved landscaping area.

(5) Refuse or garbage shall be kept in a suitably-sized container or enclosure, effectively screened, and the refuse containers shall be located in a rear yard only.

(6) Equipment, parts, or wrecked or damaged motor vehicles which might be located or stockpiled on the property as part of an approved development must be effectively screened from all adjacent parcels and roadways in the vicinity.

18. LOADING AREA REQUIREMENTS

(1) For commercial, industrial and other uses, there shall be a minimum of one off-street designated loading area, or more as required by the Development Authority.

(2) Each loading area shall be designed in such a manner that it will not interfere with convenient and safe pedestrian movement, traffic flow, site access/approaches onto public roadways, or parking.

(3) See Part 3 – General Land Use Provisions for additional standards.

19. STANDARDS OF DEVELOPMENT (See Part 3 – General Land Use Provisions)

(1) Part 3 contains land use and development standards that may be required and stipulated as a condition of a subdivision or development approval.

(2) All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

20. MIXED-USE DEVELOPMENTS

Development permit applications for mixed-use developments (buildings or parcels of land) may be considered for approval in this district if the uses conform to the list of permitted or discretionary uses. For specific details, the criteria and standards of development stipulated in Part 4 will apply.

21. SITE PLANS

(1) The Development Authority may require a professionally prepared detailed comprehensive site plan as part of the development permit application to illustrate existing and proposed buildings, structures, roads and access points, setbacks, landscaping, parking, and utility easements.

(2) The Development Authority shall require professionally prepared site plan as described in Section 21(1) as part of the development permit application, for any proposed mixed-use parcel of land.

22. OFF-STREET PARKING REQUIREMENTS (See Part 3 – General Land Use Provisions)

23. USE SPECIFIC STANDARDS OF DEVELOPMENT (See Part 4 – Use Specific Provisions)

24. MOVED-IN BUILDINGS (See Part 4 – Use Specific Provisions)

25. SIGN REGULATIONS (See Part 5)

26. ALTERNATIVE / RENEWABLE ENERGY DEVELOPMENTS (See Part 6)

27. FORMS (See Appendix B)

28. FEES (See Appendix C)

RURAL RECREATIONAL – RR

1. PURPOSE

The purpose of this district is to facilitate the development of both public and private/commercial recreational uses at selective locations within Lethbridge County. This district may be used to conserve, enhance and expand the County's recreational resources, without compromising agricultural activities or the municipality's natural or environmentally significant attributes.

2. PERMITTED, DISCRETIONARY AND PROHIBITED USES

(1) **Permitted Uses**

Accessory Buildings, Structures and Uses to an Approved Permitted Use
Playgrounds
Public Day Use Areas
Public Picnic Areas
Solar Collectors, Individual (see Part 6, Section 2)
Signs Type 1 and 2 (in accordance with Part 5)

(2) **Discretionary Uses**

Accessory Buildings, Structures and Uses to an Approved Discretionary Use
Boat Docks, Marinas and Ancillary Structures
Campgrounds and Recreational Vehicle (RV) Parks (Seasonal Use) (see Section 14 of this district)
Club Houses Associated with a Recreational Use
Driving Ranges
Equestrian Facility
Golf Courses
Motocross / Motor Sports Park (see Part 4, Section 24)
Moved-in Buildings Associated with a Recreational Use (see Part 4, Section 25)
Paint Ball Operations (see Part 4, Section 26)
Park Model Trailers, Seasonal
Public and Private Utilities
Public/Institutional Uses
Recreational Facilities
Recreation, Minor
Recreational Vehicle (RV) Parks* (see Section 13 of this district)
Residential Accommodation in Conjunction with an Approved Recreational Use
Restaurants as an Accessory Recreational Use
Retail in Conjunction with an Approved Recreational Use
Riding Academies and Arenas (commercial)
Rodeo Grounds
Shooting Ranges - Rifle, Pistol and Archery Ranges (see Section 15 of this district and Part 4, Section 33)
Signs Type 3 (in accordance with Part 5)
Small Wind Energy Conversion Systems (see Part 6)
Tourist Accommodations (see Parts 3 and 4)
Water Ski Parks (see Section 16 of this district)
Waterslides / Water Parks (see Section 16 of this district)
Any other uses determined by the Development Authority to be similar in nature to any permitted or discretionary use

(3) **Prohibited Uses**

Confined Feeding Operations
Grouped Country Residential
Noxious Industry
Resource Extraction
Stripping and Sale of Topsoil

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Part 1, Section 33, is a Prohibited Use.*

* *Individual Recreational vehicle units (motor homes/campers) which are not considered permanent buildings or structures and are located in an approved RV park or campground do not require a development permit [see Part 1 – Administrative, Section 13 (Development Not Requiring a Development Permit)], but must adhere to the regulations or requirements of any conceptual design scheme, area structure plan, or conceptual site plan that may be approved.*

3. MINIMUM PARCEL SIZE

Minimum parcel sizes shall be at the discretion of the Subdivision and Development Authority based on the type of proposal with the following standards being applied:

(1) The minimum parcel size for any use which is not municipally serviced but which requires a means of sewage disposal shall be:

(a) 0.8 ha (2 acres) in area; or

(b) as indicated in an approved area structure plan or conceptual design scheme.

(2) Parcels or lots less than 0.8 ha (2 acres) in size may be considered in the following circumstances:

(a) the lots are to be connected to municipal or communal services; or

(b) the lots are included in a municipal approved area structure plan or design scheme and the lot area is based on an alternative or communal waste water treatment system acceptable to the municipality.

(3) For municipal or communally serviced parcels or lots, the following minimum lot size is recommended and may be imposed by the Subdivision and Development Authority for various uses in this land use district:

	Width		Area	
	m	ft.	m^2	sq. ft.
Serviced lots	15.2	100	929.0	10,000

(4) At its discretion, the Subdivision and Development Authority may establish greater minimums for specific proposals, based on the type of development.

4. MINIMUM SETBACKS FROM ROADWAYS

(1) No part of a building, structure or development shall be located within:

(a) 38.1 metres (125 ft.) of the centre line of any municipal road allowance, unless otherwise approved by the Development Authority;

(b) 70.0 metres (230 ft.) of the centre line or 40.0 metres (131 ft.) from the right-of-way boundary, whichever is greater, of roads designated as provincial highways under the *Highways Development Protection Regulation;*

(c) for any development adjacent to provincial roadways classified as a four-lane divided highway or freeways/expressways, the required setback distances and accesses will be reviewed on a highway-by-highway/development-by-development basis and shall be as prescribed by Alberta Transportation;

(d) any greater distance that may be required by the Designated Officer in order to facilitate future road widening, service road dedication, to reduce potential snow drifting, or vision restrictions.

(2) Where any parcel or part of a parcel has frontage on a provincial highway, special standards for setbacks, access, and service roadways may be required by Alberta Transportation under the *Highways Development Protection Regulation*.

(3) Landscaping setbacks shall be at the discretion of the Designated Officer having consideration for future road widening and possible adverse effects on the safety of the roadway.

(4) For uses which do not front or are adjacent to a provincial highway or statutory road allowance and have frontage on an internal subdivision, service or private roadway will require a minimum property line setback of:

Front Yard	Side Yard	Rear Yard
7.62 m (25 ft.) or such greater as required by the designated officer or as specified in an adopted area structure plan	interior lot – 3.05 m (10 ft.) corner lot – 1 @ 3.05 m (10 ft.) – 1 @ 6.1 m (20 ft.) or greater, as required by the designated officer or as specified in an adopted area structure plan	7.62 m (25 ft.) or such greater as required by the designated officer or as specified in an adopted area structure plan

(5) In conjunction with the roadway setbacks required, all developments must also meet the applicable minimum side and rear yard setbacks as stipulated in Section (4) above, unless required otherwise by the Development Authority.

(6) At the discretion of the Development Authority, the applicable setbacks required may be in conjunction with any approved area structure plan or to reasonably accommodate the proposed use.

(7) Decks attached to any building are to be considered as part of the principal building and the applicable setbacks referenced in (1) through (4) above shall apply.

5. MAXIMUM LOT COVERAGE

As required by the Development Authority, but in all instances the principal building and ancillary buildings combined shall cover no more than 60 percent of the total surface area of the lot.

6. ACCESS

To ensure proper emergency access, all developments shall have direct legal and developed physical access to a public roadway to the satisfaction of the Development Authority in accordance with municipal road standard policy. If the development is within 304.8 metres (1,000 ft.) of a provincial highway, direct legal and physical access to a public roadway shall be to the satisfaction of Alberta Transportation.

7. ACCESSORY BUILDINGS OR STUCTURES

(1) An accessory building or structure shall be accessory to a recreational use and not be used as a dwelling unless approved as a residential accommodation in conjunction with an approved recreational use, and shall only be constructed in combination with or after the principal building has been constructed.

(2) An accessory building or structure shall be setback a minimum 3.0 metres (10 ft.) from the principal dwelling and from all other structures on the same lot.

(3) An accessory building or structure shall not be located in a front yard or on an easement.

(4) Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

(5) For recreational vehicle (RV) parks, accessory buildings or structures shall not exceed 37.2 m^2 (400 sq. ft.) in size and 4.57 metres (15 ft.) in height.

8. AREA STRUCTURE PLANS AND CONCEPTUAL DESIGN SCHEMES

Pursuant to the criteria outlined in the Municipal Development Plan, Council may require the adoption or approval of an area structure plan or conceptual design scheme prior to considering applications for development. The Development Authority may recommend that Council require the adoption of an area structure plan or conceptual design scheme prior to the approval of a development application if, in the Development Authority's opinion, it is warranted.

9. MIXED-USE DEVELOPMENTS

Development permit applications for mixed-use developments (buildings or parcels of land) may be considered for approval in this district if the uses conform to the list of permitted or discretionary uses. For specific details, the criteria and standards of development stipulated in Part 4 will apply.

10. SITE PLANS

(1) The Development Authority may require a professionally prepared detailed comprehensive site plan as part of the development permit application to illustrate existing and proposed buildings, structures, roads and access points, setbacks, landscaping, parking, and utility easements.

(2) The Development Authority shall require professionally prepared site plan as part of the development permit application, for any proposed mixed-use parcel of land.

11. ARCHITECTURAL CONTROLS

As a development standard of the area structure plan, architectural controls are suggested to be supplied by the developer to ensure that all development in the development area is of high quality and is consistent with neighbouring property. These controls may be registered concurrently by a Restrictive Covenant at the time a plan of survey is filed with the Land Titles Office.

12. SPECIAL DEVELOPMENT CONSTRAINTS

When a recreational development is proposed, Council or the Development Authority may consider the potential effect on the following when rendering a decision on the application:

(a) the safe and efficient use of nearby highways and secondary roads;

(b) potential future resource developments in the vicinity;

(c) access to or development of existing or potential recreation amenities;

(d) surrounding agricultural operations, including confined feeding operations;

(e) critical wildlife habitats;

(f) the visual aesthetics of the surrounding landscape;

(g) the natural amenities provided by the land including, but not limited to, varied topography, sloping land, a scenic view and tree cover;

(h) areas prone to flooding or groundwater inundation;

(i) water supply and sewage disposal;

(j) areas of historical or archaeological significance;

(k) the irrigation functions of the reservoirs;

(l) future growth strategies of urban municipalities or conformity to existing inter-municipal plans or agreements;

(m) the proximity to grouped country residential land uses in the area; and

(n) any other matter the Development Authority considers relevant.

13. RECREATIONAL VEHICLE (RV) PARKS

(1) Council or the Development Authority may impose special standards and requirements in considering proposals for Recreational Vehicle (RV) parks, based on the type of proposal and method of water and sewer being provided.

(2) The applicant may be requested to provide a professionally prepared detailed conceptual site layout plan of the RV park and illustrate the location of related and proposed improvements.

(3) Through the application of architectural controls, homeowners association agreements, and the approval of an area structure plan or conceptual design scheme, the number of recreational vehicles (RVs) and related vehicles, (i.e. campers, boats) may be regulated and limited on individual sites.

(4) RV sites are for the purpose of accommodating landowner's individual RV units for personal recreational use, and are not to be used for RV storage.

(5) In conjunction with the roadway setbacks required, all developments must also meet the applicable minimum side and rear yard setbacks to the property lines as stipulated in Section 4(1)(4) above, unless required otherwise by the Development Authority. The Development Authority may request that individual RV lots are established with development building pockets so that each lot should have a minimum of 6.1 metres (20 ft.) clearance between the side doors of the recreational unit any other unit on an adjacent lot.

(6) Back-in lots shall be designed so not to exceed a 60 degree angle to the direction of traffic flows on the RV park roadway or public road.

(7) All Recreational Vehicle (RV) park developments shall provide adequate potable water and sewage disposal methods (individual or communal) acceptable to Lethbridge County and must meet the provincial and public health regulations.

(8) Recreational Vehicle (RV) parks may consist of individually deeded (titled) lots for RV units if approved by the Lethbridge County Subdivision and Development Authority in conjunction with an approved plan.

(9) The Development Authority may require that a minimum 10 percent of the RV park parcel area be reserved for public space, which may include the provision of playground structures/facilities for children.

(10) The Development Authority may refuse to approve a development permit for a Recreational Vehicle (RV) park development if it is determined that the proposed site is situated too close to an active confined feeding operation. The Development Authority shall use the minimum distance separation calculations as outlined in the *Agricultural Operations and Practices Amendment Act 2001 and Regulations* to determine the required setback to be considered.

14. CAMPGROUNDS

(1) Campground developments shall be required to be located on one title or parcel, and individual titles for camp sites shall not be permitted.

(2) An applicant may be requested to provide a professionally prepared detailed conceptual site plan of the campground site illustrating the camp stalls with size dimensions, landscaping, fencing, internal circulation, site access and egress, public facilities, sani-dump stations, and illustrate the location of public facilities, fire pits, garbage receptacles, and related or proposed improvements.

(3) Minimum camp site (stall) sizes shall be 111.5 m² (1,200 sq. ft.) for each tent and recreational vehicle including car parking areas. Lots with water and sewer shall be a minimum of 186 m² (2,000 sq. ft.) with a minimum width of 8.5 m² (28 ft.).

(4) Individual camp sites shall have a minimum of 6.1 metres (20 ft.) clearance between the side doors of the recreational unit any other unit.

(5) Roads leading to the proposed campground may be required as a condition of approval, including the stipulation that the roads are to be brought into a condition necessary to sustain the volume and type of traffic to be generated by the proposed campground. If the proposal is situated adjacent to a provincial highway, the applicant is also responsible for obtaining approval and a permit from Alberta Transportation.

(6) All campground developments shall provide adequate potable water and sewage disposal methods acceptable to Lethbridge County and must meet the provincial and public health regulations.

(7) Noise control measures may also be required and imposed as a condition of permit approval, and may include the use of berms, natural barriers and screens, land use location setbacks, and enforced camp management control (i.e. limiting active hours).

(8) The Development Authority may require that a minimum 5 percent of the campground parcel area be reserved for public space, which may include the provision of playground structures/facilities for children.

(9) The Development Authority may impose special standards of development and may consider the *Alberta Tourism Campground Standards* or other provincial guidelines or similar regulations to be applied as a condition of approval.

(10) The Development Authority may refuse to approve a development permit for a campground development if it is determined that the proposed site is situated too close to an active confined feeding operation. The Development Authority shall use the minimum distance separation calculations as outlined in the *Agricultural Operations and Practices Amendment Act 2001 and Regulations* to determine the required setback to be considered.

(11) Campgrounds or campgrounds in conjunction with an associated RV Park design are categorized as a seasonal type of land use activity.

The Development Authority may impose any of the standards listed in Section 14 above to the RV Park component.

15. SHOOTING RANGES – RIFLE, PISTOL, AND ARCHERY RANGES

Part 4, Section 33, Use Specific Provisions / Standards of Development contains land use and development standards that shall be required in consideration of a development permit or subdivision for any such use, and may be stipulated as a condition of a subdivision or development approval.

16. WATER SLIDES AND WATER PARKS

(1) Any proposed recreational use that involves using large volumes of water or a natural or diverted source of water in conjunction with the operation of the development (e.g. rivers, lakes, reservoirs, irrigation district canals) must provide evidence to the satisfaction of the Development Authority that there is an adequate and approved source of water as required for the development.

(2) Applications to accommodate a water based recreational use shall be required to obtain all necessary approvals from Alberta Environment and Sustainable Resource Development and/or the irrigation district if applicable.

(3) Part 3, General Land Use Provisions, Standards of Development, contains land use and development standards that may be required and stipulated as a condition of a subdivision or development approval.

17. APPLICATION REFFERALS

Applications to accommodate a Recreational Vehicle (RV) park, campground, or other recreation use should be referred to the local health region, and any affected provincial agency or regulatory body as needed, including Alberta Environment and Sustainable Resource Development, Alberta Transportation, Tourism, Parks and Recreation, and the Historical Resource Administrator, for comment prior to rendering a decision by the approval authority.

18. REFUSE SCREENING AND STORAGE

Refuse and garbage shall be required to be kept in suitably-sized and enclosed containers and it shall be effectively screened until such time as collection or disposal is possible.

19. STANDARDS OF DEVELOPMENT (See Part 3 – General Land Use Provisions)

(1) Part 3 contains land use and development standards that may be required and stipulated as a condition of a subdivision or development approval.

(2) All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

20. USE SPECIFIC STANDARDS OF DEVELOPMENT (See Part 4 – Use Specific Provisions)

Part 4 contains additional land use and development standards that may be required and stipulated as a condition of a subdivision or development approval for use specific developments, such as, but not limited to, motocross/motor sport parks, moved-in buildings, paint ball operations, shooting ranges (rifle, pistol and archery), etc.

21. **LANDSCAPING AND SCREENING** (See Part 3 – General Land Use Provisions)

22. **MINIMUM SETBACK REQUIREMENTS FROM RAILWAYS** (See Part 3 – General Land Use Provisions)

23. **PARKING AND LOADING AREA REQUIREMENTS** (See Part 3 – General Land Use Provisions)

24. **RURAL SERVICING STANDARDS AND SOIL SUITABILITY** (See Part 3 – General Land Use Provisions)

25. **SIGN REGULATIONS** (See Part 5)

26. **SUBDIVISION CRITERIA** (See Part 7)

HAMLET RESIDENTIAL – HR

1. PURPOSE

To provide for a high quality living environment for hamlet residents pursuant to the Municipal Development Plan recognition that hamlets act as an important service centre for the agricultural community. Non-residential uses within the hamlet should be considered with regard for nearby residential uses and not create conflicts or adversely affect such uses as best as possible.

2. PERMITTED, DISCRETIONARY AND PROHIBITED USES

(1) **Permitted Uses**

Accessory Buildings, Structures and Uses to an Approved Permitted Use
Day Homes (see Part 1, Section 13 - No permit required and Part 4, Section 13)
Dwellings:
- Semi-detached Dwellings
- Single-detached Site-built

Home Occupations 1 (see Part 4, Section 20)
Parks, Playgrounds and Sportsfields
Public Utilities
Signs Type 1 (in accordance with Part 5)
Solar Collectors, Individual (see Part 6, Section 2)

(2) **Discretionary Uses**

Accessory Buildings, Structures and Uses to an Approved Discretionary Use
Bed and Breakfasts (see Part 4, Section 9)
Day Care (see Part 4, Section 14)
Dwellings:
- Duplex Dwellings
- Moved-in Dwellings (see Part 4, Section 22)
- Multiple-unit Dwellings
- Row dwellings or Townhouses
- Single-detached Manufactured Homes 1 (see Part 4, Section 22)
- Single-detached Manufactured Homes 2 (see Part 4, Section 22)
- Single-detached Ready-to-move (see Part 4, Section 22)

Garden Suites (in accordance with Part 1, Section 18(5))
Group Homes (see Part 4, Section 17)
Home Occupations 2 (see Part 4, Section 20)
Lodging or Boarding Houses
Manufactured Home Parks
Secondary Suites (contained within a single-detached dwelling) (see Part 4)
Senior Citizen Housing
Signs Type 2 Fascia (in accordance with Part 5)
Small Wind Energy Conversion Systems (see Part 6, Section 3)

(3) **Prohibited Uses**

Shipping Containers

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be Similar to a Permitted or Discretionary Use in accordance with Part 1, Section 33, is a Prohibited Use.*
- *In the Hamlet of Fairview, Manufactured Homes 1 and 2 (including Mobile Homes) are prohibited.*

3. MINIMUM LOT SIZE

(1) The minimum lot size required for parcels with public water supply and sewage disposal systems shall be:

Use	Width m	Width ft.	Length m	Length ft.	Area m^2	Area sq. ft.
Single-detached dwelling	15.2	50	30.5	100	464.5	5,000
Duplex dwelling and semi-detached dwelling	15.2	50	30.5	100	464.5	5,000
(for each unit side)	7.6	25	30.5	100	232.3	2,500
Row dwelling or townhouses						
– interior unit	4.9	16	30.5	100	148.6	1,600
– end unit	7.6	25	30.5	100	232.3	2,500
Multiple-unit dwelling	24.4	80	30.5	100	743.2	8,000
Manufactured homes	15.2	50	30.5	100	464.5	5,000
All other uses	As required by the Development Authority					

(2) The Development Authority may approve a development on an existing registered lot if the minimum dimensions or area are less than those specified above in Section 3(1).

(3) Despite the above requirements, lots located on curved streets or cul-de-sacs may have a lesser physical frontage due to the radius of the road curve, but in no instance shall it be less than a minimum frontage of 6 metres (19.68 ft.).

(4) The minimum lot size required for all unserviced or partially serviced parcels developed for single-detached, semi-detached, duplex, single-wide and double-wide manufactured home dwellings shall be:

Use	Width m	Width ft.	Length m	Length ft.	Area m^2	Area sq. ft.
Municipal sewer only	30.5	100	30.5	100	929.0	10,000
Municipal water only	30.5	100	30.5	100	1393.5	15,000
No municipal water and no municipal sewer	30.5	100	30.5	100	1858.0	20,000

or such greater area as may be required by the Development Authority in accordance with Regional Health Authority and Alberta Environment regulations or recommendations.

(5) The minimum lot size required for all unserviced or partially-serviced lots developed for multiple-unit dwellings, row dwellings or townhouses, or other uses within this district shall not be less than those measurements required by the Development Authority in accordance with Regional Health Authority and Alberta Labour (Safety Code) regulations or recommendations.

4. MINIMUM YARD SETBACK REQUIREMENTS

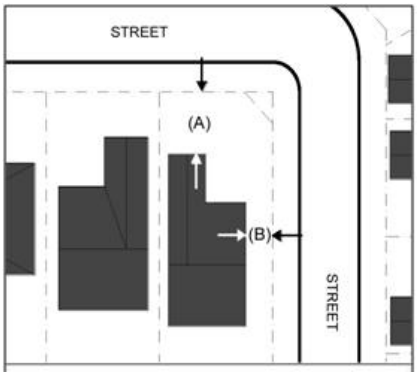
(1) The minimum setbacks required for any building or structure from the property lines shall be:

Use	Front Yard m	Front Yard ft.	Side Yard m	Side Yard ft.	Rear Yard m	Rear Yard ft.
Single-detached and ready-to-move dwellings	6.1	20	1.5	5	7.6	25
Duplex dwellings (2 storeys)	6.1	20	1.5	5	7.6	25

Use	Front Yard m	Front Yard ft.	Side Yard m	Side Yard ft.	Rear Yard m	Rear Yard ft.
Semi-detached dwellings (side-by-side, common wall)	6.1	20	1.5	5	7.6	25
Row dwellings or townhouses						
– interior unit	6.1	20	—	—	7.6	25
– end unit	6.1	20	3.05	10	7.6	25
Multiple-unit dwellings	6.1	20	3.05	10	9.1	30
Manufactured homes 1	6.1	20	1.5	5	7.6	25
Manufactured homes 2	6.1	20	4.6 main entrance	15	3.0	10
			1.5 other side	5		

(2) **Minimum Corner Lot Setbacks**

Where any lot has more than one front yard line, the front yard requirement shall apply to all yards, but at the discretion of the Development Authority only one-half the front yard requirement may apply to one of the front yards, and that yard shall be considered a side yard.



If front yard (A) is equal to 6.1m (20 ft.) then (B) may be setback 3.05m (10 ft.) and is considered a sideyard.

(3) **Corner Lot Restrictions** – See Part 3 – General Land Use Provisions

(4) **Minimum Lot Line Setbacks for Overhanging Eaves**

The overhanging eaves of a principal building shall not be less than 0.61 metre (2 ft.) from the side lot line.

5. MAXIMUM SITE COVERAGE

Principal and ancillary buildings combined shall cover no more than 45 percent of the total lot area.

6. MINIMUM FLOOR AREA

Use	Area m²	Area sq. ft.
Single-detached dwellings and Ready-to-move dwellings	74.3	800
Duplex and semi-detached dwellings	65.0	700
Multiple-unit dwellings	65.0	700
Row dwellings or townhouses	65.0	700
Manufactured homes 1	74.3	800
Manufactured homes 2	66.9	720
Moved-in dwelling	74.3	800
All other uses	As required by the Development Authority	

7. MAXIMUM HEIGHT OF BUILDINGS

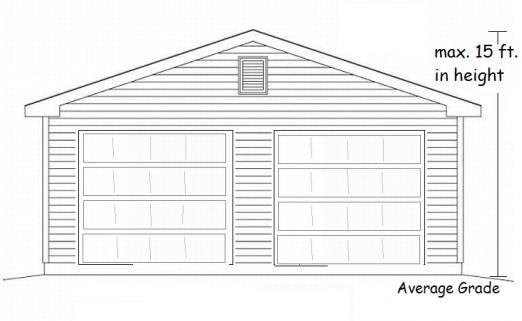
Principal building – 10.0 metres (33 ft.)

Accessory building – 4.6 metres (15 ft.)

All other uses – As required by the Development Authority

8. ACCESSORY BUILDINGS AND STRUCTURES

(1) **Maximum Height –** No accessory building shall exceed 4.6 metres (15 ft.) in height. In no case shall any detached accessory structure exceed 167.2 m^2 (1,800 sq. ft)



(2) The first accessory building, which is 9.3 m^2 (100. sq. ft.) or less in area, placed on a lot does not require a development permit, but any second or subsequent accessory building shall require a development permit.

(3) The Development Authority may limit the number of accessory buildings on a lot.

(4) Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

(5) As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

(6) **Minimum Yard Setback Requirements**

(a) Accessory buildings and structures shall not be less than 1.5 metres (5 ft.) from a side lot line or rear lot line.

(b) A carport is permitted in a side yard but shall not be less than 1.5 metres (5 ft.) from a side lot line.

(c) The side yard requirement for a principal building with an attached garage shall be the same as for a principal building.

(d) An accessory building or structure shall not be located in the required setback from a public road or on an easement.

(e) An accessory building or structure shall be setback a minimum 1.2 metres (4 ft.) from the principal dwelling and from all other structures on the same lot.

9. DECKS AND AMENITY SPACES

(1) A development permit is required for the construction of any deck 0.6 metre (2 ft.) or more above grade in height. Deck height is measured from the finished grade to the finished floor grade of the deck.

(2) A development permit is required for the construction of any deck that is covered or enclosed (roof or walls), regardless of the height.

(3) A development permit is required for the construction of a deck if it will be attached to a principal building.

(5) Decks not attached to a building that are not 0.6 metre (2 ft.) or more in height, do not require a development permit provided they meet the minimum setback requirements for accessory buildings.

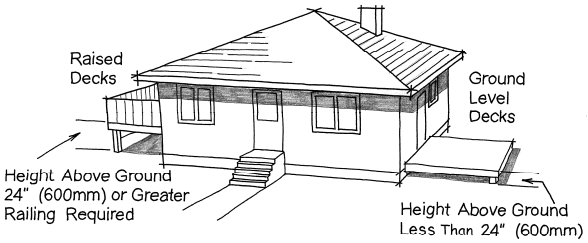
(6) **Rear Yard Setbacks**: uncovered decks may encroach into the minimum required rear yard setback a maximum distance of 3 metres (9.8 ft.).

(7) For the purpose of applying these standards of the bylaw:

(a) A **deck** means a wooden, or other similar hard-surfaced platform, with or without a roof, walls or railings intended for outdoor living space or amenity area and which is generally attached to a building.

(b) A **raised deck** means a horizontal structure with a surface height 0.6 metre (2 ft.) or greater above grade at any point, but generally no higher than the first storey floor level, and is intended for use as a private outdoor amenity space.

(c) A **ground level deck** means an unenclosed (no roof or walls) amenity area of wood, or other similar material, that is constructed less than 0.6 metre (2 ft.) above grade and is typically attached to a dwelling.



(d) A **ground level patio** means an unenclosed (no roof or walls) amenity area of concrete, brick, wood, or other material that is constructed at grade and may or may not be or attached to a dwelling.

10. MAXIMUM FLOOR AREA AND STANDARDS FOR ATTACHED GARAGES (in Hamlets)

(1) The total first floor area of any attached garage shall be less than the total first floor area of the principal building it is attached to but in all circumstances it is not to exceed 139.35 m² (1,500 sq. ft.).

(2) For the purpose of calculating maximum site coverage an attached garage shall be considered as part of the principal building. When a garage or structure is attached to the principal building by a roof, floor, common wall or foundation above or below grade, it is considered to be part of the principal building. This includes a garage attached by a breezeway to the dwelling.

(3) The maximum height of any attached garage shall be compatible with the roof ridge height of the principal building it is attached to but in all circumstances it is not to exceed by more than 10 percent the total height of the principal building. The maximum height is measured from the average finished grade (floor entry level) to the top of roof ridge.

(4) The design, character and appearance of a garage attached to a dwelling shall complement and be compatible with the dwelling it is associated with and be consistent with the intent of the land use district in which the building is located.

(5) The Development Authority may impose reasonable conditions on a development permit if it will make the attached garage or development more consistent with the character of the attached dwelling or neighbouring land uses.

(6) The Development Authority may regulate the exterior finish, roofing material, window style and colour scheme of attached garages to improve the quality of the proposed development or ensure it is compatible with the dwelling it is attached to.

11. AREA STRUCTURE PLANS AND DESIGN SCHEMES

If an area proposed for development will become a more densely developed residential area in the future, an area structure plan or design scheme may be required.

12. STANDARDS OF DEVELOPMENT (See Part 3 – General Land Use Provisions)

13. LANDSCAPING AND SCREENING (See Part 3 – General Land Use Provisions)

14. OFF-STREET PARKING REQUIREMENTS (See Part 3 – General Land Use Provisions)

15. USE SPECIFIC STANDARDS OF DEVELOPMENT (See Part 4 – Use Specific Provisions)

16. READY-TO-MOVE DWELLINGS (See Part 4 – Use Specific Provisions)

17. MANUFACTURED HOMES 1 AND 2 (See Part 4 – Use Specific Provisions)

18. MOVED-IN DWELLINGS (See Part 4 – Use Specific Provisions)

19. HOME OCCUPATIONS (See Part 4 – Use Specific Provisions)

20. FORMS (See Appendix B)

21. FEES (See Appendix C)

HAMLET MANUFACTURED HOME – HMH

1. PURPOSE

To provide for areas in hamlets suitable for the location of clustered or preapproved sites for manufactured home residential units. These areas would be designated to provide for a high-quality development that will be complementary to adjacent uses.

2. PERMITTED, DISCRETIONARY AND PROHIBITED USES

(1) **Permitted Uses**

Accessory Buildings, Structures and Uses to an Approved Permitted Use
Day Homes (see Part 3, Section 13 - No permit required and Part 4, Section 13)
Home Occupations 1 (see Part 4, Section 20)
Manufactured Homes 1 (see Part 4, Section 22)
Manufactured Homes 2, Single and double-wide (see Part 4, Section 22)
Parks, Playgrounds and Sportsfields
Public Utilities
Signs Type 1 (in accordance with Part 5)
Solar Collectors, Individual (see Part 6, Section 2)

(2) **Discretionary Uses**

Accessory Buildings, Structures and Uses to an Approved Discretionary Use
Home Occupations 2 (see Part 4, Section 20)
Maintenance / Utility Uses
Manufactured Home Additions
Manufactured Home Parks (one title) (see Section 14 of this district)
Park Maintenance/Storage Uses
Private Utilities
Public/Institutional Uses
Signs Type 2 Fascia (in accordance with Part 5)
Single-detached Dwellings, site-built

(3) **Prohibited Uses**

Park Model Trailers
Shipping Containers

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Part 1, Section 33, is a Prohibited Use.*

3. ELIGIBLE MANUFACTURED HOMES

(1) New factory-built manufactured homes.

(2) Used factory-built manufactured homes, constructed from 1985 to present, as determined to be in a state of good condition by the Development Authority.

(3) Manufactured homes shall be CSA (Canadian Standards Association) certified.

(4) Any application for a development permit to locate a used manufactured home on a manufactured home lot shall include a recent colour photograph of the manufactured home.

(5) A Safety Codes inspection (at the expense of the applicant) of a used manufactured home proposed to be located on a manufactured home lot may be required by the Development Authority in order to determine if such a home is suitable.

(6) A development permit may be denied at the discretion of the Development Authority if the Development Authority is of the opinion that the manufactured home is in a state of poor disrepair, unsuitable, or older than 1985.

(7) The Development Authority may request that manufactured dwellings are registered with the Provincial Personal Property Registration. The CSA model number, serial number, and Alberta Personal Property Registration number should be provided at the time of submission of a development permit application if required to be registered with the County.

4. MANUFACTURED HOME ADDITIONS

All manufactured home additions shall require a development permit and shall be of a design and finish which will enhance and be compatible with the manufactured home.

5. MINIMUM FLOOR AREA

Manufactured homes 1	– 74.3 m^2 (800 sq. ft.)
Single-wide manufactured homes 2	– 65.0 m^2 (700 sq. ft.)
Double-wide manufactured homes 2	– 72.0 m^2 (775 sq. ft.)
All other uses	– As required by the Development Authority

6. MAXIMUM HEIGHT OF ACCESSORY BUILDINGS

No accessory building shall exceed 4.6 metres (15 ft.) in height.

7. GENERAL APPEARANCE

In order to maintain the residential character of the development:

(a) the underside of the frames of manufactured homes, which are not provided with a basement, shall be within 0.9 metres (3 ft.) of the finished grade;

(b) the front yard area of each lot shall be suitably developed and landscaped;

(c) wheels and hitch shall be removed and skirting shall be in place immediately after placement of the manufactured home on the foundation.

8. ANCHORING A MANUFACTURED HOME DWELLING

Every manufactured home dwelling shall be securely anchored in conformity with CSA standards and provincial Safety Codes.

9. BASEMENTS

A basement for a manufactured home may be permitted, provided access to the basement is housed within an approved enclosure.

10. MINIMUM LOT SIZE

Use	Width m	Width ft.	Length m	Length ft.	Area m^2	Area sq. ft.
Manufactured homes	15.2	50	30.5	100	464.5	5,000
Single-detached dwellings	15.2	50	30.5	100	464.5	5,000
All other uses	As required by the Development Authority					

11. CORNER LOTS

Corner lots in this land use district should be used for double-wide manufactured homes, except as may otherwise be approved by the Development Authority.

12. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard m	Front Yard ft.	Side Yard m	Side Yard ft.	Rear Yard m	Rear Yard ft.
All manufactured homes	6.1	20	4.6 main entrance side	15	3.0	10
			1.5 other side	5		
All other uses	As required by the Development Authority					

13. MAXIMUM SITE COVERAGE

(1) Manufactured homes, inclusive of all additions, shall cover no more than 35 percent of the surface area of the lot.

(2) Any accessory buildings shall cover no more than 10 percent of the surface area of the lot.

14. REQUIREMENTS FOR ACCESSORY BUILDINGS AND STRUCTURES

(1) Accessory buildings and structures in excess of 9.3 m^2 (100 sq. ft.), other than rear entry garages, shall not be less than 0.9 metre (3 ft.) from a side or rear lot line, and all drainage shall be conducted to the appropriate storm drain via the applicant's own property.

(2) An accessory building or structure shall not be located in the required setback from a public road or on an easement.

(3) Accessory buildings or structures in excess of 9.3 m^2 (100 sq. ft.) shall be located at least 1.2 metres (4 ft.) from the principal building.

(4) An attached carport may be permitted in a side yard but shall not be less than 1.5 metres (5 ft.) from a side lot and shall not be enclosed on more than two sides (including the side of the principal building) or on three sides to a maximum of 0.9 metre (3 ft.) above grade.

(5) The side yard requirements for a principal building with an attached garage shall be the same as for a principal building itself except on an irregular-shaped lot in which case one corner of the structure may be less than 1.5 metres (5 ft.) from the side or rear lot line, provided that the overhanging eave shall not

be less than 0.5 metre (1.6 ft.) from the side lot line and provided that two-thirds of the building is not less than 1.5 metres (5 ft.) from the side lot line.

(6) Rear entry garages shall be located a minimum of 1.5 metres (5 ft.) from a lane.

(7) Any open or closed porch or veranda shall be considered part of the principal building for the purposes of calculating floor area, site coverage and setback requirements.

(8) An accessory building shall not be used as a permanent dwelling and shall only be constructed in conjunction with or after the principal building has been constructed.

(9) An accessory building or structure shall not be located in the required setback from a public road or on an easement.

(10) No accessory building shall exceed 4.6 metres (15 ft.) in height.

(11) As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

15. MANUFACTURED HOME PARK DESIGN CRITERIA AND DEVELOPMENT STANDARDS

(1) **General and Overall Appearance**

The manufactured home park should incorporate detailed aesthetic consideration such as:

(a) substantial landscaping design of the entire park in general and of individual sites in particular;

(b) treatment of communal areas both indoor and outdoor;

(c) imaginative handling of lamp standards, litter bins, street signs and things of this nature.

(2) **Integration with Adjoining Residential Uses**

The park design and subsequent placement of manufactured homes on lots should integrate well with adjoining residential development so as not to be obtrusive.

(3) **Density**

The design of the park should be such that the net side density of the park does not exceed 20 units her ha (8 units per acre).

(4) **Open Space Requirements**

A minimum of 10 percent of the manufactured home park area should be developed for park and playground use for the enjoyment of the inhabitants.

(5) **Street Layout and Streetscape**

(a) Grouping or clustering of manufactured homes should provide a mixture of types and aesthetic variety along the streets and spatial relationships between the manufactured homes.

(b) Street furniture such as light standards, signs, telephone booths, litter bins, etc., should, where possible, be of a high quality in design and harmoniously incorporated into the total streetscape.

(c) Angled lots (60%) to the road are preferable to allow for easier transport and siting of homes on lots.

(d) The required minimum road surface width for a manufactured home park, if the road is part of a private condominium plan, must be not less than 9 metres (30 ft.).

(e) If the road is part of a municipal public road within an approved manufactured home park, the required minimum road right-of-way width must be not less than 20.1 metres (66 ft.).

(6) **Open Space, Recreational Area and Buffer Strip Standards**

(a) **Landscaping Standards**

A substantial number of mature trees and a good variety of shrubbery should be utilized in the landscaping of the park to provide both a park-like atmosphere and proper screening.

(b) **Recreation Area and Development**

The 10 percent of the manufactured home park which is dedicated to open space shall include playground equipment to accommodate children's play. This 10 percent area should also provide benches and a walkway for passive recreation.

(7) **Servicing Requirements**

(a) A qualified engineer should be engaged at the expense of the developer to consult with the County and utility companies to arrive at a design for all interior servicing, including roads, drainage, sewer, water, natural gas, telephone, electrical and fire protection.

(b) All on-site servicing should be built to the standards and requirements of Lethbridge County, TransAlta, and private utility providers, which may include ATCO Gas, Shaw and Telus.

(c) Utility easements as may be required shall be provided within the site and reasonable access to these easements shall be granted to Lethbridge County and utility companies for the installation and maintenance of services.

(8) **Garbage Enclosures**

Garbage enclosures shall be properly screened to the satisfaction of the Development Authority. Common garbage receptacle areas, if provided in the comprehensive plan, must be suitably and effectively screened to the satisfaction of the Development Authority.

(9) **Storage Compound**

(a) The developer of the manufactured home park should provide and maintain in good repair within the park, an area to accommodate the storage of recreational vehicles such as motor boats, travel trailers, etc.

(b) The size of this storage compound shall be a percentage of the total site area as determined by the Development Authority.

(c) The storage compound shall be screened by fences, trees, landscape features, or a combination thereof, to the satisfaction of the Development Authority, and shall be maintained in good repair.

(10) **Park Maintenance / Storage Uses**

The design of the park shall include an area or accessory building for the use of park maintenance and storage uses to be constructed for the care and maintenance of the park.

(11) **Drawings to be submitted by Applicants**

(a) **Site Plan**

(i) A scaled site plan shall be submitted showing the manufactured home park and its immediate surroundings.

(ii) The site plan shall indicate, among other things, the mix of single-wide and double-wide manufactured dwelling lots, the lot size dimensions, street and pavement widths, parking stalls, location of service buildings, storage compound, playground and walkway system.

(b) **Utility Plan**

(i) The utility plan shall be based on the site plan.

(ii) The utility plan shall indicate the location of all utilities necessary for the provision of the following services to the area to be developed:

- water supply (including any proposed irrigation)
- sanitary sewer
- storm sewer
- power
- natural gas
- telephone
- cablevision
- street lighting

(iii) The sizing and specifications of all utilities to be determined in consultation with the County' Public Works Department and the respective utility companies or agencies.

(iv) In conjunction with the above (b), and in relation to the storm sewer, an engineered storm water management plan must be provided to the satisfaction of the Development Authority.

(c) **Layout Plan Showing Typical Single-detached Manufactured Home Lots**

(i) The layout plan shall indicate typical arrangement of single-detached manufactured dwellings.

(ii) The layout plan shall also indicate parking areas and landscaping of the lot.

(d) **Landscaping Plan**

A detailed landscaping plan shall illustrate the types of tree planting and ground occupy for internal buffer strips, open space and playground areas, irrigation layout, all single-detached manufactured dwelling lots, and entrances to the park.

16. STANDARDS OF DEVELOPMENT (See Part 3 – General Land Use Provisions)

(1) Part 3 contains land use and development standards that may be required and stipulated as a condition of a subdivision or development approval.

(2) All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

17. LANDSCAPING AND SCREENING (See Part 3 – General Land Use Provisions)

18. OFF-STREET PARKING REQUIREMENTS (See Part 3 – General Land Use Provisions)

19. USE SPECIFIC STANDARDS OF DEVELOPMENT (See Part 4 – Use Specific Provisions)

HAMLET COMMERCIAL – HC

1. PURPOSE

To provide for a high quality and diverse range of commercial development for hamlet residents and to complement the Municipal Development Plan's recognition of the fact that hamlets act as important service centres for the agricultural community.

2. PERMITTED, DISCRETIONARY AND PROHIBITED USES

(1) **Permitted Uses**

Accessory Buildings, Structures and Uses to an Approved Permitted Use
Banks / Financial Institutions
Convenience Stores
Medical Offices or Clinics
Offices
Personal Service Outlets
Restaurants
Retail Sales
Signs Type 1 (in accordance with Part 5)
Solar Collectors, Individual (see Part 6, Section 2)
Signs Type 2 (in accordance with Part 5)

(2) **Discretionary Uses**

Accessory Buildings, Structures and Uses to an Approved Discretionary Use
Ancillary Buildings and Uses
Bars and Lounges
Bus/Transportation Depots
Crematoriums / Funeral Homes
Day Care (see Part 4, Section 14)
Grocery Stores
Hotels and Motels
Liquor Stores
Public Utilities
Residential uses being Secondary to the Commercial Use which is the primary use of the property
Retail Cannabis Store
Signs Type 3 (in accordance with Part 5)
Service Stations / Gas Bars (including repair garage as an ancillary use) (see Part 4, Section 31)
Small Wind Energy Conversion Systems (see Part 6, Section 3)

(3) **Prohibited Uses**

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Part 1, Section 33, is a Prohibited Use.*

3. MINIMUM LOT SIZE

		Width		Length		Area	
	Use	m	ft.	m	ft.	m^2	sq. ft.
(1)	All uses	4.6	15	30.5	100	139.4	1,500

(2) On unserviced or partially serviced lots, the lot measurements may be increased by the Development Authority in accordance with Regional Health Authority and Alberta Labour regulations and recommendations.

(3) Corner Lot Restrictions – See Part 3, Section 6.

4. MINIMUM YARD REQUIREMENTS

The minimum setback required shall be:

	Front Yard		Side Yard		Rear Yard	
Use	**m**	**ft.**	**m**	**ft.**	**m**	**ft.**
All uses	4.6	15	0	0	9.1	30

Variances to the required front yard setback may be considered based on historical development patterns for the street or block and the locations/setbacks of adjacent buildings or uses.

5. MAXIMUM SITE COVERAGE

The principal and ancillary buildings combined shall cover no more than 80 percent of the lot area.

6. ACCESSORY BUILDINGS AND STRUCTURES

(1) An accessory building or structure shall not be located in the required setback from a public road or on an easement.

(2) An accessory building or structure shall be setback a minimum 3.0 metres (10 ft.) from the principal dwelling and from all other structures on the same lot.

(3) Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

(4) As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

7. LANDSCAPING, SCREENING AND LOCATION OF STORAGE

(1) Separation, or buffering, between adjacent land uses may be required, including the use of trees, shrubs, fences, walls, and berms to buffer or screen uses of negative impact.

(2) See Part 3 – General Land Use Provisions, Section 25 for landscaping requirements.

(3) Outdoor storage is prohibited in the front yard. All loading, service, and storage areas (where permitted), shall be located to the rear and sides of the principal building and shall be screened from view from any public roadway other than a lane, and from adjacent sites by a wall, landscape materials, berms, fences, or a combination of these features, to the satisfaction of the Development Authority.

(4) The outdoor display of goods, materials or equipment solely for advertisement purposes may be allowed, unless otherwise stipulated by the Development Authority, subject to the following:

(a) The display of goods, materials or equipment may be permitted in the front yard provided that it is restricted to examples of limited equipment, products, vehicles or items sold by the business or industrial use located on the subject site containing the display area;

(b) the outdoor display areas are not located within any required setback; and

(c) the display areas are not located on any required and approved landscaping area.

(5) Refuse or garbage shall be kept in a suitably-sized container or enclosure and shall be located in a rear yard only. Refuse containers shall be screened from view from any public roadway other than a lane, and from adjacent sites by a wall, landscape materials, berms, fences, or a combination of these features, to the satisfaction of the Development Authority.

(6) Equipment, parts, wrecked or damaged motor vehicles which might be located or stockpiled on the property as part of an approved development must be effectively screened from all adjacent parcels and roadways in the vicinity.

(7) The Development Authority may require that any exposed projections outside the building, such as mechanical and electrical equipment and cooling towers, be screened from view from any public roadway and adjacent sites if, in the opinion of the Development Authority such projections are:

(a) inconsistent with the character and appearance of surrounding development or intended visual qualities of this district; or

(b) are required in accordance with any area structure plan or intermunicipal development plan policies.

8. LOADING AREA REQUIREMENTS

(1) For commercial, industrial and other uses, there shall be a minimum of one off-street designated loading area, or more as required by the Development Authority. Uses such as office buildings, business support services, and professional services that do not involve the production, sales, storage or shipping of products or goods may be exempted from this requirement by the Development Authority.

(2) Each loading area shall be designed in such a manner that it will not interfere with convenient and safe pedestrian movement, traffic flow, site access/approaches onto public roadways, or parking.

(3) See Part 3 – General Land Use Provisions for additional standards.

9. MIXED-USE DEVELOPMENTS

Development permit applications for mixed-use developments (buildings or parcels of land) may be considered for approval in this district if the uses conform to the list of permitted or discretionary uses. For specific details, the criteria and standards of development stipulated in Part 6 will apply.

10. SITE PLANS

(1) The Development Authority may require a professionally prepared detailed comprehensive site plan as part of the development permit application to illustrate existing and proposed buildings, structures, roads and access points, setbacks, landscaping, parking, and utility easements.

(2) The Development Authority shall require professionally prepared site plan as described in Section 10(1) as part of the development permit application, for any proposed mixed-use parcel of land.

11. AREA STRUCTURE PLANS AND DESIGN SCHEMES

If the Development Authority is of the opinion the area proposed for the development will become a clustered commercial development in the future, an area structure plan or design scheme may be required.

12. STANDARDS OF DEVELOPMENT (See Part 3 – General Land Use Provisions)

(1) Part 3 contains land use and development standards that may be required and stipulated as a condition of a subdivision or development approval.

(2) All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

13. LANDSCAPING AND SCREENING (See Part 3 – General Land Use Provisions)

14. OFF-STREET PARKING REQUIREMENTS (See Part 3 – General Land Use Provisions)

15. USE SPECIFIC STANDARDS OF DEVELOPMENT (See Part 4 – Use Specific Provisions)

16. MOVED-IN BUILDINGS (See Part 4 – Use Specific Provisions)

17. SIGN REGULATIONS (See Part 5)

18. FORMS (See Appendix B)

19. FEES (See Appendix C)

HAMLET INDUSTRIAL – HI

1. PURPOSE

To encourage the efficient development of the area and ensure that industrial development is compatible with other urban uses through the regulation of the following listed uses.

2. PERMITTED, DISCRETIONARY AND PROHIBITED USES

(1) **Permitted Uses**

Accessory Buildings, Structures and Uses to an Approved Permitted Use
Buildings and Structures Ancillary to Grain Elevators
Building and Trade Contractor Services
Farm Machinery Sales and Service Outlets
Garden Centre / Greenhouses
Grain Terminals
Industrial Uses requiring Spur Trackage
Mini-storage
Non-noxious Manufacturing and Processing Facilities
Railway and Railway Installations
Signs Type 1 (in accordance with Part 5)
Signs Type 2 (in accordance with Part 5)
Solar Collectors, Individual (see Part 6, Section 2)
Transportation Depots
Warehousing and Indoor Storage Facilities

(2) **Discretionary Uses**

Accessory Buildings, Structures and Uses to an Approved Discretionary Use
Alternative or Renewable Energy Facilities, Individual (see Part 6)
Automobile Sales and Service Outlets
Bulk Fuel Depots
Car and Truck Wash Facilities (see Part 4, Section 11)
Clubs/fraternal organizations
Fertilizer Storage and Sales
Outdoor Storage
Public Utilities Installations
Recreational Vehicle Storage (see Part 4, Section 28)
Recreation, minor
Residential in conjunction with an Approved Industrial Use
Seed Cleaning Plants
Service Stations and associated Repair Garages (see Part 4, Sections 6 and 31)
Shipping Containers (see Part 4, Section 32)
Signs Type 3 (in accordance with Part 5)
Small Wind Energy Conversion Systems (see Part 6, Section 3)
Veterinary Clinics, Small and Large Animal

(3) **Prohibited Uses**

Anhydrous Ammonia and Other Bulk Fertilizer Storage

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Part 1, Section 33, is a Prohibited Use.*

3. MINIMUM LOT SIZE

Use	Servicing	Width m	Width ft.	Length m	Length ft.	Area m^2	Area sq. ft.
All uses (except outdoor storage, railway, and public utilities installations)	Sewer and water	22.9	75	30.5	100	929.0	10,000
	Sewer or water only	30.5	100	30.5	100	1393.5	15,000
	Unserviced	30.5	100	30.5	100	1,858.0	20,000

4. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard m	Front Yard ft.	Side Yard m	Side Yard ft.	Rear Yard m	Rear Yard ft.
(1) All uses	6.1	20	4.6	15	7.6	25
	Or greater as required by the Planning and Development Officer					

(2) The Development Authority may require special standards for setbacks, access and service roadways for parcels adjacent to provincial highways in accordance with Alberta Transportation and Utilities recommendations, permit requirements and the *Public Highways Development Act*.

5. MAXIMUM SITE COVERAGE

As required by the Development Authority.

6. ACCESSORY BUILDINGS AND STRUCTURES

(1) An accessory building or structure shall not be located in the required setback from a public road or on an easement.

(2) An accessory building or structure shall be setback a minimum 3.0 metres (10 ft.) from the principal building and from all other structures on the same lot.

(3) Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

(4) As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

7. SERVICING REQUIREMENTS

(1) Every development shall be required to install a sewage disposal system and potable water system in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards* or other system as approved by the municipality.

(2) The Development Authority may refuse a development, and the Subdivision Authority may refuse to approve a subdivision, if the parcel on which it is proposed is not large enough or does not have suitable soil characteristics to support a sewage disposal system to the standard required.

(3) The Development Authority may refuse a development, and the Subdivision Authority may refuse to approve a subdivision, if it cannot be demonstrated to the satisfaction of the approval authority that the parcel has access to a secure potable water source or system.

(4) Industrial or business uses that require or use a large volume of water may be denied a development permit if a secured source of water, relative to what is required for the development, is not verified or cannot be guaranteed to the satisfaction of Lethbridge County. This may include, but is not limited to, car/ truck wash facilities, food or other various processing industries, and biofuel plants associated with ethanol production.

8. ACCESS

(1) The municipality may, at the time of subdivision or development, require the developer to enter into an agreement for the construction of any approach(es) necessary to serve the lot or development area in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards*.

(2) To ensure proper emergency access, all developments shall have direct legal and developed physical access to a public roadway in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards,* unless otherwise approved by the municipality. If the development is within 304.8 metres (¼ mile) of a provincial highway, direct legal and physical access to a public roadway shall be to the satisfaction of Alberta Transportation.

(3) No full-access frontages to parcels from local roads shall be allowed and developers shall be limited to one access per parcel in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards,* unless otherwise approved by the municipality.

(4) Access points adjacent to blind corners, hills, ridges, railway crossings and any other obstructions shall be positioned so as to provide a reasonably unobstructed view in either direction of 100 metres (328 ft.) on a local road.

(5) The requirement of a service road or subdivision street to provide access may be imposed as a condition of approval for any new subdivision or development. Construction and survey costs for a service road shall be the responsibility of the applicant.

9. ARCHITECTURAL CONTROLS

All development must comply with any approved architectural controls if required as part of an area structure plan or subdivision approval. Proof of compliance to the applicable architectural controls is required at the time of submission of a development permit application.

10. AREA STRUCTURE PLANS AND DESIGN SCHEMES

Pursuant to the criteria outlined in the Municipal Development Plan, the Development Authority may recommend that Council require the adoption of an area structure plan or design scheme prior to consideration of an application.

11. INDUSTRIAL DEVELOPMENT STANDARDS

(1) No use shall be approved which may generate traffic problems within the district.

(2) Any proposed industrial development shall meet all the required and appropriate regulations of the Alberta Building Code.

(3) On parcels located adjacent to provincial highways, any storage of goods, products, raw materials, etc. shall be effectively screened from view by buildings, solid fences, landscaped features, or combinations thereof and be maintained in good repair.

(4) Landscaping, fencing, screening and siting or setback restrictions may be imposed as a condition of a development permit, with consideration for Section 12 below, and Part 3, Section 25.

(5) Where it appears that greater side yard setbacks may be necessary, the Development Authority may impose such a requirement as a condition of a development permit.

(6) No veterinary clinic shall be located within 304.8 metres (1,000 ft.) of a neighbouring residential building excepting an approved dwelling that is ancillary to the designated use.

(7) No operation or activity associated with any use in this District shall be permitted which would create a nuisance factor from noise, odour, earthborn vibrations, heat, intense light sources or dust, outside an enclosed building.

(8) See Part 3 – General Land Use Provisions for additional requirements.

(9) See Part 4 – Use Specific Provisions.

12. LANDSCAPING, SCREENING AND LOCATION OF STORAGE

(1) Separation, or buffering, between adjacent land uses may be required, including the use of trees, shrubs, fences, walls, and berms to buffer or screen uses of negative impact.

(2) See Part 3 – General Land Use Provisions, Section 25 for landscaping requirements.

(3) Outdoor storage is prohibited in the front yard. All loading, service, and storage areas (where permitted), shall be located to the rear and sides of the principal building and shall be screened from view from any public roadway other than a lane, and from adjacent sites by a wall, landscape materials, berms, fences, or a combination of these features, to the satisfaction of the Development Authority.

(4) The outdoor display of goods, materials or equipment solely for advertisement purposes may be allowed, unless otherwise stipulated by the Development Authority, subject to the following:

(a) the display of goods, materials or equipment may be permitted in the front yard provided that it is restricted to examples of limited equipment, products, vehicles or items sold by the business or industrial use located on the subject site containing the display area;

(b) the outdoor display areas are not located within any required setback; and

(c) the display areas are not located on any required and approved landscaping area.

(5) Refuse or garbage shall be kept in a suitably-sized container or enclosure and shall be located in a rear yard only. Refuse containers shall be screened from view from any public roadway other than a lane, and from adjacent sites by a wall, landscape materials, berms, fences, or a combination of these features, to the satisfaction of the Development Authority.

(6) Equipment, parts, wrecked or damaged motor vehicles which might be located or stockpiled on the property as part of an approved development must be effectively screened from all adjacent parcels and roadways in the vicinity.

(7) The Development Authority may require that any exposed projections outside the building, such as mechanical and electrical equipment and cooling towers, be screened from view from any public roadway and adjacent sites if, in the opinion of the Development Authority such projections are:

(a) inconsistent with the character and appearance of surrounding development or intended visual qualities of this District; or

(b) are required in accordance with any area structure plan or intermunicipal development plan policies.

13. LOADING AREA REQUIREMENTS

(1) For commercial, industrial and other uses, there shall be a minimum of one off-street designated loading area, or more as required by the Development Authority. Uses such as office buildings, business support services, and professional services that do not involve the production, sales, storage or shipping of products or goods may be exempted from this requirement by the Development Authority.

(2) Each loading area shall be designed in such a manner that it will not interfere with convenient and safe pedestrian movement, traffic flow, site access/approaches onto public roadways, or parking.

(3) See Part 3 – General Land Use Provisions for additional standards.

14. MIXED-USE DEVELOPMENTS

Development permit applications for mixed-use developments (buildings or parcels of land) may be considered for approval in this district if the uses conform to the list of permitted or discretionary uses. For specific details, the criteria and standards of development stipulated in Part 6 will apply.

15. SITE PLANS

(1) The Development Authority may require a professionally prepared detailed comprehensive site plan as part of the development permit application to illustrate existing and proposed buildings, structures, roads and access points, setbacks, landscaping, parking, and utility easements.

(2) The Development Authority shall require professionally prepared site plan as described in Section 15(1) as part of the development permit application, for any proposed mixed-use parcel of land.

16. STANDARDS OF DEVELOPMENT (See Part 3 – General Land Use Provisions)

(1) Part 3 contains land use and development standards that may be required and stipulated as a condition of a subdivision or development approval.

(2) All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

17. OFF-STREET PARKING REQUIREMENTS (See Part 3 – General Land Use Provisions)

18. USE SPECIFIC STANDARDS OF DEVELOPMENT (See Part 4 – Use Specific Provisions)

19. MOVED-IN BUILDINGS (See Part 4 – Use Specific Provisions)

20. SIGN REGULATIONS (See Part 5)

21. ALTERNATIVE / RENEWABLE ENERGY DEVELOPMENTS (See Part 6)

22. FORMS (See Appendix B)

HAMLET PUBLIC / INSTITUTIONAL – HP/I

1. PURPOSE

To provide the opportunity to develop a range of public and institutional uses needed to support the agricultural community and hamlet residents, and enhance the quality of life.

2. PERMITTED, DISCRETIONARY AND PROHIBITED USES

(1) **Permitted Uses**

Accessory Buildings, Structures and Uses related to an Approved Permitted Use
Cemeteries
Churches
Community or Civic Halls and Clubs
Day Care (see Part 4, Section 14)
Fire Halls / Emergency Services
Government Offices
Hospitals / Medical Offices or Clinics
Libraries
Museums
Parks, Playgrounds, and Sportsfields
Public Utilities
Schools / Educational Facilities
Senior Citizen Housing
Signs Type 1 (in accordance with Part 5)
Solar Collectors, Individual (see Part 6, Section 2)

(2) **Discretionary Uses**

Accessory Buildings, Structures and Uses related to an Approved Discretionary Use
Crematorium / Funeral Home
Cultural Buildings and Facilities
Exhibition Grounds
Group Care Facility (see Part 4, Section 17)
Recreation, Minor
Private Utilities
Signs Type 2 (in accordance with Part 5)
Signs Type 3 (in accordance with Part 5)
Small Wind Energy Conversion Systems (see Part 6, Section 3)

(3) **Prohibited Uses**

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Part 1, Section 33, is a Prohibited Use.*

3. MINIMUM LOT SIZE

(1) The minimum required parcel or lot size shall be:

(a) existing parcels;

(b) 0.8 ha (2 acres) of developable land or greater as reasonably required to support the proposed use if private disposal sewage systems are used.

(2) Parcels or lots less than 0.8 ha (2 acres) in size may be considered in the following circumstances:

(a) the lots are to be connected to municipal services; or

(b) the lots are included in a municipal approved area structure plan or design scheme and the lot area is based on an alternative or communal waste water treatment system acceptable to the municipality. In such situations, the minimum lot area should not be less than 0.2 ha (20,000 sq. ft.) unless special circumstances warrant a smaller size; and

(c) the Subdivision Authority or Development Authority is satisfied that the minimum setback requirements of this bylaw can be met.

(3) The minimum required parcel or lot size must take into consideration the on-site parking requirements of the use in accordance with the bylaw and the estimated sewage volume if private sewage disposal systems are proposed, and the Development Authority or Subdivision Authority may stipulate a larger minimum parcel size is required.

4. MINIMUM YARD REQUIREMENTS

	Front Yard		Side Yard		Rear Yard	
Use	m	ft.	m	ft.	m	ft.
All uses	7.6	25	3.0	10	7.6	25

5. MAXIMUM SITE COVERAGE

The principal building and ancillary buildings combined shall cover no more than 50 percent of the total lot area.

6. ACCESSORY BUILDINGS AND STRUCTURES

(1) An accessory building or structure shall not be located in the required setback from a public road or on an easement.

(2) An accessory building or structure shall be setback a minimum 3.0 metres (10 ft.) from the principal building and from all other structures on the same lot.

(3) Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

(4) As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

7. LANDSCAPING, SCREENING AND LOCATION OF STORAGE

(1) Separation, or buffering, between adjacent land uses may be required, including the use of trees, shrubs, fences, walls, and berms to buffer or screen uses of negative impact.

(2) See Part 3 – General Land Use Provisions, Section 25 for landscaping requirements.

(3) Outdoor storage is prohibited in the front yard. All loading, service, and storage areas (where permitted), shall be located to the rear and sides of the principal building and shall be screened from view from any public roadway other than a lane, and from adjacent sites by a wall, landscape materials, berms, fences, or a combination of these features, to the satisfaction of the Development Authority.

(4) Refuse or garbage shall be kept in a suitably-sized container or enclosure and shall be located in a rear yard only. Refuse containers shall be screened from view from any public roadway other than a lane, and from adjacent sites by a wall, landscape materials, berms, fences, or a combination of these features, to the satisfaction of the Development Authority.

(5) The Development Authority may require that any exposed projections outside the building, such as mechanical and electrical equipment and cooling towers, be screened from view from any public roadway and adjacent sites if, in the opinion of the Development Authority such projections are:

(a) inconsistent with the character and appearance of surrounding development or intended visual qualities of this district; or

(b) are required in accordance with any area structure plan or intermunicipal development plan policies.

8. MIXED-USE DEVELOPMENTS

Development permit applications for mixed-use developments (buildings or parcels of land) may be considered for approval in this district if the uses conform to the list of permitted or discretionary uses. For specific details, the criteria and standards of development stipulated in Part 6 will apply.

9. SITE PLANS

(1) The Development Authority may require a professionally prepared detailed comprehensive site plan as part of the development permit application to illustrate existing and proposed buildings, structures, roads and access points, setbacks, landscaping, parking, and utility easements.

(2) The Development Authority shall require professionally prepared site plan as described in Section 9(1) as part of the development permit application, for any proposed mixed-use parcel of land.

10. STANDARDS OF DEVELOPMENT (See Part 3 – General Land Use Provisions)

(1) Part 3 contains land use and development standards that may be required and stipulated as a condition of a subdivision or development approval.

(2) All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

11. OFF-STREET PARKING REQUIREMENTS (See Part 3 – General Land Use Provisions)

12. USE SPECIFIC STANDARDS OF DEVELOPMENT (See Part 4 – Use Specific Provisions)

13. MOVED-IN BUILDINGS (See Part 4 – Use Specific Provisions)

14. SIGN REGULATIONS (See Part 5)

15. ALTERNATIVE / RENEWABLE ENERGY DEVELOPMENTS (See Part 6)

16. FORMS (See Appendix B)

17. FEES (See Appendix C)

HAMLET DIRECT CONTROL – HDC

1. PURPOSE

The Municipal Development Plan identified hamlets as being a valuable asset to the rural area by providing a focal point for some economic activity. The Direct Control district allows considerable flexibility for the location of a variety of industrial and commercial uses while protecting residential areas of the hamlet by designating certain areas as direct control districts.

2. PERMITTED USES

Commercial Uses considered suitable by Council
Industrial Uses considered suitable by Council
Solar Collectors, Individual
Other Uses considered suitable by Council

3. MINIMUM LOT SIZE

As Council determines necessary, but should consider maintaining lots of:

	Width		Length		Area	
Use	m	ft.	m	ft.	m^2	sq. ft.
Municipal sewer only	22.9	75	30.5	100	929.0	10,000
Municipal water only	30.5	100	30.5	100	1393.5	15,000
municipal water and no municipal sewer	30.5	100	30.5	100	1,858.0	20,000

4. SUBDIVISION CRITERIA (See Part 7)

5. Any and all other Parts of this bylaw shall be considered prior to implementation of the subject bylaw and may include the following (as required by Council):

(1) **STANDARDS OF DEVELOPMENT** (See Part 3 – General Land Use Provisions)

(2) **LANDSCAPING AND SCREENING** (See Part 3 – General Land Use Provisions)

(3) **OFF-STREET PARKING REQUIREMENTS** (See Part 3 – General Land Use Provisions)

(4) **WAREHOUSING AND STORAGE PERFORMANCE STANDARDS** (See Part 4 – Use Specific Provisions)

(5) **MOVED-IN BUILDINGS** (See Part 4 – Use Specific Provisions)

(6) **SIGN REGULATIONS** (See Part 5)

(7) **ALTERNATIVE / RENEWABLE ENERGY DEVELOPMENTS** (See Part 6)

HAMLET TRANSITIONAL / AGRICULTURAL – HT/A

1. PURPOSE

To maintain larger parcels of land within hamlets in extensive agricultural use until the land is required for an appropriate urban use. Subdivision and development may be limited in this district to prevent fragmentation.

2. PERMITTED, DISCRETIONARY AND PROHIBITED USES

(1) **Permitted Uses**

Extensive Agriculture
Farm Dwellings, Single-detached, Ready-to-move or Manufactured Dwellings
Signs Type 1 (in accordance with Part 5)
Solar Collectors, Individual (see Part 6, Section 2)

(2) **Discretionary Uses**

Accessory Buildings and Structures to a related Farm Dwelling Use
Accessory Structures to a related Agricultural Use
Public Utility Structures
Small Wind Energy Conversion Systems (see Part 6, Section 3)

(3) **Prohibited Uses**

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Part 1, Section 33, is a Prohibited Use.*

3. MINIMUM LOT SIZE

(1) Existing parcels of land; or

(2) A minimum of 4.0 ha (10 acres) in area.

4. MINIMUM YARD REQUIREMENTS

As required by the Development Authority.

5. DEVELOPMENT REQUIREMENTS

(1) The Development Authority may require special standards such as, but not limited to, access, siting, and servicing in order to ensure the compatibility of any proposed development with potential or existing adjacent development.

(b) No large-scale subdivision or development within this district shall be approved prior to a reclassification of land to a more appropriate district.

6. MINIMUM SETBACKS FROM ROADWAYS

(1) No part of a building, structure or development shall be located within:

(a) 38.1 metres (125 ft.) of the centre line of any public roadway which is not designated as a provincial highway under the *Highways Development Protection Regulation,* unless authorized by the Development Authority;

(b) 70.0 metres (230 ft.) of the centre line or 40.0 metres (131 ft.) from the right-of-way boundary, whichever is greater, of roads designated as provincial highways under the *Highways Development Protection Regulation;*

(c) for any development adjacent to provincial roadways classified as a four-lane divided highway or freeways/expressways, the required setback distances and accesses will be reviewed on a highway-by-highway/development-by-development basis and shall be as prescribed by Alberta Transportation;

(d) any greater distance that may be required by the Development Authority in order to facilitate future road widening, service road dedication, to reduce potential snow drifting, or vision restrictions.

(2) Where any parcel or part of a parcel has frontage on a provincial highway, special standards for setbacks, access, and service roadways may be required by Alberta Transportation under the *Highways Development Protection Regulation*.

(3) Landscaping and dugout setbacks shall be at the discretion of the Development Authority having consideration for future road widening and possible adverse effects on the safety of the roadway.

7. DEVELOPMENT AND SETBACKS NEAR CANALS

All other development shall not be located within 30.5 metres (100 ft.) of the boundary of a right-of-way of an irrigation canal that serves any downstream users. In order to determine the status of a canal, the comments of the relevant irrigation district should be considered.

8. STANDARDS OF DEVELOPMENT (See Part 3 – General Land Use Provisions)

Part 3 contains land use and development standards that may be required and stipulated as a condition of a subdivision or development approval.

9. ALTERNATIVE / RENEWABLE ENERGY DEVELOPMENTS (See Part 6)

10. SUBDIVISION CRITERIA (See Part 7)

DIRECT CONTROL – DC

1. PURPOSE

To provide a means whereby Council may regulate and control the use and development of land or buildings within a specific area of the municipality where the circumstances relating to the development of a site are such that regulation and control by use of the other land use districts in this bylaw is inadequate considering long-range planning goals and the greater public interest.

2. USES

Council may by bylaw, specify permitted and/or discretionary uses and/or any prohibited uses.

3. APPROVAL PROCEDURE

(1) Before Council considers an application for a use or development in the Direct Control district, it shall:

(a) cause a Notice to be issued by the Development Authority in accordance with Part 1 – Administrative, Section 32 of this bylaw;

(b) ensure that the notice contains the date and time that Council will hear the application for waivers of development standards.

(c) hear any person that claims to be affected by the decision on the application.

(2) Council may then approve the application with or without conditions or refuse the application.

(3) Subsequent to a decision, notification shall be displayed/posted in the County Office and mailed to the applicant.

(4) In addition to Section 3(3), where the Development Authority has been delegated the authority to decide upon applications for permitted uses and has done so, then immediately upon issuance of the development permit the Development Authority shall cause a notice to be published in a newspaper circulating in the area stating the location of the property for which the application has been made and the use approved.

4. DELEGATION OF AUTHORITY

(1) The Development Authority, in accordance with Section 10 of the Land Use Bylaw and pursuant to section 641(3) of the *Municipal Government Act*, is Council.

(2) Council may delegate the authority to decide upon an application for permitted, discretionary, or uses involving waivers to the Development Authority as described in the adopting Direct Control bylaw.

5. APPEAL PROCEDURE

(a) Pursuant to Part 1 – Administrative, Section 35 and section 641(4)(a) of the *Municipal Government Act*, if a decision with respect to a development permit application is made by Council, there is ***no*** appeal to the Subdivision and Development Appeal Board.

(b) If a decision with respect to a development permit application is made by the Development Authority, then the appeal to the Subdivision and Development Appeal Board shall be limited to whether the Development Authority followed the instructions properly as delegated by Council.

6. MINIMUM LOT SIZE, SETBACKS, LOT COVERAGE AND BUILDING HEIGHT

As required by Council.

7. ACCESSORY BUILDINGS AND STRUCTURES SETBACKS AND STANDARDS

As required by Council.

8. Any and all other Parts shall be considered prior to implementation of the subject bylaw and may include the following (as required by Council):

(1) **STANDARDS OF DEVELOPMENT** (See Part 3 – General Land Use Provisions)

(2) **LANDSCAPING AND SCREENING** (See Part 3 – General Land Use Provisions)

(3) **OFF-STREET PARKING REQUIREMENTS** (See Part 3 – General Land Use Provisions)

(4) **WAREHOUSING AND STORAGE PERFORMANCE STANDARDS** (See Part 4 – Use Specific Provisions)

(5) **MOVED-IN BUILDINGS** (See Part 4 – Use Specific Provisions)

(6) **SIGN REGULATIONS** (See Part 5)

(7) **ALTERNATIVE / RENEWABLE ENERGY DEVELOPMENTS** (See Part 6)

(8) **SUBDIVISION CRITERIA** (See Part 7)

DIRECT CONTROL DISTRICTS AND ADOPTING BYLAWS

(1) Any parcel designated as Direct Control or Hamlet Direct Control as illustrated on the Maps in **Part 9, Land Use Districts Maps**, is designated for that purpose.

(2) Where a parcel has been designated to Direct Control prior to this Land Use Bylaw coming into effect and is included in the list below, the standards or regulations approved by Council at that time of such designation to the Direct Control land use district shall continue to apply.

(a) Direct Control items No. 1 - 4 were adopted as amendments to Land Use Bylaw No. 1211, and for continuity are adopted as part of this bylaw and remain in full force unless otherwise amended or repealed. The amending bylaws follow this section.

No.	BYLAW NO.	LEGAL DESCRIPTION	DATE OF ADOPTION
1.	1246	Lot 18, Block 15, Plan 8210515 in the Hamlet of Monarch	September 18, 2003
2.	1372	The most southerly 20 acres of a portion of the SW¼ 10-9-21-W4	October 6, 2011
3.	1389	SW¼ 4-10-21-W4, SE¼ 4-10-21-W4, NE¼ 4-10-21-W4	November 2, 2012
4.	1397	The northwesterly 10 acres of a portion of the NE¼ 33-7-20-W4	August 1, 2013

(3) The following is a reference list of redesignation bylaws adopted by County Council which designated the specified parcels of land to a Direct Control – DC land use district. This list will be updated on an ongoing basis and displays the amending bylaws to the most recent date of the Land Use Bylaw being consolidated (updated). The amending bylaws follow this section.

No.	BYLAW NO.	LEGAL DESCRIPTION	DATE OF ADOPTION
5.	1456	Portion of Lot 2, Block 2, Plan 0210532	August 18, 2016
6.	1502	Lots 2 and 3, Block 1, Plan 1012612	June 15, 2017
7.	17-003	Lot 7, Block 1, Plan 8811143	September 21, 2017
8.	17-007	Portion of Lot 2, Block 1, Plan 9211866 in SE 17-9-20-W4	November 20, 2017
9.	18-018	Lots 2 and 3, Block 1, Plan 1012612	September 6, 2018
10.	19-004	North half of SE 2-9-21-W4	April 4, 2019
11.	18-029	Portion of Lot 1, Block 1, Plan 1611965 in NW 19-10-22-W4	September 5, 2019
12.	19-031	S½ of NW 7-10-19-W4	September 19, 2019

No.	BYLAW NO.	LEGAL DESCRIPTION	DATE OF ADOPTION
13.	19-032	Portion of the N½ of SE 12-10-20-W4	September 19, 2019
14.	20-014	Lot 2, Block 4, Plan 9610161 in the NW 34-10-21-W4	August 6, 2020
15.	21-018	Lot 1, Block 1, Plan 171 1672 within the SE 15-10-22 W4M	December 6, 2021

COUNTY OF LETHBRIDGE
IN THE PROVINCE OF ALBERTA

BYLAW NO. 1246

Bylaw No. 1246 of the County of Lethbridge being a By-Law for the purpose of amending Land Use By-Law No. 1211 and amendments thereto, in accordance with Division 12, Section 692 of the Municipal Government Act, R.S.A. 2000, Chapter M-26.

WHEREAS Lot 18, Block 15, Plan 8210515 is located in the Hamlet of Monarch and is presently classified as Hamlet Residential pursuant to Land Use By-Law #1211;

AND WHEREAS the present owner wishes to operate a small convenience store from a portion of the building located on said parcel;

AND WHEREAS the property is located adjacent to the highway in an area of the Hamlet where a convenience store would be desirable;

AND WHEREAS the "Direct-Control (D-C)" District would allow a combined use of residential with commercial;

NOW THEREFORE be it resolved that the Council of the County of Lethbridge hereby amend Land Use By-Law #1211 by including the said property in the "Direct Control (D-C)" District.

GIVEN first reading this 21st day of August, 2003.

Reeve

County Manager

GIVEN second reading this 18th day of September, 2003.

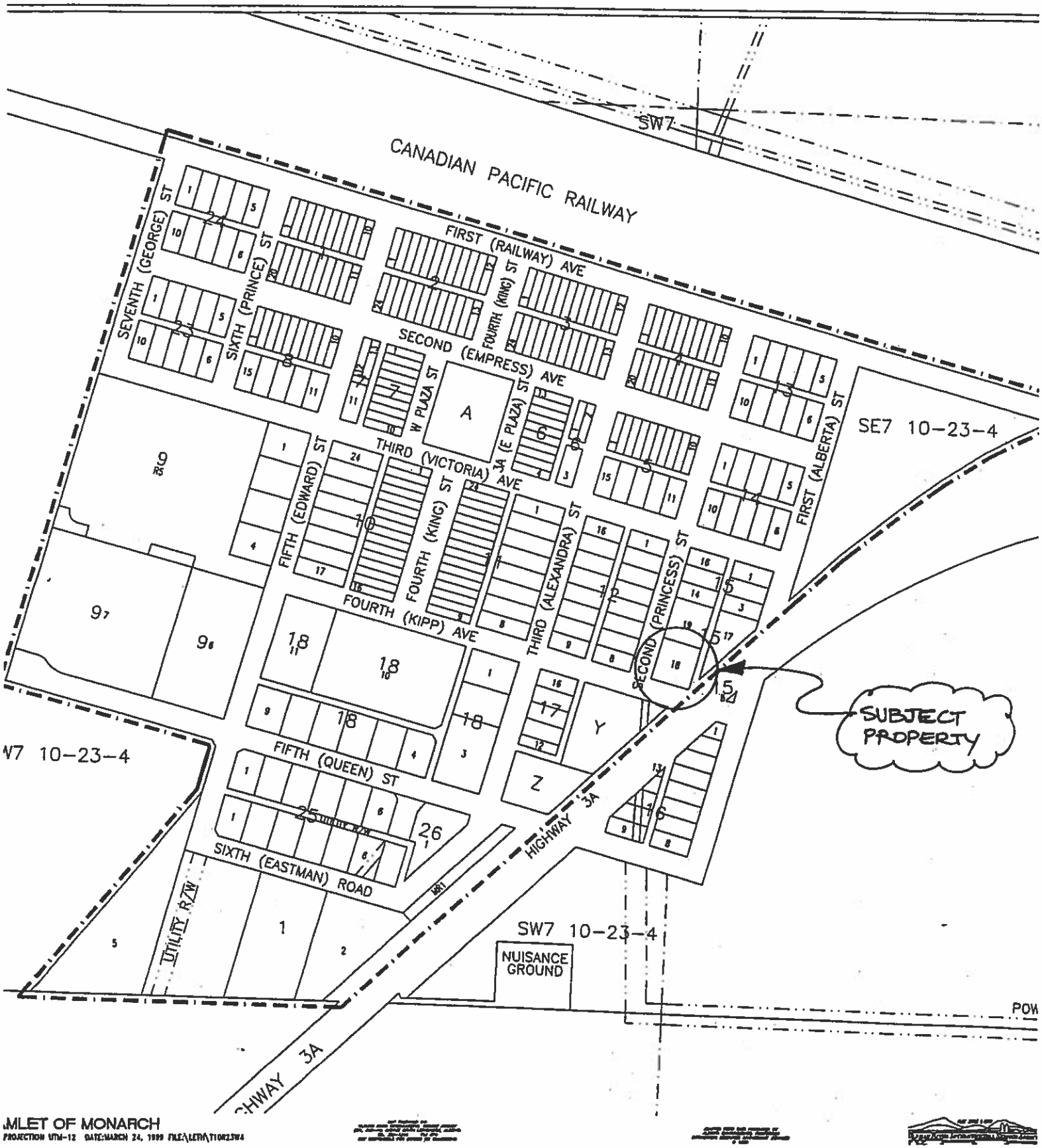
Reeve

County Manager

GIVEN third reading this 18th day of September, 2003.

Reeve

County Manager



MLET OF MONARCH

PROJECTION UTM-12 DATE:MARCH 24, 1999 FILE:\LETA\T10R23W4

COUNTY OF LETHBRIDGE
IN THE PROVINCE OF ALBERTA

BY-LAW NO. 1372

By-law No.1372 being a by-law of the County of Lethbridge in the Province of Alberta, for the purpose of amending Land Use By-law No. 1211, being the municipal Land Use By-law.

WHEREAS a portion of the SW¼ 10-9-21-W4 is located in the County of Lethbridge and contains approximately 20 acres and Council, by way of this by-law, agrees to redesignate the lands identified on the map in Schedule 'A' attached hereto and described as:

The most southerly 20 acres of a portion of the SW¾ 10-9-21-W4 from Lethbridge Urban Fringe (LUF) to the Direct Control (DC) district.

AND WHEREAS THE PURPOSE of proposed By-law No.1372 is to establish the uses and regulations for the Direct Control District pertaining to the aforementioned land and are as described in Schedule 'B' attached hereto;

AND WHEREAS policies in the Municipal Development Plan By-law No. 1331 refer to the Direct Control designation being used by Council to regulate land use for this area;

AND WHEREAS the municipality must prepare an amending by-law and provide for its consideration at a public hearing.

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the County of Lethbridge in the Province of Alberta duly assembled does hereby enact the following:

1. The uses and regulations for the Direct Control District shall be as described in Schedule 'B' attached hereto and be applied to the lands described above and identified on the map in Schedule 'A';

2. By-law No. 1211 is hereby amended.

3. This by-law shall come into effect upon third and final reading hereof.

GIVEN first reading this 19th day of May, 2011.

Reeve

County Manager

GIVEN second reading this 6th day of October, 2011.

Reeve

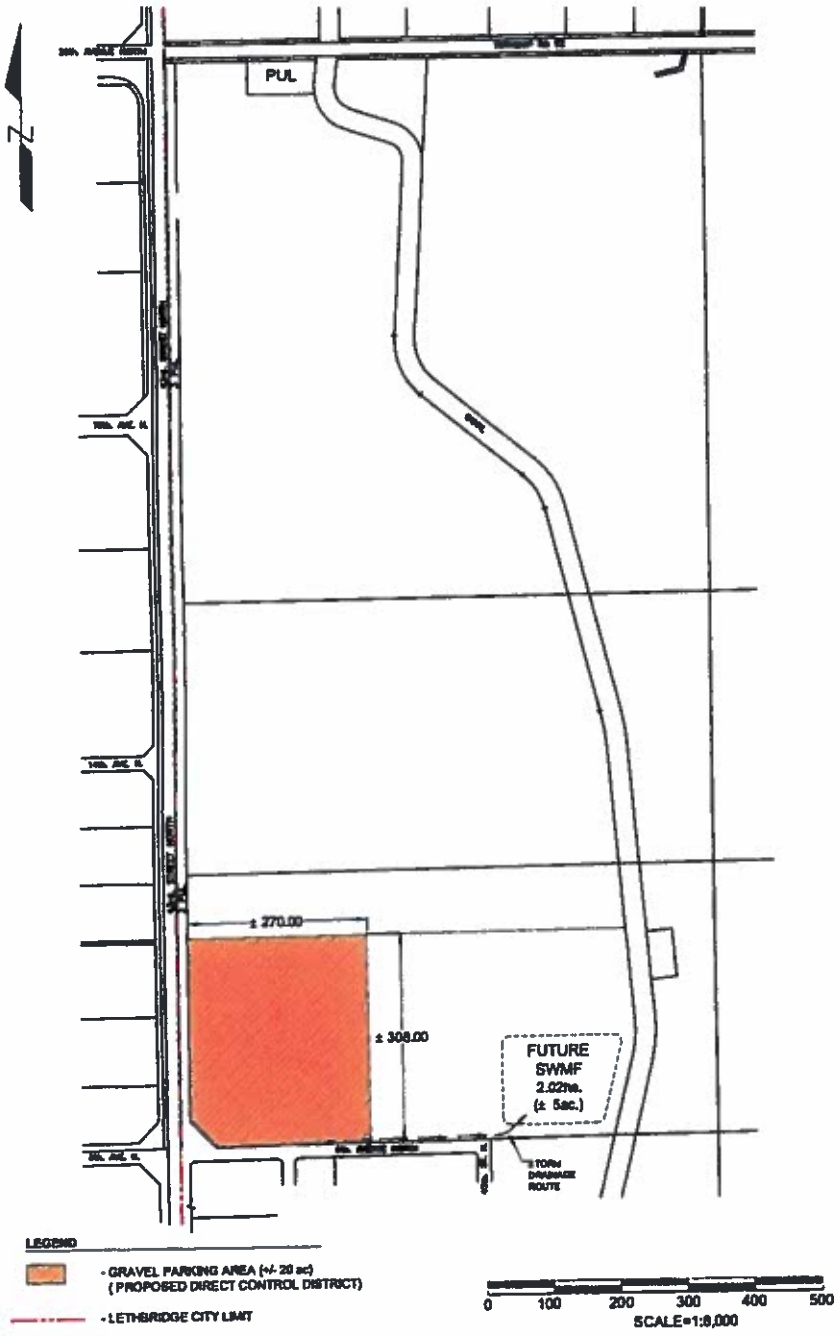
County Manager

GIVEN third reading this 6th day of October, 2011.

Reeve

County Manager

SCHEDULE 'A'



BY-LAW # 1372

Schedule 'B'
DIRECT CONTROL BY-LAW NO. 1372

1. PURPOSE

To provide a means whereby Council may regulate and control the use, development or subdivision of the following lands:

That portion of the SW1/4 10-9-21-W4 consisting of the most southerly 20 acres (lying immediately north of 9 Avenue North, between 43 Street North and the SMRID RIW)

2. PERMITTED USES

Graveled truck and trailer parking area
Stormwater retention pond

DISCRETIONARY USES

None

3. PROHIBITED USES

Buildings or Structures

4. DEFINITIONS

Parking Facility – means a development the principal use of which is for the parking of trucks and trailers and equipment in an outdoor setting.

Stormwater Retention Pond – means an area designed to retain stormwater by either constructing an embankment or excavating a pit, and may which may include provisions for the management of water quality.

5. MINIMUM LOT SIZE

As determined by the Development Authority.

6. MINIMUM YARD DIMENSIONS

Minimum yard setbacks for all uses shall be 20 feet (6.1 m).

7. MAXIMUM SITE COVERAGE

The maximum area of development approved for a graveled truck and trailer display lot and storm water management facilities shall be restricted to the actual physical area required, and as approved by Council.

8. SUBDIVISION

Notwithstanding the provisions of this bylaw, subdivision will initially be limited to the creation of one 50 acre lot from the southerly portion of SW1/4 10-9-21W4.

No additional subdivision of lands contained within this bylaw shall be approved prior to the adoption of a Conceptual Scheme or Area Structure Plan that includes Area A and Area B, as shown in Schedule 'A' of this Bylaw.

9. GENERAL STANDARDS OF DEVELOPMENT

At the discretion of Council or the Development Authority having regard to Schedule 6.

10. OTHER STANDARDS

(a) Driveway access and intersection treatments shall be in accordance with the County of Lethbridge Engineering Guidelines and Minimum Servicing Standards or as otherwise stipulated by Council.
(b) Accesses, approaches and intersections shall not be offset, but located directly across the intersecting roadway from each other.

(c) For parcels located adjacent to a provincial highway or roadway located within another municipal jurisdiction, the minimum setbacks imposed shall be as required by Alberta Transportation or in consultation with the adjacent municipality.
(d) All finished lot grading shall be constructed and maintained to the satisfaction of the County of Lethbridge and shall be in accordance with the Engineering Guidelines and Minimum Servicing Standards.
(e) A landscaped planting strip to a depth of 20 feet (6.1 m) shall be provided, completed, and maintained along the westerly and southerly limits of the site.
(e) All stormwater shall be retained on-site to predevelopment levels. At the subdivision or development stage an engineered storm water management plan certified by a professional engineer shall be submitted.
(f) Any required water and sewer services that may be considered for future development, shall be approved by Council through the adoption of an area structure plan and shall meet the minimum engineering standards as determined necessary by the County.
(g) Any additional standards as required by Council or the Development Authority.

11. OTHER REQUIREMENTS

In addition to the information required in support of a development permit application, an application for a Parking Facility and Storm Detention Pond shall be accompanied by a:

- ***site plan*** – that shows the proper property dimensions, existing grades and proposed grades of the site, identifies required setbacks, and any required corner cuts to be provided at 9th Avenue North and 43rd Street North;
- ***stormwater plan*** – that defines the required pond size and storage capacities, addresses discharge rates and locations, and ensures that pre-development flow rates can be maintained in accordance with Alberta Environment standards,
- ***traffic impact assessment*** – that defines the volume of vehicles and turning movements going to and from the site and identifies what impacts that said vehicle movements may have on 43rd Street North.
- ***landscaping plan*** – that shows landscaping for a 6m wide area along 43rd Street North.
- ***development agreement*** – the Development Authority may, as a condition of development require the applicant to enter into a Development Agreement with the County of Lethbridge, in accordance with Section 37 and 38.

12. DELEGATION OF AUTHORITY

The Development Authority, in accordance with section 9 of the land use by-law and pursuant to Section 641(3) of the Municipal Government Act, is Council.

13. APPROVAL PROCEDURE

(a) Applications for development permits shall be forwarded to the City of Lethbridge for comments in accordance with the Intermunicipal Development Plan.
(b) Where the Development Authority has been delegated the authority to decide upon applications for permitted uses and has done so, then immediately upon issuance of the development permit the Development Authority shall cause a notice to be published in a newspaper circulating in the area stating the location of the property for which the application has been made and the use approved.

(c) Before consideration of an application for development requiring waivers on the subject property, Council shall:
    (i) cause a notice to be issued by the designated officer to any person likely to be affected;
    (ii) ensure that the notice contains the date and time that Council will hear the application for discretionary uses or application for waivers of development standards.
    (iii) hear any persons that claim to be affected by the decision on the application.
(d) Council or the Development Authority may then approve the application with or without conditions or refuse the application with reasons.
(e) When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority or any applicable provincial government department.

14. APPEAL PROCEDURE

Pursuant to Section 641(4)(a) of the Act, if a decision with respect to a development permit application is made by Council, there is no appeal to the Subdivision and Development Appeal Board.

COUNTY OF LETHBRIDGE
IN THE PROVINCE OF ALBERTA

BY-LAW NO. 1389

Bylaw No. 1389 being a bylaw of the County of Lethbridge in the Province of Alberta, for the purpose of amending Land Use Bylaw 1211, being the municipal Land Use Bylaw.

WHEREAS THE PURPOSE of proposed Bylaw 1389 is to establish the uses and regulations for a Direct Control district;

AND WHEREAS the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 as amended allows a municipality to designate an area as a direct control district pursuant to Section 641;

AND WHEREAS the municipality must prepare an amending bylaw and provide for its consideration at a public hearing;

NOW THEREFORE under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 as amended, the County of Lethbridge in the Province of Alberta duly assembled does hereby enact the following:

1. Bylaw No. 1211 - The Land Use Bylaw of the County of Lethbridge is hereby amended.

2. Bylaw No. 1211 is hereby amended by changing the land use classification of:

   SW ¼ 4-10-21-W4, SE ¼ 4-10-21-W4 and NE ¼ 4-10-21-W4

   From: Rural Agriculture R-A
   To: Direct Control D-C

   (All of which is shown on the attached Schedule "A")

3. This Bylaw shall also establish uses and rules for the Direct Control District in accordance with Section 641(1) of the Municipal Government Act, and, unless otherwise provided by this Bylaw or by a statutory plan affecting the lands described above:

a) All uses, terms, requirements and processes are as described in Part 1- 47 of Land Use Bylaw 1211,

b) Offices, storage and maintenance facilities which serve the needs of a principle use are included within the principle use.

4. Permitted Uses

   - Waste and Recycling Centre
   - Ancillary Buildings or Uses
   - Sign
   - Stormwater Retention Pond

5. Discretionary Uses

   - Extensive Agriculture

6. Definitions

   Waste and Recycling Centre means an integrated waste management and processing facility that provides disposal, recycling, composting and landfill services.

Stormwater Retention Pond means an area designed to retain stormwater by either constructing an embankment or excavating a pit and which may include provisions for the management of water quality.

7. Minimum Setbacks:

   - Shall be in accordance with Drawing SK-00-F02 in Schedule "B"

8. Development Standards

   The site development shall substantially comply, with Drawing SK-00-F02 in Schedule "B" to the satisfaction of the Development Authority.

9. Signage

   Site signage shall meet provincial requirements, be of neutral tones and an appropriate size to allow for ease of navigation. Interior directional signage shall not require a development permit.

10. Screening and Fencing

    In addition to the landscaping requirements described in Schedule 6 of Land Use Bylaw 1211, the site development shall include perimeter landscaping to create a visual enhancement of the development and perimeter fencing to contain off site impacts. Additional landscaping for the entranceway shall be in keeping with the existing vegetation and landscaping overall shall substantially comply, with Drawing SK-00-F02 in Schedule "B" to the satisfaction of the Development Authority.

11. Development Approval Authority

    For the purposes of this bylaw the approval authority is County Council.

12. This Bylaw shall come into effect on the date of final passage thereof.

GIVEN first reading this 4th day of October, 2012.

Reeve

County Manager

GIVEN second reading this 2nd day of November, 2012.

Reeve

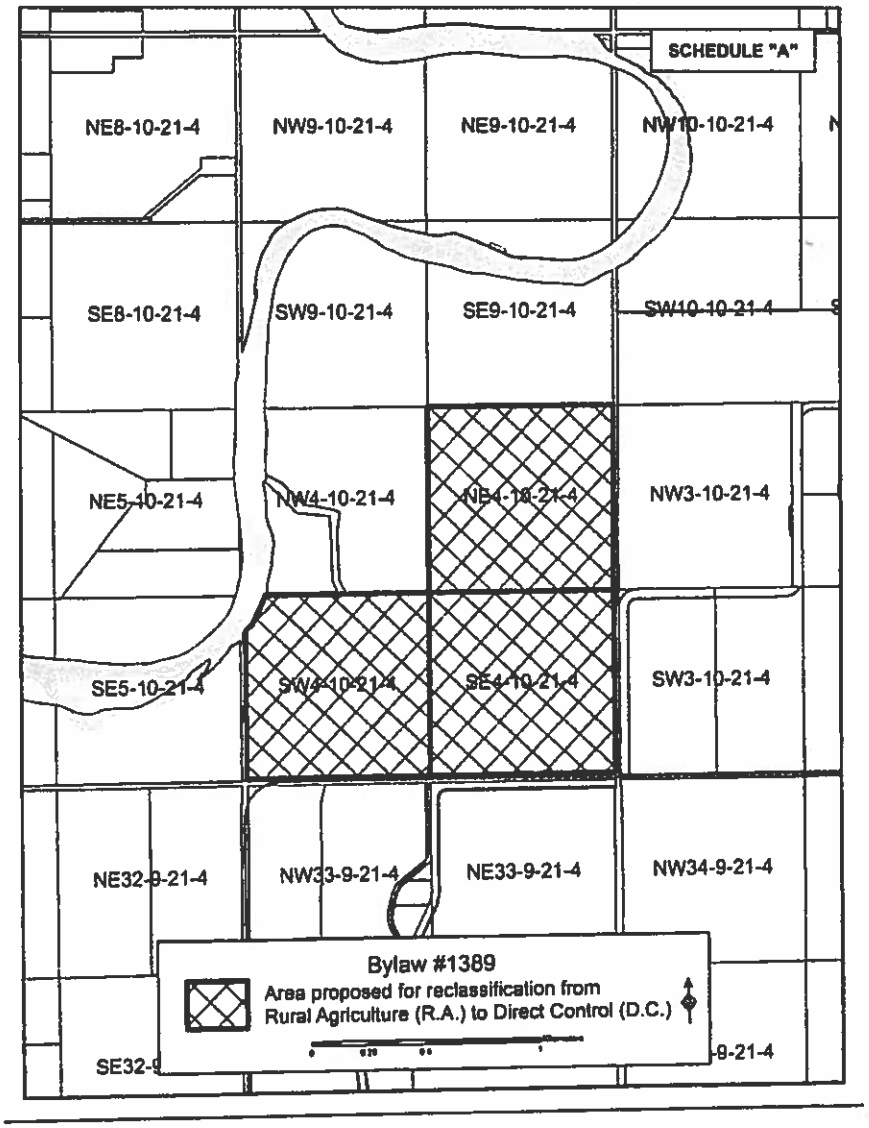
County Manager

GIVEN third reading this 2nd day of November, 2012.

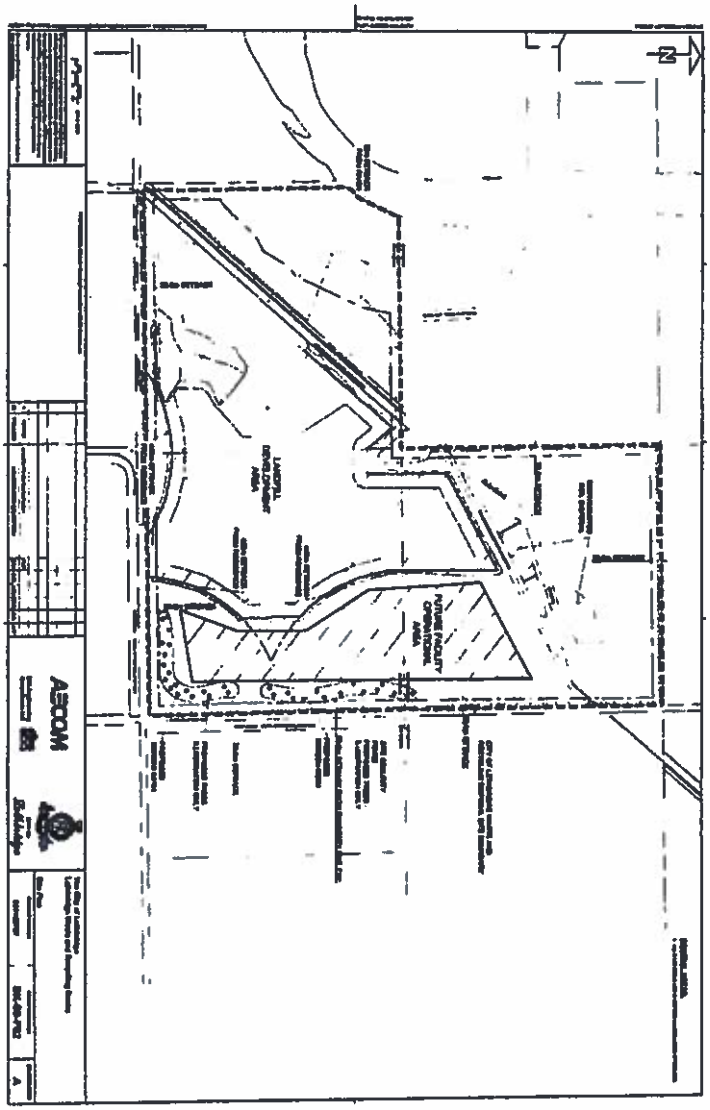
Reeve

County Manager

Schedule "A"


SCHEDULE "A"
NE8-10-21-4
NW9-10-21-4
NE9-10-21-4
NW10-10-21-4
SE8-10-21-4
SW9-10-21-4
SE9-10-21-4
SW10-10-21-4
NE5-10-21-4
NW4-10-21-4
NE4-10-21-4
NW3-10-21-4
SE5-10-21-4
SW4-10-21-4
SE4-10-21-4
SW3-10-21-4
NE32-9-21-4
NW33-9-21-4
NE33-9-21-4
NW34-9-21-4
Bylaw #1389
Area proposed for reclassification from
Rural Agriculture (R.A.) to Direct Control (D.C.)

Schedule "B"



COUNTY OF LETHBRIDGE
IN THE PROVINCE OF ALBERTA

BY-LAW NO. 1397

By-Law No. 1397 of the County of Lethbridge being a By-Law for the purpose of amending Land Use By-Law No. 1211 and amendments thereto, in accordance with Sections 230, 606 and 692 of the Municipal Government Act, R.S.A. 2000, Chapter M-26.

WHERE AS a portion of the NE¼ 33-7-20-W4 is located in the County of Lethbridge and contains approximately 10 acres and Council, by way of this Bylaw, agrees to redesignate the land identified on the map in Schedule "A" attached hereto and described as:

The northwesterly 10 acres of a portion of the NE ¼ 33-7-20-W4 from Rural Agriculture (RA) to Direct Control (DC) district;

AND WHEREAS THE PURPOSE of proposed Bylaw 1397 is to establish the uses and regulations for a Direct Control district pertaining to the aforementioned land and are as described in Schedule "B" attached hereto;

AND WHEREAS policies in the Municipal Development Plan Bylaw No 1331 refer to the Direct Control Designation being used by Council to regulate land use;

AND WHEREAS the municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

NOW THEREFORE under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 as amended, the County of Lethbridge in the Province of Albert duly assembled does hereby enact the following:

1. The uses and regulations for the Direct Control District shall be as described in Schedule "B" attached hereto and be applied to the lands described above and identified on the map in Schedule "A".

2. Bylaw No 1211 – The Land Use Bylaw of the County of Lethbridge is hereby amended.

3. The Bylaw shall come into effect upon third and final reading hereof.

GIVEN first reading this 6th day of June, 2013.

Reeve

County Manager

GIVEN second reading this 1st day of August, 2013.

Reeve

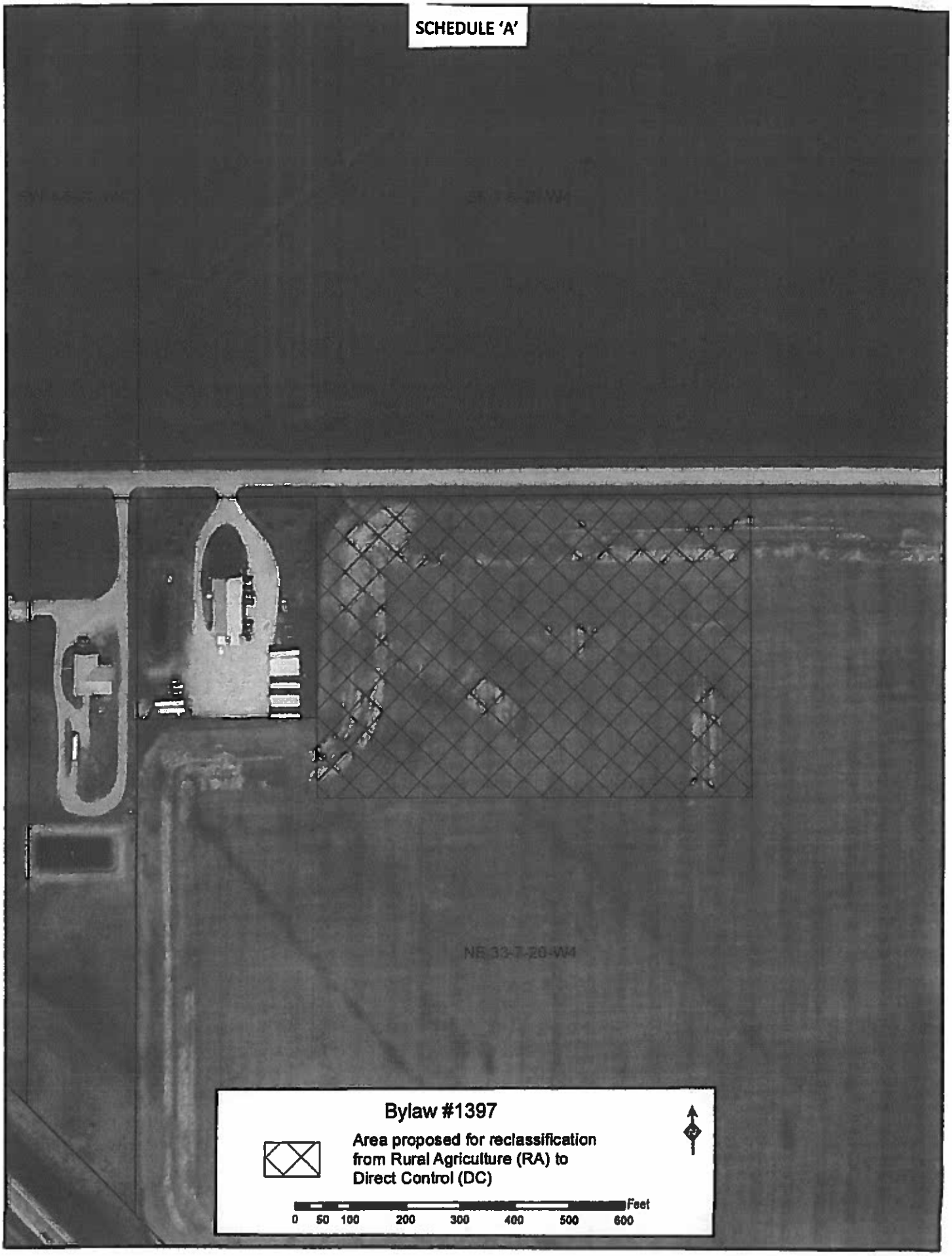
County Manager

GIVEN third reading this 1st day of August, 2013.

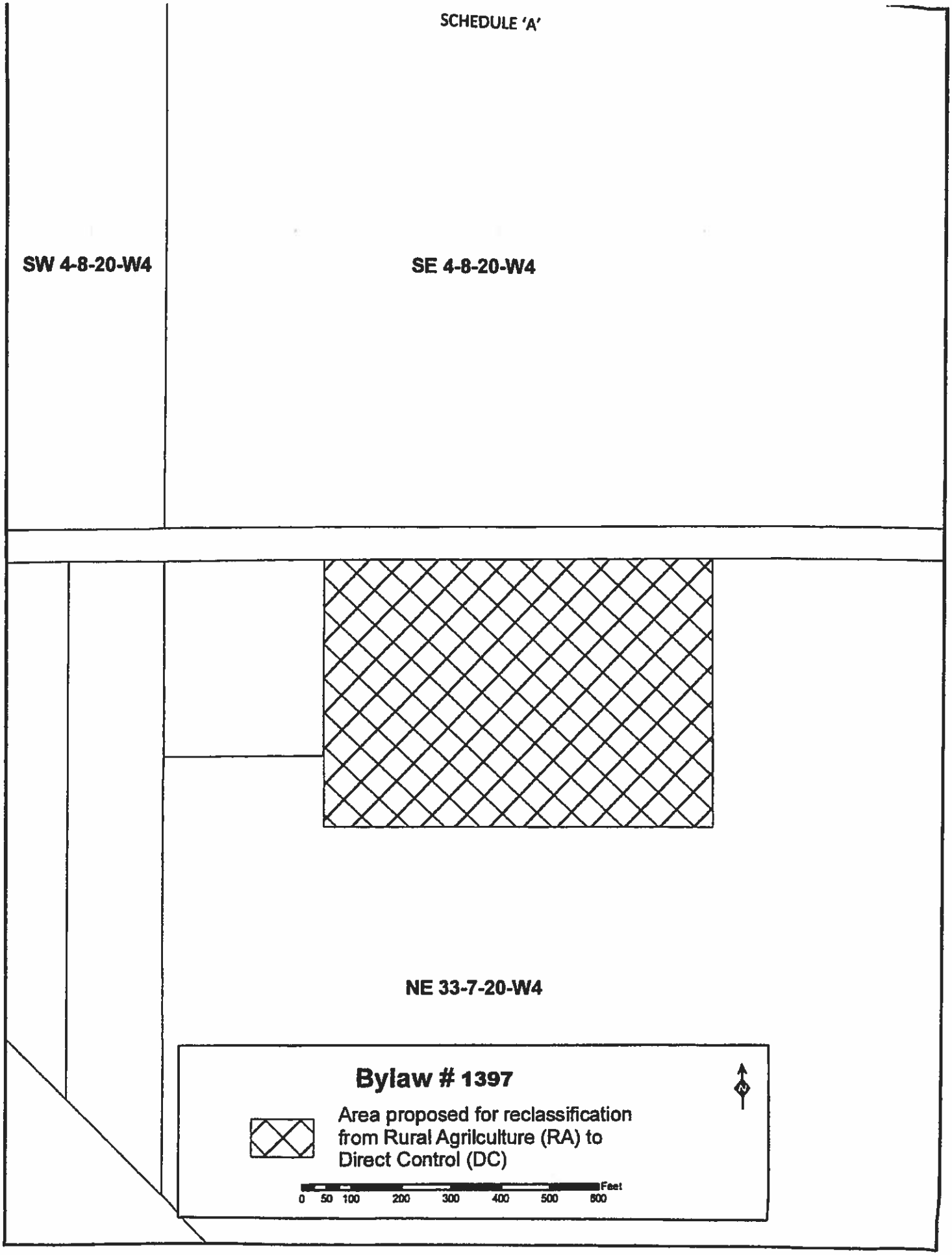
Reeve

County Manager

SCHEDULE 'A'


NE 33-7-20-W4
Bylaw #1397
Area proposed for reclassification from Rural Agriculture (RA) to Direct Control (DC)
Feet
0 50 100 200 300 400 500 600

SCHEDULE 'A'


SW 4-8-20-W4
SE 4-8-20-W4
NE 33-7-20-W4
Bylaw # 1397
Area proposed for reclassification from Rural Agrilculture (RA) to Direct Control (DC)
0 50 100 200 300 400 500 600
Feet

Schedule 'B' for Bylaw 1397

DIRECT CONTROL

1. **PURPOSE**

   To provide a means whereby Council may regulate and control the use, development, or subdivision on a site specific basis the following lands:

   Portion of the NE ¼ 33-7-20-W4 consisting of the 10 acres in the north east part of the quarter section directly east of Lot 1, Plan 9111396.

   For the specific purposes of allowing a Transportation and Warehouse Facility while limiting other types of commercial or industrial land uses on the parcel.

2. **PERMITTED USES**

   Accessory Buildings/Structures
   Outdoor Storage in side and rear of property that is screened
   Signs

   DISCRETIONARY USES

   Truck Transportation Dispatch/Depots
   Warehousing and Storage
   Outdoor Truck Trailer Parking
   Office Administration Building

3. **DEFINITIONS**

   Accessory buildings / structures means a building or structure that is incidental or subordinate to and customarily found in connection with a primary structure or use, located on the same lot as the principal building or use, but does not include a building or structure used for human habitation.

   Outdoor Storage means the open storage of goods, merchandise, materials or equipment outside a building.

   Outdoor Truck Trailer Parking means an outside area designated or reserved on a parcel or lot for the explicit purpose of parking and storing commercial vehicles associated with an approved commercial or industrial type land use on the same or associated parcel of land.

   Office Administration Building means a building or office space on-site for the coordination of all business activities on the premises and acts to serve the professional, managerial or administrative needs of the primary or principle business on the parcel.

Sign(s) means any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication intended to attract the attention of the public and visible to the public right-of-way or other properties.

Truck Transportation Dispatch/Depots means a facility for the purpose of storing and dispatching trucks and tractor-trailers for transporting goods.

Warehousing and Storage means the use of a building or portion thereof for the storage and distribution of materials, products, goods and merchandise but does not include a retail component.

All other words or terms have the same meaning as what is specified in the Land Use Bylaw.

4. **MINIMUM LOT SIZE**
   The minimum lot size shall be 10 acres.

5. **MINIMUM YARD SETBACK REQUIREMENTS**
   Side Yard 9.1 metres (30 feet)
   Rear Yard 15.24 metres (50 feet)

   Outdoor parking areas and fencing may be permitted to project into the required side and rear yard setbacks, with fencing allowed at the property line.

6. **MINIMUM SETBACK FROM ROADWAY**
   No part of a building, structure or development shall be located within 38.1 metres (125 feet) of the centre line of the public roadway.

7. **MAXIMUM SITE COVERAGE**
   The maximum site coverage for all principal and accessory buildings combined is 45 percent.

8. **ACCESSORY BUILDINGS AND STRUCTURES**
   a. An accessory buildings or structures shall not be located in the required setback from a public road or an easement.
   b. An accessory building or structure shall be setback a minimum 3.0 metres (10 feet) from the principle building and from all other structures on the same lot.
   c. An accessory building or structure shall only be constructed after or in conjunction with an approved principle use or building on the parcel.

9. **GENERAL STANDARDS OF DEVELOPMENT**

   At the discretion of Council or the Development Officer acting as the Development Authority having regard for Section 6 of the Land Use Bylaw.

10. **SIGN REGULATIONS**
    a. As per Schedule 10 of the Land Use Bylaw.

11. OTHER STANDARDS

a. All storm water shall be retained on-site to predevelopment levels. At the subdivision or development permit stage a storm water management plan certified by a professional engineer shall be submitted.

b. All finished lot grading shall be constructed and maintained to the satisfaction of the County of Lethbridge and shall be in accordance with the Engineering Guidelines and Minimum Servicing Standards.

c. Approaches and driveway access shall be in accordance with the County of Lethbridge Engineering Guidelines and Minimum Servicing Standards or as otherwise stipulated by Council.

d. Any additional standards as required by Council or the Development Officer.

12. OTHER REQUIREMENTS

a. ***Site, Layout, and Grading Plan*** – that shows the property dimensions, building locations, truck trailer parking area, outdoor storage areas, employee parking areas, and utility easements and servicing areas, including the septic field location and any dugouts or storm ponds.

b. ***Landscaping Plan*** – that shows front yard landscaping and fencing (height and type) on the property.

c. Refuse or garbage shall be kept in a suitably sized container or enclosure, effectively screened, and the refuse containers shall be located in a rear yard only.

d. ***Servicing*** – the developer shall be responsible for ensuring all required servicing is provided to the development, including potable water and private septic. If an on-site private septic treatment system is used to handle sewage disposal, then the system and field must be installed by a certified installer licensed with the provincial department of Municipal Affairs.

    i. Parking and storage areas are prohibited from being located over any of the septic system including the disposal field area.

e. ***Development Agreement*** – as a condition of a subdivision or development permit approval the applicant may be required to enter into a Development Agreement with the County of Lethbridge, in accordance with Sections 37 and 38 of the land use bylaw.

13. SUBDIVISION

a. Notwithstanding the provisions of this bylaw, a subdivision may be considered provided it is limited to the creation of one 10 acre lot, which conforms to the area of land designated to the Direct Control district, from a portion of the NE ¼ 33-7-20-W4 located in the north east part of the quarter section directly east of Lot 1, Plan 9111396.

b. No additional subdivision of lands contained within this bylaw shall be permitted.

c. Council, acting in the capacity of the Subdivision Authority, shall make decisions on subdivision applications.

14. DELEGATION OF AUTHORITY

a. Council shall be the Development Authority to decide on development permit applications for discretionary uses or application for waivers of development standards. Council may also decide on development permit applications for permitted uses.

b. The Development Officer, in accordance with section 9 of the Land Use Bylaw and pursuant to Section 641 (3) of the Municipal Government Act may, with the direction of Council, act as the Development Authority and receive and decide upon development permit applications for permitted uses provided they conform to the standards of this bylaw.

15. APPROVAL PROCEDURE

a. Where the Development Officer as the Development Authority has been delegated the authority to decide upon development permit applications for permitted uses and has done so, then immediately upon issuance of the development permit the Development Officer shall cause a notice to be published in a newspaper circulating in the area stating the location of the property for which the application has been made and the use approved.

b. Before consideration of a permit application for development requiring waivers on the subject property, Council shall:

  i. Cause a notice to be issued by the designated officer to any person likely to be affected.

  ii. Ensure that the notice contains the date and time that Council will hear the application for discretionary uses or application for waivers of development standards.

  iii. Here any persons that claims to be affected by the decision on the application.

c. Council may then approve the development application with or without conditions or refuse the application with reasons.

d. Where Council has made a decision on a development permit application, the Development Officer acting on behalf of Council, shall cause a notice of the decision to be issued to the applicant and post a copy of the decision in the lobby of the County office.

e. When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority, Alberta Transportation or any applicable provincial government department.

16. APPEAL PROCEDURE

a. Pursuant to Section 641(4)(a) of the Act, if a decision with respect to a development permit application is make by Council, there is no appeal to the Subdivision and Development Appeal Board.

b. If the Development Officer has been delegated the authority to decide upon development permit applications as the Development Authority, then the appeal to the Subdivision and Development Appeal Board is limited to whether the Development Officer followed the directions of Council.

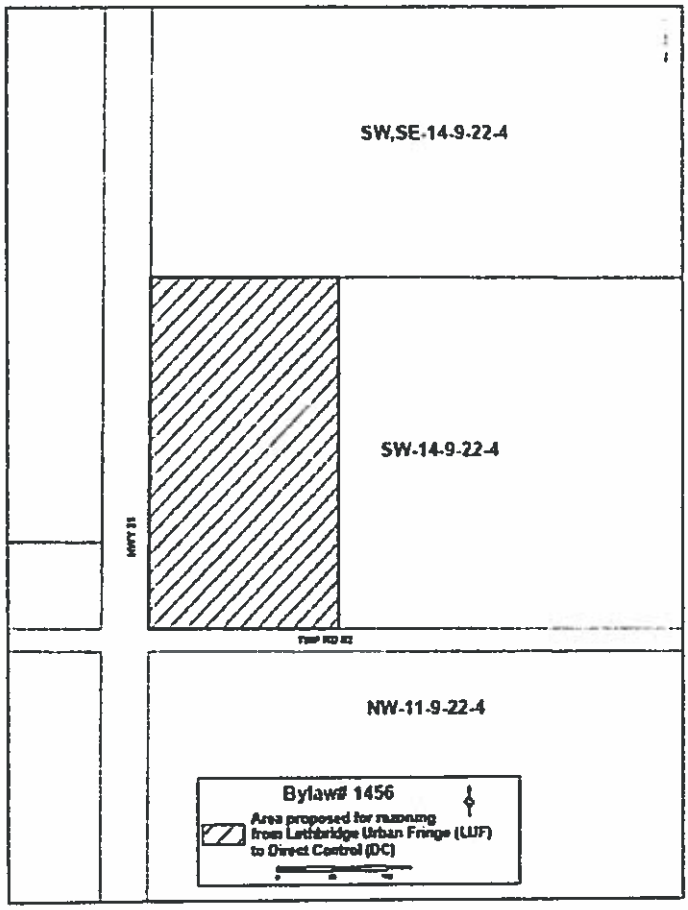
LETHBRIDGE COUNTY
IN THE PROVINCE OF ALBERTA

BYLAW NO. 1456

Bylaw 1456 of Lethbridge County being a Bylaw for the purpose of amending Land Use Bylaw 1404, in accordance with Sections 230, 606 and 692 of the Municipal Government Act, R.S.A. 2000, Chapter M-26.

WHEREAS the purpose of Bylaw 1456 is to re-designate a portion of Plan 0210532 Block 2 Lot 2, containing 13 acres, from Lethbridge Urban Fringe (L.U.F) to Direct Control (D.C.);

(As shown in Schedule 'A')



AND WHEREAS the purpose of proposed Bylaw 1456 is to establish the uses and regulations for a Direct Control district pertaining to the aforementioned land and are as described in Schedule "B" attached hereto;

AND WHEREAS policies in the Municipal Development Plan Bylaw No 1331 refer to the Direct Control Designation being used by Council to regulate land use;

AND WHEREAS once an application has been submitted the municipality must prepare an amending bylaw and provide for its notification and consideration at a public hearing;

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NOW THEREFORE, under the authority of the Municipal Government Act, R.S.A. 2000, C-26, as amended, the Council of Lethbridge County in the Province of Alberta duly assembled does hereby enact the following:

1. The uses and regulations for the Direct Control District shall be as described in Schedule "B" attached hereto and be applied to the lands described above and identified on the map in Schedule "A".

2. Bylaw No 1404 – The Land Use Bylaw of Lethbridge County is hereby amended.

3. The Bylaw shall come into effect upon third and final reading hereof.

GIVEN first reading this 14th day of January, 2016.

Reeve

Chief Administrative Officer

GIVEN second reading this 18th day of August, 2016.

Reeve

Acting Chief Administrative Officer

GIVEN third reading this 18th day of August, 2016.

Reeve

Chief Administrative Officer
Acting

Proposed Subdivision Plan: **To create 1 parcel as defined in Section 13.**

Schedule 'B' for Bylaw 1456

DIRECT CONTROL

1. **PURPOSE**
   To provide a means whereby Council may regulate and control the use, development, or subdivision on a site specific basis to the following lands:

   Consisting of the portion of SW 14-9-22-W4, Plan 0210532 Block 2 Lot 2, consisting of the West 13 acres+/-.

   For the specific purposes of allowing a Lumberyard Facility and other permitted uses.

2. **PERMITTED USES**
   Accessory Buildings/Structures to an approved use
   Lumberyard and Building Supply Store
   Signs - Type 1 and 2 (in accordance with Part 5 of the Land Use Bylaw)
   Extensive Agriculture

3. **DEFINITIONS**
   Accessory Buildings/Structures means a building or structure that is incidental or subordinate to and customarily found in connection with a primary structure or use, located on the same lot as the principal building or use, but does not include a building or structure used for human habitation.

   Lumber Yard and Building Supply Store means a commercial retail store where lumber, building materials, hardware and household accessories and other related goods are stored, offered or kept for sale and may include outdoor storage but does not include the manufacturing or fabrication of lumber or similar products.

4. **MINIMUM LOT SIZE**
   The minimum lot size shall be 2 acres.

5. **MINIMUM YARD SETBACK REQUIRMENTS**
   Front yard – 30 feet/9.1metres
   Side yard – 20 feet/6.1 metres
   Rear yard – 20 feet/6.1 metres

   For setbacks on parcels adjacent to or fronting statutory road allowances, additional setbacks will be applied as per section 6 below.

6. **MINIMUM SETBACK FROM ROADWAY**
   No part of a building, structure or development shall be located within 38.1 meters (125 feet) of the centre line of the county road or 70 metres (230 feet) from the centreline of a secondary highway or greater as required by Alberta Transportation.

7. **MAXIMUM SITE COVERAGE**
   The maximum site coverage for all principal and accessory buildings combined is 50%.

8. **ACCESSORY BUILDINGS AND STRUCTURES**
   a. Any accessory buildings or structures shall not be located in the required setback from a public road or an easement
   b. An accessory building or structure shall only be constructed after or in conjunction with an approved principle use or building on the parcel.

9. **GENERAL STANDARDS OF DEVELOPMENT**
   At the discretion of the Council or the Development Officer acting as the Development Authority having regard for Part 3 of the Land Use Bylaw.

10. **SIGN REGULATIONS**
    As per Part 5 of the Land Use Bylaw.

11. OTHER STANDARDS

a. All storm water shall be retained on site to predevelopment levels. A storm water management plan shall be required prior to the development or subdivision of the lands

b. All finished lot grading shall be constructed and maintained to the satisfaction of the Lethbridge County.

c. Approaches and driveway access shall be in accordance and acceptable to the Lethbridge County Engineering Guidelines and Minimum Servicing Standards or as otherwise stipulated by Council.

d. Any additional standards as required by Council or the Development Officer.

12. OTHER REQUIREMENTS

a. **Site, Layout, and Grading Plan** – that shows the property dimensions, building locations, outdoor storage areas, employee parking areas and utility easements and servicing areas, including the septic field location and any dugouts or storm ponds.

b. **Landscaping Plan** - that shows the front yard landscaping and fencing (height and type) on the property. Buffering and screening will be required for any outdoor storage on the parcels.

c. **Refuse or Garbage** shall be kept in a suitably sized container or enclosure, effectively screened, and the refuse containers shall be located in a rear yard only.

d. **Servicing** - the developer shall be responsible for ensuring all required servicing is provided to the development, including potable water and private septic. If an on-site private septic treatment system is used to handle sewage disposal, then the system and field must be installed by a certified installer licensed with the provincial department of Municipal Affairs.

   i. Parking and storage areas are prohibited from being located over any of the septic system including the disposal field area.

e. Roads

   i. A TIA will be required upon development or subdivision whichever occurs first

   ii. Access to the parcels will be limited to a single access point to Township Road 9-2

   iii. Developer is to pay for all cost associated with the TIA and all upgrades required for the intersection of TWP RD 9-2 and HWY 25 as recommended by the Engineers' TIA and required by Alberta Transportation.

   iv. The developer will be required to upgrade Township Road 9-2 to the county's standards at their own expense

f. **Development Agreement** – the developer shall enter into a development agreement to satisfy any requirements or standards as stipulated by the County.

13. SUBDIVISION

a. Notwithstanding the provisions of this bylaw, a subdivision may be considered as shown in Schedule "A". It is limited to the creation of 1 lot which conforms to the area of land designated to the Direct Control district, from a portion of Plan 0210532 Block 2 Lot 2.

b. Notwithstanding the provisions of this bylaw, future subdivisions may be considered provided it is limited to the creation of no smaller than 2 acre lots, which conform to the area of land designated to the Direct Control district.

c. Council, acting in the capacity of the Subdivision Authority, shall make decisions on subdivision applications.

14. DELEGATION OF AUTHORITY

a. Council shall be the Development Authority to decide on development permit applications for waivers of development standards. Council may also decide on development permit applications for permitted uses.

b. The Development Officer, in accordance with Part 1 Section 35 of the Land Use Bylaw and pursuant to Section 641 (3) of the Municipal Government Act may, with the direction of Council, act as the Development Authority and receive and decide upon development permit applications for permitted uses provided they conform to the standards of the bylaw.

15. APPROVAL PROCEDURE

a. Where the Development Officer as the Development Authority has been delegated the authority to decide upon development permit applications for permitted uses and has done so, then immediately upon issuance of the

development permit the Development Officer shall cause a notice to be published in a newspaper circulating in the area stating the location of the property for which the application has been made and the use approved.

b. Before consideration of a development permit application for a proposal requiring waivers on the subject property, Council shall:
    i. Cause a notice to be issued by the designated officer to any person likely to be affected.
    ii. Ensure that the notice contains the date and time that council will hear the application for waivers of development standards.
    iii. Hear any person that claims to be affected by the decision on the application.

c. Council may then approve the development application with or without conditions or refuse the application with reasons.

d. Where Council has made a decision on a development permit application, the Development Officer acting on behalf of Council, shall cause a notice of the decision to be issued to the applicant and post a copy of the decision in the lobby of the County office.

e. When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority, Alberta Transportation, the Town of Coalhurst, the City of Lethbridge or any applicable provincial government department.

16. APPEAL PROCEDURE

a. Pursuant to Section 641(4)(a) of the Act, if a decision with respect to a development permit application is made by Council, there is no appeal to the Subdivision and Development Appeal Board.

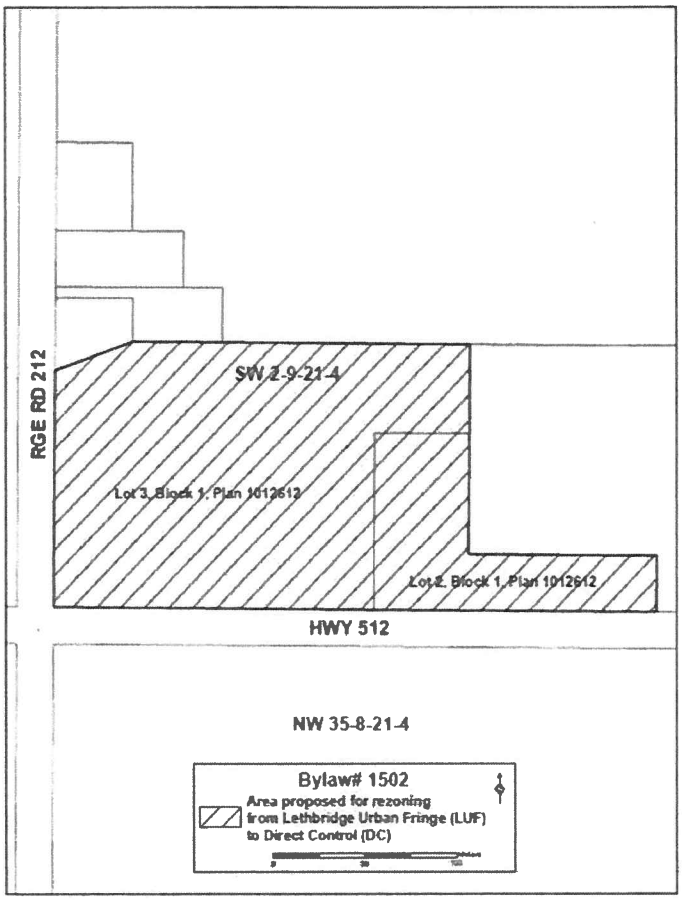
b. If the Development Officer has been delegated the authority to decide upon development permit application as the Development Authority, then the appeal to the Subdivision and Development Appeal Board is limited to whether the Development Officer followed the direction of Council.

LETHBRIDGE COUNTY
IN THE PROVINCE OF ALBERTA

BYLAW NO. 1502

Bylaw 1502 of Lethbridge County being a Bylaw for the purpose of amending Land Use Bylaw 1404, in accordance with Sections 230, 606 and 692 of the Municipal Government Act, R.S.A. 2000, Chapter M-26.

WHEREAS the purpose of Bylaw 1502 is to re-designate Plan 1012612 Block 1 Lots 2 and 3, containing approximately 8.84 acres, from Lethbridge Urban Fringe (L.U.F) to Direct Control (D.C.). (As shown in Schedule 'A').



AND WHEREAS the purpose of proposed Bylaw 11502 is to establish the uses and regulations for a Direct Control district pertaining to the aforementioned land and are as described in Schedule "B" attached hereto;

AND WHEREAS policies in the Municipal Development Plan Bylaw No 1331 refer to the Direct Control Designation being used by Council to regulate land use;

AND WHEREAS once an application has been submitted the municipality must prepare an amending bylaw and provide for its notification and consideration at a public hearing;

NOW THEREFORE, under the authority of the Municipal Government Act, R.S.A. 2000, C-26, as amended, the Council of Lethbridge County in the Province of Alberta duly assembled does hereby enact the following:

1. The uses and regulations for the Direct Control District shall be as described in Schedule "B" attached hereto and be applied to the lands described above and identified on the above map.

2. Bylaw No 1404 – The Land Use Bylaw of Lethbridge County is hereby amended.

3. The Bylaw shall come into effect upon third and final reading hereof.

GIVEN first reading this 18th day of May, 2017.

Reeve

Chief Administrative Officer

GIVEN second reading this 15th day of June, 2017.
(as amended)

Reeve

Chief Administrative Officer

GIVEN third reading this 15th day of June, 2017.

Reeve

Chief Administrative Officer

SCHEDULE B

DIRECT CONTROL

1. PURPOSE

   To provide a means whereby Council may regulate and control the use, development, or subdivision on a site specific basis the following lands:

   Lot 2 and 3 Block 1 Plan 1012612 in SW 2-9-21-W4

   For the specific purposes of securing long term viability for the Norland Estates Heritage Site by providing,

2. PERMITTED USES

   Accessory Buildings/Structures to the listed Permitted Uses
   Free Standing Signage
   Administration/Office Building
   Single Detached Residence with Events Ballroom
   Events Tent
   Events Centre

   DISCRETIONARY USES

   Accessory Buildings/Structures to the listed Discretionary Uses
   Food Prep Kitchen

3. DEFINITIONS

   Accessory buildings/structures mean a building or structure that is identical or subordinate to and customarily found in connection with a primary structure or use, located on the same lot as the principal building or use, but does not include a building or structure for human habitation.

   Office Administration Building means a building or office space on-site that can be used for the managerial, administrative purposes of the primary or principal business activities on the premises, and/or to provide an income stream to the property owner by renting entities such as professionals, medical/wellness, technical, and events support businesses, ie. – photography studio, wedding apparel shop, esthetics, salon, décor.

   Sign(s) means any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication intended to attract the attention of the public and visible to the contiguous public right-of-way and streets. Free Standing Signs are as outlined in the Land Use Bylaw No. 1404.

   Residence means residence to be used as B&B/Lodging, personal or caretaker residence, and support space for primary or principal business on the premises.

   Events Ballroom means the ballroom contiguous to and on the west side of the historic residence used for event for up to 151 people, depending on the activity/event.

   Events Center means a permanent building on the premises used for events of up to 300 people depending on the activity/event, including holding kitchen and washroom facility for up to 300 people (see attached site plan).

   Events Tent means a seasonal tent erected on the concrete pavers and used for meetings and/or celebrations for up to 300 people from May through September

   All other words or terms have the same meaning as what is specified in the Land Use Bylaw.

4. MINIMUM LOT SIZE

   The minimum lot size shall be 2.01 acres or .814 hectares. Direct Control applies to both lots:
   6.83 acres - Lot 3 Block 1 Plan 1012612
   2.01 acres - Lot 2 Block 1 1012612

5. MINIMUM YARD SETBACK REQUIREMENTS

   All setbacks will meet existing setback Bylaws except those associated with the new barn and existing buildings: stable, office building and storage room attached to garage.

   Side Yard (east of property)

- 25' or 7.62 meters

Side Yard (Range Road 212)
- 60' or 18.29 meters for non-permanent tent structure which is erected in May and removed in September
- 125' or 38.1 meters for permanent structures

Rear Yard (north of property)
- 20' or 6.096 meters

Front Yard (Highway 512)
- 120' or 36.576 meters from the centerline of HWY 512 to accommodate the events centre (see attached site plan).
- All other structures shall be 230 feet or 70 meters from the centerline of HWY 512.

Outdoor parking areas and fencing may be permitted to project into the required side and rear yard setbacks, with fencing allowed at or close to the property line.

6. UNASSIGNED

7. ACCESSORY BUILDINGS AND STRUCTURES

   a. Any new or additional accessory buildings or structures shall not be located in the required setback from a public road or an easement. At present, there is a pump house providing irrigation service entrance for St. Mary's Irrigation District in UROW Plan 101 2613.
   b. An accessory building or structure shall be setback a minimum 4.0 meters (13'-1.5") from the principal buildings and from all other structures on the same lot.
   c. An accessory building or structure shall only be constructed after or in conjunction with an approved principal use or building on the parcel.

8. GENERAL STANDARDS OF DEVELOPMENT

   At the discretion of Council or the Development Officer acting as the Development Authority having regard for the Land Use Bylaw.

9. SIGN REGULATIONS

   a. As per the Lethbridge County Land Use Bylaw.

10. OTHER STANDARDS

    a. All storm water shall be retained on site to predevelopment levels. At the subdivision or Development Permit stage, a Storm Water Management Plan by a certified professional engineer shall be submitted.
    b. All finished lot grading shall be constructed and maintained to the satisfaction of the County of Lethbridge and shall be in accordance with the Engineering Guidelines and Minimum Servicing Standards.
    c. Approaches and driveway access shall be maintained in the existing pre-approved condition.
    d. Parking for the parcel will be as per the submitted site plan.
    e. Any additional standards as required by Council or the Development Officer.

11. OTHER REQUIREMENTS

    a. Site, Layout, and Grading Plan – that shows the property dimensions, building locations, parking areas, and utility easements and servicing areas, including the septic field location, and dugouts/storm ponds.
    b. Landscaping Plan – that shows front yard landscaping and fencing (height and type) on the property, as well as an aerial photograph to help clarify the historic garden. The conceptual design of the historic garden shall be maintained.
    c. Refuse or solid waste shall be kept in a suitability sized container or enclosure, and the refuse containers shall be located in a rear yard only, as per the existing plan.
    d. Servicing – the developer shall be responsible for ensuring all required servicing is provided to the development, including potable water and private septic. City of Lethbridge potable water is presently on site through the South Sunnyside Water Users Association, and the existing septic treatment system is to the standards of the Provincial Department of Municipal Affairs.
        i. Parking and storage areas are prohibited from being located over any of the septic system, including the disposal field area.
    e. Development Agreement – As a condition of a subdivision or Development Permit approval, the applicant may be required to enter into a Development Agreement with the County of Lethbridge, in accordance with Sections 37 and 38 of the Land Use Bylaw.

12. SUBDIVISION

Council, acting in the capacity of the Subdivision Authority, shall make decisions on any future subdivision applications.

13. DELEGATION OF AUTHORITY

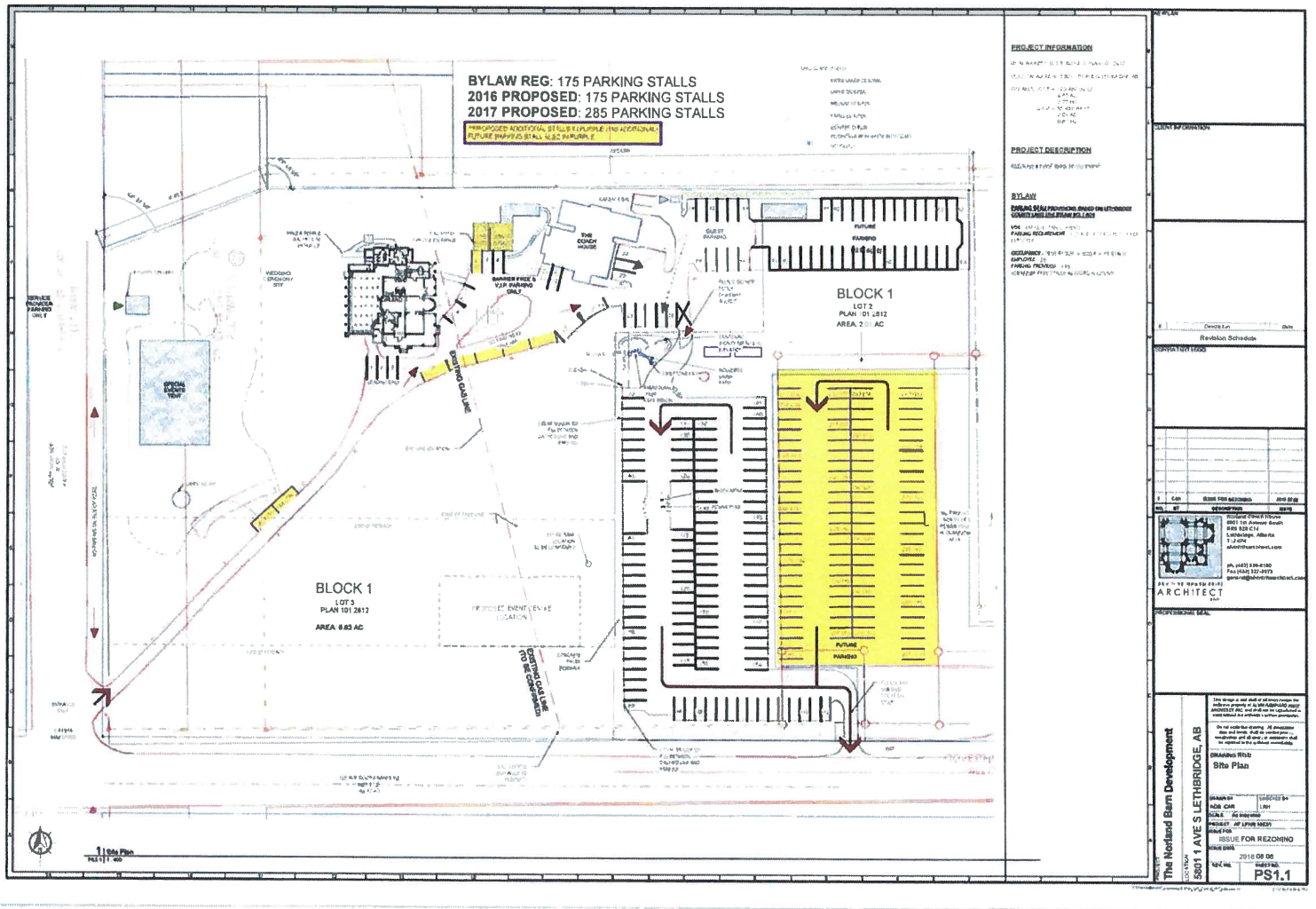
a. Council shall be the Development Authority to decide on Development Permit Applications for discretionary uses or application for waivers of development standards. Council may also decide on Development Permit Applications for permitted uses.
b. The Development Officer, in accordance with Section 9 of the Land Use Bylaw, and pursuant to Section 641 (3) of the Municipal Government Act, may, with the direction of Council, act as the Development Authority and receive and decide upon Development Permit Applications for permitted uses, provided they confirm to the standards of the Bylaw.

14. APPROVAL PROCEDURE

a. Where the Development Officer, as the Development Authority has been delegated, the Authority to decide upon Development Permit Applications, for permitted uses and has done so, then immediately upon issuance of the Development Permit, the Development Officer shall cause a notice to be published in a newspaper circulating in the area stating the location of the property for which the Application has been made and the Use approved.
b. Before consideration of a Permit Application for Developing requiring waivers on the subject property, Council shall:
    i. Cause a notice to be issued by the designated officer to any person likely to be affected.
    ii. Ensure that the notice contains the date and time that Council will hear the Application for Discretionary Uses or Application for waivers of development standards.
    iii. Hear any persons that claims to be affected by the decision on the Application.
c. Council may then approve the Development Application with or without conditions or refuse the Application with reasons.
d. Where Council has made the decision on a Development Permit Application, the Development Officer acting on behalf of Council, shall cause a notice of the decision to be issued to the applicant and post a copy of the decision in the lobby of the County Office.
e. When applicable, Council should seek comments from other agencies such as the Planning Advisor, Regional Health Authority, Alberta Transportation, or any applicable Provincial Government department.

15. APPEAL PROCEDURE

a. Pursuant to Section 641(4)(a) of the Municipal Government Act, if a decision with respect to a Development Permit Application is made by Council, there is no appeal to the Subdivision and Development Appeal Board.
b. If the Development Officer has been delegated, the Authority to decide upon Development Permit Applications as the Development Authority, then the appeal to the Subdivision Appeal Board is limited to whether the Development Officer followed the directions of Council.


BYLAW REG: 175 PARKING STALLS
2016 PROPOSED: 175 PARKING STALLS
2017 PROPOSED: 285 PARKING STALLS
PROPOSED ADDITIONAL STALLS (FUTURE) AND ACCESSIBLE FUTURE PARKING STALL (LOCATION)
BLOCK 1
LOT 2
PLAN 101 2812
AREA 2.01 AC
BLOCK 1
LOT 3
PLAN 101 2812
AREA 6.83 AC
EXISTING GAS LINE
EXISTING GAS LINE TO BE CONSIDERED
PROPOSED EVENT TENT LOCATION
FUTURE PARKING
THE COACH HOUSE
WEDDING CEREMONY SITE
BARRIER FREE & V.I.P. PARKING ONLY
OFFICIAL EVENTS TENT
PROJECT INFORMATION
PROJECT DESCRIPTION
BYLAW
Revision Schedule
ISSUE FOR REZONING
2016 08 05
ARCHITECT
The Norland Barn Development
5801 1 AVE S LETHBRIDGE, AB
Site Plan
PS1.1

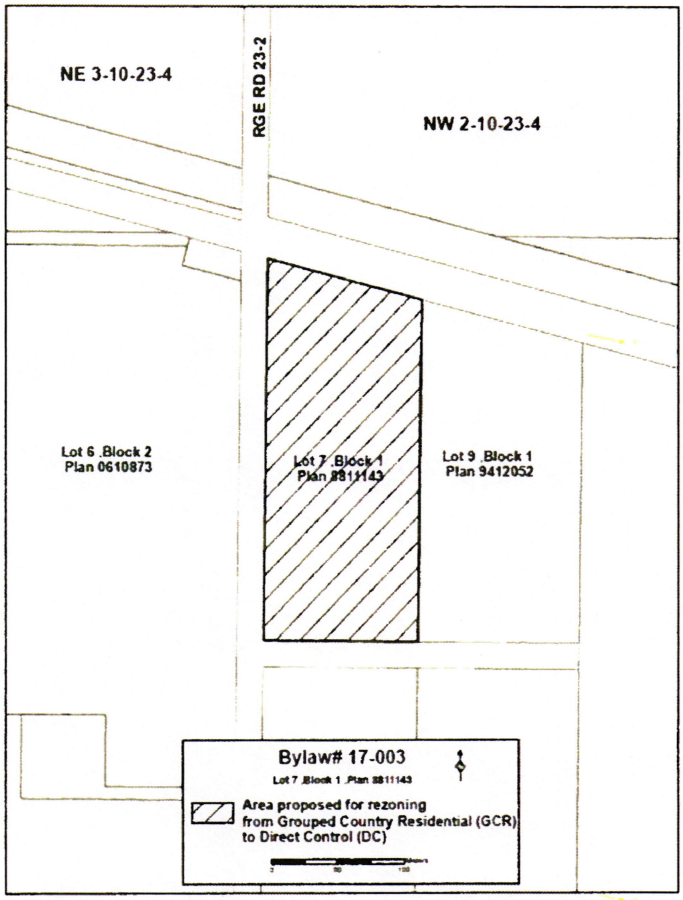
LETHBRIDGE COUNTY
IN THE PROVINCE OF ALBERTA

BYLAW NO. 17-003

Bylaw 17-003 of Lethbridge County being a Bylaw for the purpose of amending Land Use Bylaw 1404, in accordance with Sections 230, 606 and 692 of the Municipal Government Act, R.S.A. 2000, Chapter M-26.

WHEREAS the purpose of Bylaw 17-003 is to re-designate Plan 8811143 Block 1 Lot 7, containing approximately 3.17 hectares (7.8 acres), from Grouped Country Residential (G.C.R.) to Direct Control (D.C.);

(As shown in Schedule 'A')



AND WHEREAS the purpose of proposed Bylaw 17-003 is to establish the uses and regulations for a Direct Control district pertaining to the aforementioned land and are as described in Schedule "B" attached hereto;

AND WHEREAS policies in the Municipal Development Plan Bylaw No 1331 refer to the Direct Control Designation being used by Council to regulate land use;

AND WHEREAS once an application has been submitted the municipality must prepare an amending bylaw and provide for its notification and consideration at a public hearing;

NOW THEREFORE, under the authority of the Municipal Government Act, R.S.A. 2000, C-26, as amended, the Council of Lethbridge County in the Province of Alberta duly assembled does hereby enact the following:

1. The uses and regulations for the Direct Control District shall be as described in Schedule "B" attached hereto and be applied to the lands described above and identified on the above map.

2. Bylaw No 1404 – The Land Use Bylaw of Lethbridge County is hereby amended.

3. The Bylaw shall come into effect upon third and final reading hereof.

GIVEN first reading this 17th day of August 2017.

Reeve

Chief Administrative Officer

GIVEN second reading this 21st day of September, 2017.
As Amended

Reeve

Acting Chief Administrative Officer

GIVEN third reading this 21st day of September, 2017.

Reeve

Acting Chief Administrative Officer

Notes:

First reading (date)	Aug 17/17
Public Hearing (date)	Sept. 21/17
Second Reading (date)	Sept 21/17
Third Reading (date)	Sept 21/17

Bylaw 17-003
Schedule "B"

1. **Purpose**

   To provide a means whereby Council may regulate and control the use and development on a site specific basis for the following lands:

   Plan 8811143 Block 1 Lot 7 within SW 3-10-23-W4 consisting of 3.17 hectares (7.84 acres)
   For the specific purposes of allowing further additions or accessory uses to the existing institutional operations of Calvin Christian School located on Plan 0610872 Block 2 Lot 6 in SW 3-10-23-W4

2. **Uses**

   Discretionary Uses – Type A
   - Accessory Buildings/Structures to an approved permitted use
   - Dwelling:
     - Single-detached Site Built
     - Single-detached Manufactured Home 1
     - Single-detached Ready-to-Move
   - Home Occupation 1
   - Outdoor Storage related to the principle institutional/Education Use
   - Vehicle Parking
   - Playfields/Playgrounds

   Discretionary Uses – Type B
   - Accessory Buildings/Structures to an approved discretionary use
   - Institutional / Educational Buildings
   - Office Administration

3. **Definitions**

   "Accessory Buildings/ Structure" means a building or structure that is incidental or subordinate to and customarily found in connection with a primary structure use, located on the same lot as the principle building or use but does not include a building or structure for human habitation

   "Institutional/Educational Building" means a building for housing a school or school related activities

   "Outdoor Storage" means the open storage of goods, merchandize, materials or equipment outside a building
   "Vehicle Parking" means an outside area designated or reserved on a parcel or lot for the explicit purpose of parking and storing vehicles associated with an approved institutional type land use on the same or associated parcel of lands

   "Office Administration Building" means a building or office space on-site for the coordination of all business activities on the premises and acts to serve the professional, managerial or administrative needs of Calvin Christian School

4. **Minimum Lot Size**

   The minimum lot size shall be 3.17 hectares (7.84 acres)

5. **Minimum Setback Requirements**
   - Side and Rear Yard Setbacks – 6.1 metres (20 feet)
   - Setback to Range Road 23-2 – 22.9 metres (75 feet)
   - Setback to Township Road 10-0A (Westview Road) – 38.1 metres (125 feet)
   - Outdoor parking areas and fencing may be permitted to project into the required side and rear yard setback, with fencing allowed on the side and rear property lines
   - Fencing along the road sides shall conform to Part 3 of the Lethbridge County Land Use Bylaw

6. **Maximum Site Coverage**
The Maximum site coverage for all principal and accessory buildings combined is 40 percent.

7. **Accessory Buildings and Structures**
   a) Accessory buildings or structures shall not be located within a required setback as identified in section 5 or on an easement
   b) An accessory building or structure shall only be constructed after or in conjunction with an approved principal use or building on the parcel.

8. **General Standards of Development**
At the discretion of Council or the Development Officer acting as the Development Authority having regarding for Part 3 of the Lethbridge County Land Use Bylaw

9. **Sign Regulations**
All signage shall conform to Part 5 of the Lethbridge County Land Use Bylaw.

10. **Other Standards**
   a) All finished lot grading shall be constructed and maintained to the satisfaction of Lethbridge County and shall be in accordance with the Engineering Guidelines and Minimum Servicing Standards.
   b) Approaches and driveway access shall be in accordance with the Engineering Guidelines and Minimum Servicing Standards or as otherwise stipulated by Council.
   c) Any additional Standards as required by Council or the Development Officer acting as the Development Authority.

11. **Other Requirements**
   a) Site, Layout, and Grading Plan – that shows the property dimensions, building locations, student parking area, outdoor storage areas, employee parking areas, and utility easements and servicing areas, including the septic field location and any dugouts or storm ponds.
   b) Landscaping Plan – that shows landscaping and fencing (height and type) on the property.
   c) Refuse or garbage shall be kept in a suitably sized container or enclosure, effectively screened and the refuse containers shall be located in a rear yard only.
   d) Servicing – the developer shall be responsible for ensuring all required servicing is provided to the development, including potable water and private septic. If an on-site private septic treatment system is used to handle sewage disposal, then the system and field must be installed by a certified installer licensed with the provincial department of Municipal Affairs.
      i. Parking and storage or prohibited from being located over any of the septic system including the disposal field area.

12. **Subdivision**
   a) No additional subdivision of lands contained within this bylaw shall be permitted.
   b) Council, acting in the capacity of the Subdivision Authority, shall make decisions on subdivision applications.

13. **Delegation of Authority**
   a) The Development Officer, in accordance with Part 1 Section 35 of the Land Use Bylaw under the direction of County Council, shall act as the Development Authority and receive and decide upon development permit applications for Discretionary Uses – Type A provided they conform to the standards of this Bylaw.
   b) Council shall be the Development Authority to decide on development permit applications for Discretionary Uses – Type B or applications for wavier of development standards.

14. Approval Procedure

a) Where the Development Officer, as the Development Authority, has been delegated the authority to decide upon development permit applications for Discretionary Uses – Type A and has done so, then immediately upon issuance of the development permit the Development Officer shall cause a notice to be published in a newspaper circulating in the area stating the location of the property for which the application has been made and the use approved.

b) Before consideration of a permit application for a discretionary use or a development requiring waivers on the subject property, Council shall:

   i. Cause a notice to be issued by the designated officer to any person likely to be effective.

   ii. Ensure that the notice contains the date and time that Council will hear the application for discretionary uses or application for waivers of development standards.

   iii. Here any persons that claims to be affected by the decision on the application.

c) Council may then approve the development application with or without conditions or refuse the application with reasons.

d) Where county has made the decision on a development permit application, the Development Officer acting on behalf of Council, shall cause a notice of the decision to be issued to the applicant and post a copy of the decision in the lobby of the County Office and on the County's website.

e) When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority, Alberta Transportation or any applicable provincial government department.

15. Appeal Procedure

a) Pursuant to Section 641(4)(a) of the *Municipal Government Act*, if a decision with respect to a development permit is made by Council, there is no right to appeal to the Subdivision and Development Appeal Board.

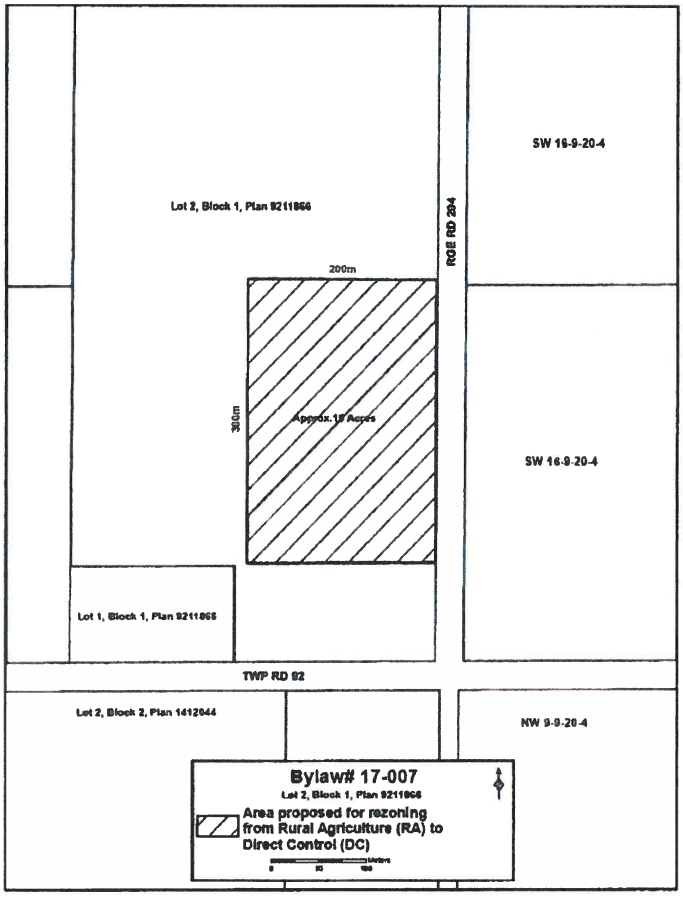
b) If the development Officer has been delegated the authority to decide upon development permit applications as the Development Authority, then an appeal to the Subdivision and Development Appeal Board is limited to whether the Development Officer followed the directions of Council.

LETHBRIDGE COUNTY
IN THE PROVINCE OF ALBERTA

BYLAW NO. 17-007

Bylaw 17-007 of Lethbridge County being a Bylaw for the purpose of amending Land Use Bylaw 1404, in accordance with Sections 230, 606 and 692 of the Municipal Government Act, R.S.A. 2000, Chapter M-26.

WHEREAS the purpose of Bylaw 17-007 is to re-designate a portion of Plan 9211866 Block 1 Lot 2 in the SE 17-9-20-W4 from Rural Agriculture (R.A.) to Direct Control (D.C.) containing approximately 15 acres, (as shown on the attached sketch):



AND WHEREAS the applicant is requesting a re-designation of the lands in order to bring the use of the lands into conformance with the Land Use Bylaw and to continue to operate the existing business on the subject lands;

AND WHEREAS both the County and applicant agree that the preferred land use classification for the subject property is Direct Control (D.C.);

AND WHEREAS once an application has been submitted the municipality must prepare an amending bylaw and provide for its notification and consideration at a public hearing;

NOW THEREFORE, under the authority of the Municipal Government Act, R.S.A. 2000, C-26, as amended, the Council of Lethbridge County in the Province of Alberta duly assembled does hereby enact the following, with the bylaw only coming into effect upon three successful reading thereof;

GIVEN first reading this 23rd day of October 2017.

Reeve

Chief Administrative Officer

GIVEN second reading this 20th day of November, 2017.

Reeve

Chief Administrative Officer

GIVEN third reading this 20th day of November, 2017.

Reeve

Chief Administrative Officer

Notes:

First reading (date)	October 23, 2017
Public Hearing (date)	November 20/17
Second Reading (date)	November 20/17
Third Reading (date)	November 20/17

Bylaw 17-007

Schedule "B"

1. Purpose

To provide a means whereby Council may regulate and control the use and development on a site specific basis for the following lands:

A portion of Plan 9211866 Block 1 Lot 2 in SE 17-9-20-W4 consisting of 6 hectares (14.83 acres) as shown below.

For the specific purposes of allowing an excavating company to operate on said lands.

Uses

Discretionary Uses – Type A

- Accessory Buildings/Structures to an approved discretionary use (Type A)
- Equipment Repair and Service related to the excavating business
- Excavation Services
- Extensive Agriculture and Grazing
- Outdoor Storage
- Stockpiles
- Signs

Discretionary Uses – Type B

- Accessory Buildings/Structures to an approved discretionary use (Type B)
- Office Administration Building
- Warehousing and Storage

2. Definitions

"Accessory Buildings/ Structure" means a building or structure that is incidental or subordinate to and customarily found in connection with a primary structure use, located on the same lot as the principle building or use but does not include a building or structure for human habitation.

"Equipment Repair and Service Shop" means the use of land or buildings for service of equipment and / or vehicles used in the operation, construction or maintenance of an excavation business. Cleaning and repairing may be allowed as part of the principle use.

"Excavation Services" means the use of land or buildings for a business engaged in activities associated with excavation and excavation type services, including but not limited to, the clearing and removal of earth or soil from its natural position and includes a cavity or hole formed by or as if by cutting, digging, tunnelling or scooping the earth, typically to accommodate development, but excludes breaking up the earth, tilling or ploughing for agricultural purposes.

"Extensive Agriculture" means the production of crops and/or livestock by the extensive cultivation or open grazing.

"Outdoor Storage" means the open storage of goods, merchandize, materials or equipment outside a building.

"Office Administration Building" means a building or office space on-site for the coordination of all business activities on the premises and acts to serve the professional, managerial, or administrative needs of the primary or principle business on the parcel.

"Sign(s)" means any device (including but not limited to letters, words, numerals, figures, emblems, picture, or any part of combination) used for visual communication intended to attract the attention of the public and visible from the public right-of-way or other properties.

"Warehousing and Indoor Storage" means the use or portion thereof for the storage and distribution of materials, products, goods and merchandise but does not include a retail component.

All other words or terms have the same meaning as what is specified in the Land Use Bylaw

3. Minimum Lot Size

The minimum lot size shall be 6 hectares (15 acres).

4. Minimum Setback Requirements

- Side and Rear Yard Setbacks – 6.1 metres (20 feet)
- Setback to County Road – 38.1 metres (125 feet)

5. Maximum Site Coverage

The Maximum site coverage for all principal and accessory buildings is at the discretion of the Development Authority.

6. Accessory Buildings and Structures

a) Accessory buildings or structures shall not be located within a required setback as identified in section 4 or on an easement
b) An accessory building or structure shall only be constructed after or in conjunction with an approved principal use or building on the parcel.

7. General Standards of Development

At the discretion of Council or the Development Officer acting as the Development Authority having regarding for Part 3 of the Lethbridge County Land Use Bylaw

8. Sign Regulations

All signage shall conform to Part 5 of the Lethbridge County Land Use Bylaw.

9. Other Standards

a) All finished lot grading shall be constructed and maintained to the satisfaction of Lethbridge County and shall be in accordance with the Engineering Guidelines and Minimum Servicing Standards.
b) Approaches and driveway access shall be in accordance with the Engineering Guidelines and Minimum Servicing Standards or as otherwise stipulated by Council.
c) Outdoor storage, parking and screening – as required to the satisfaction of the Development Authority.
d) Any additional Standards as required by Council or the Development Officer acting as the Development Authority.

10. Other Requirements

a) Site, Layout, and Grading Plan – that shows the property dimensions, building locations, student parking area, outdoor storage areas, employee parking areas, and utility easements and servicing areas, including the septic field location and any dugouts or storm ponds.
b) Refuse or garbage shall be kept in a suitably sized container or enclosure, effectively screened and the refuse containers shall be located in a rear yard only.
c) Servicing – the developer shall be responsible for ensuring all required servicing is provided to the development, including potable water and private septic. If an on-site private septic treatment system is used to handle sewage disposal, then the system and field must be installed by a certified installer licensed with the provincial department of Municipal Affairs.
    i. Parking and storage or prohibited from being located over any of the septic system including the disposal field area.
d) Roads – the developer shall enter into a road use agreement or other agreement with the County to address the use and condition of the road.
e) Development Agreement – the developer shall enter into a development agreement to satisfy any requirements or standards as stipulated by the County.

11. Subdivision

a) No additional subdivision of lands contained within this bylaw shall be permitted.
b) Council, acting in the capacity of the Subdivision Authority, shall make decisions on subdivision applications.

12. Delegation of Authority

a) The Development Officer, in accordance with Part 1 Section 35 of the Land Use Bylaw under the direction of County Council, shall act as the Development Authority and receive and

decide upon development permit applications for Discretionary Uses – Type A provided they conform to the standards of this Bylaw.

b) Council shall be the Development Authority to decide on development permit applications for Discretionary Uses – Type B or applications for wavier of development standards.

13. Approval Procedure

a) Where the Development Officer, as the Development Authority, has been delegated the authority to decide upon development permit applications for Discretionary Uses – Type A and has done so, then immediately upon issuance of the development permit the Development Officer shall cause a notice to be published in a newspaper circulating in the area stating the location of the property for which the application has been made and the use approved.

b) Before consideration of a permit application for a Discretionary Use – Type B or applications for development requiring waivers on the subject property, Council shall:
    i. Cause a notice to be issued by the designated officer to any person likely to be effective.
    ii. Ensure that the notice contains the date and time that Council will hear the application for discretionary uses or application for waivers of development standards.
    iii. Here any persons that claims to be affected by the decision on the application.

c) Council may then approve the development application with or without conditions or refuse the application with reasons.

d) Where Council has made the decision on a development permit application, the Development Officer acting on behalf of Council, shall cause a notice of the decision to be issued to the applicant and post a copy of the decision in the lobby of the County Office and on the County's website.

e) When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority, Alberta Transportation or any applicable provincial government department.

14. Appeal Procedure

a) Pursuant to Section 641(4)(a) of the *Municipal Government Act*, if a decision with respect to a development permit is made by Council, there is no right to appeal to the Subdivision and Development Appeal Board.

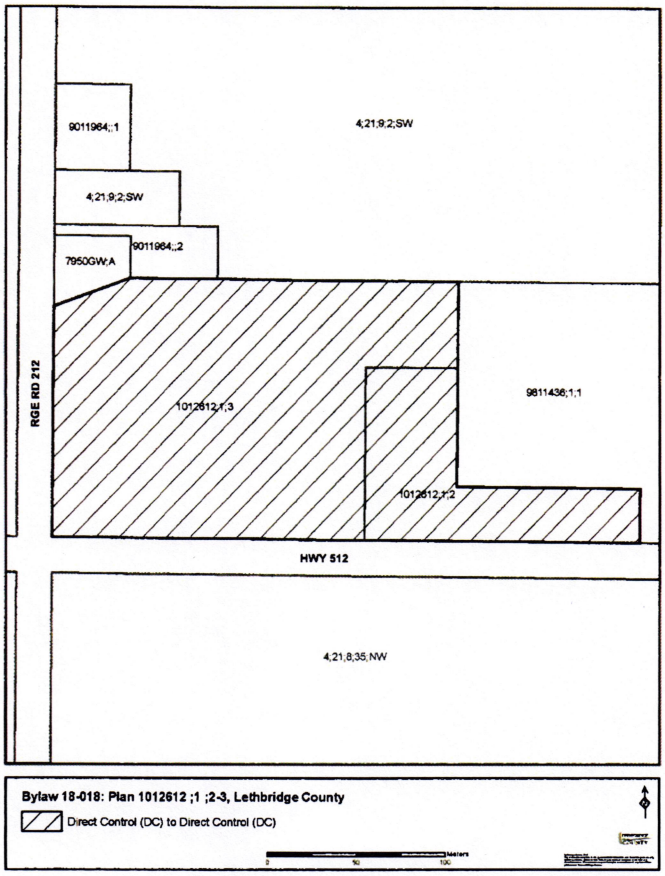
b) If the development Officer has been delegated the authority to decide upon development permit applications as the Development Authority, then an appeal to the Subdivision and Development Appeal Board is limited to whether the Development Officer followed the directions of Council.

LETHBRIDGE COUNTY
IN THE PROVINCE OF ALBERTA

BY-LAW NO. 18-018

Bylaw 18-018 of Lethbridge County being a By-law for the purpose of amending Land Use By-law 1404, in accordance with Sections 230, 606 and 692 of the Municipal Government Act, R.S.A. 2000, Chapter M-26.

WHEREAS the purpose of Bylaw 18-018 is to re-designate Plan 1012612, Block 1, Lots 2 and 3, containing approximately 8.84 acres, from Direct Control (D.C.) to Direct Control (D.C.);



AND WHEREAS the purpose of proposed Bylaw 18-018 is to establish the uses and regulations for a Direct Control district pertaining to the aforementioned land and are as described in Schedule "B" attached hereto;

AND WHEREAS policies in the Municipal Development Plan Bylaw No 1331 refer to the Direct Control Designation being used by Council to regulate land use;

AND WHEREAS once an application has been submitted the municipality must prepare an amending bylaw and provide for its notification and consideration at a public hearing;

NOW THEREFORE, under the authority of the Municipal Government Act, R.S.A. 2000, C-26, as amended, the Council of Lethbridge County in the Province of Alberta duly assembled does hereby enact the following:

1. The uses and regulations for the Direct Control District shall be as described in Schedule "B" attached hereto and be applied to the lands described above and identified on the above map.

2. Bylaw No 1404 – The Land Use Bylaw of Lethbridge County is hereby amended.

3. Bylaw 1502, the former Direct Control Bylaw, is hereby repealed.

4. The Bylaw shall come into effect upon third and final reading hereof.

GIVEN first reading this 2nd day of August, 2018.

Reeve

Chief Administrative Officer

GIVEN second reading this 6th day of September, 2018

Reeve

Chief Administrative Officer

GIVEN third reading this 6th day of September, 2018.

Reeve

Chief Administrative Officer

1st Reading	Aug 2, 2018
2nd Reading	Sept 6, 2018
3rd Reading	Sept 6, 2018

Public Hearing - Sept 6/2018

SCHEDULE B

DIRECT CONTROL

1. PURPOSE

To provide a means whereby Council may regulate and control the use, development, or subdivision on a site specific basis the following lands:

Lot 2 and 3 Block 1 Plan 1012612 in SW 2-9-21-W4

For the specific purposes of securing long term viability for the Norland Estates Heritage Site by providing,

2. PERMITTED USES

Accessory Buildings/Structures to the listed Permitted Uses
Administration/Office Building
Events Tent (to be removed no later than September 2019)
Single Detached Residence with Events Ballroom
Free Standing Signage

DISCRETIONARY USES

Accessory Buildings/Structures to the listed Discretionary Uses
Food Prep Kitchen

3. DEFINITIONS

Accessory buildings/structures mean a building or structure that is identical or subordinate to and customarily found in connection with a primary structure or use, located on the same lot as the principal building or use, but does not include a building or structure for human habitation.

Office Administration Building means a building or office space on-site that can be used for the managerial, administrative purposes of the primary or principal business activities on the premises, and/or to provide an income stream to the property owner by renting entities such as professionals, medical/wellness, technical, and events support businesses, ie. – photography studio, wedding apparel shop, esthetics, salon, décor.

Sign(s) means any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication intended to attract the attention of the public and visible to the contiguous public right-of-way and streets. Free Standing Signs are as outlined in the Land Use Bylaw No. 1404.

Residence means residence to be used as B&B/Lodging, personal or caretaker residence, and support space for primary or principal business on the premises.

Events Ballroom means the ballroom contiguous to and on the west side of the historic residence used for event for up to 300 people, depending on the activity/event.

Events Tent means a seasonal tent erected within the property boundaries. Existing seasonal tent will be permanently removed no later than the end of September 2019. Until such time as the seasonal tent is permanently removed, the use of the seasonal tent and events ballroom will be limited to one event and not exceeding the allowable occupant load of 300 people based on current plumbing fixtures and parking counts.

All other words or terms have the same meaning as what is specified in the Land Use Bylaw.

4. MINIMUM LOT SIZE

The minimum lot size shall be 2.01 acres or .814 hectares. Direct Control applies to both lots:
6.83 acres - Lot 3 Block 1 Plan 1012612
2.01 acres - Lot 2 Block 1 1012612

5. MINIMUM YARD SETBACK REQUIREMENTS

Side Yard (east of property)
- 25' or 7.62 meters

Side Yard (Range Road 212)
- 125' or 38.1 meters for permanent structures

Rear Yard (north of property)
- 20' or 6.096 meters

Front Yard (Highway 512)
2 230' or 70 meters from the centerline of HWY 512
Outdoor parking areas and fencing may be permitted to project into the required side and rear yard setbacks, with fencing allowed at or close to the property line.

6. ACCESSORY BUILDINGS AND STRUCTURES

a. Any new or additional accessory buildings or structures shall not be located in the required setback from a public road or an easement. At present, there is a pump house providing irrigation service entrance for St. Mary's Irrigation District in UROW Plan 101 2613.
b. An accessory building or structure shall be setback a minimum 4.0 meters (13'-1.5") from the principal buildings and from all other structures on the same lot.
c. An accessory building or structure shall only be constructed after or in conjunction with an approved principal use or building on the parcel.

7. GENERAL STANDARDS OF DEVELOPMENT

At the discretion of Council or the Development Officer acting as the Development Authority having regard for the Land Use Bylaw.

8. SIGN REGULATIONS

a. As per the Lethbridge County Land Use Bylaw.

9. OTHER STANDARDS

a. All storm water shall be retained on site to predevelopment levels. At the subdivision or Development Permit stage, a Storm Water Management Plan by a certified professional engineer shall be submitted.
b. All finished lot grading shall be constructed and maintained to the satisfaction of the County of Lethbridge and shall be in accordance with the Engineering Guidelines and Minimum Servicing Standards.
c. Approaches and driveway access shall be maintained in the existing pre-approved condition.
d. Parking for the parcel will be as per the submitted site plan.
e. Any additional standards as required by Council or the Development Officer.

10. OTHER REQUIREMENTS

a. Site, Layout, and Grading Plan – that shows the property dimensions, building locations, parking areas, and utility easements and servicing areas, including the septic field location, and dugouts/storm ponds.
b. Landscaping Plan – that shows front yard landscaping and fencing (height and type) on the property, as well as an aerial photograph to help clarify the historic garden. The conceptual design of the historic garden shall be maintained.
c. Refuse or solid waste shall be kept in a suitability sized container or enclosure, and the refuse containers shall be located in a rear yard only, as per the existing plan.
d. Servicing – the developer shall be responsible for ensuring all required servicing is provided to the development, including potable water and private septic. City of Lethbridge potable water is presently on site through the South Sunnyside Water Users Association, and the existing septic treatment system is to the standards of the Provincial Department of Municipal Affairs.
    i. Parking and storage areas are prohibited from being located over any of the septic system, including the disposal field area.
e. Development Agreement – As a condition of a subdivision or Development Permit approval, the applicant may be required to enter into a Development Agreement with the County of Lethbridge, in accordance with Sections 37 and 38 of the Land Use Bylaw.

11. SUBDIVISION

Council, acting in the capacity of the Subdivision Authority, shall make decisions on any future subdivision applications.

12. DELEGATION OF AUTHORITY

a. Council shall be the Development Authority to decide on Development Permit Applications for discretionary uses or application for waivers of development standards. Council may also decide on Development Permit Applications for permitted uses.
b. The Development Officer, in accordance with Section 9 of the Land Use Bylaw, and pursuant to Section 641 (3) of the Municipal Government Act, may, with the direction of Council, act as the Development Authority and receive and decide upon Development Permit Applications for permitted uses, provided they confirm to the standards of the Bylaw.

13. APPROVAL PROCEDURE

a. Where the Development Officer, as the Development Authority has been delegated, the Authority to decide upon Development Permit Applications, for permitted uses and has done so, then immediately upon issuance of the Development Permit, the Development Officer shall cause a notice to be published in a newspaper circulating in the area stating the location of the property for which the Application has been made and the Use approved.
b. Before consideration of a Permit Application for Developing requiring waivers on the subject property, Council shall:
    i. Cause a notice to be issued by the designated officer to any person likely to be affected.

ii. Ensure that the notice contains the date and time that Council will hear the Application for Discretionary Uses or Application for waivers of development standards.
iii. Hear any persons that claims to be affected by the decision on the Application.

c. Council may then approve the Development Application with or without conditions or refuse the Application with reasons.
d. Where Council has made the decision on a Development Permit Application, the Development Officer acting on behalf of Council, shall cause a notice of the decision to be issued to the applicant and post a copy of the decision in the lobby of the County Office.
e. When applicable, Council should seek comments from other agencies such as the Planning Advisor, Regional Health Authority, Alberta Transportation, or any applicable Provincial Government department.

14. APPEAL PROCEDURE

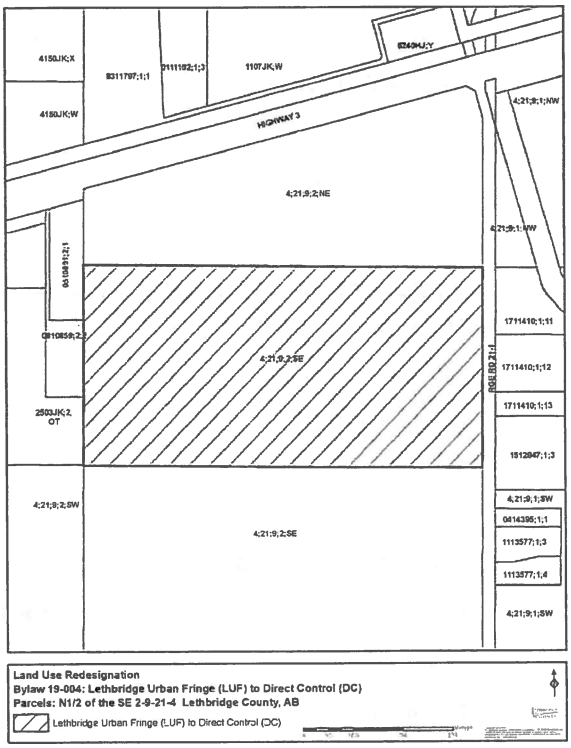
a. Pursuant to Section 641(4)(a) of the Municipal Government Act, if a decision with respect to a Development Permit Application is made by Council, there is no appeal to the Subdivision and Development Appeal Board.
b. If the Development Officer has been delegated, the Authority to decide upon Development Permit Applications as the Development Authority, then the appeal to the Subdivision Appeal Board is limited to whether the Development Officer followed the directions of Council.

LETHBRIDGE COUNTY
IN THE PROVINCE OF ALBERTA

BYLAW NO. 19-004

Bylaw 19-004 of Lethbridge County being a Bylaw for the purpose of amending Land Use Bylaw 1404, in accordance with Sections 230, 606 and 692 of the Municipal Government Act, R.S.A. 2000, Chapter M-26.

WHEREAS the purpose of Bylaw 19-004 is to re-designate the north half of SE 2-9-21-W4, containing approximately 80 acres, from Lethbridge Urban Fringe to Direct Control (D.C.);



AND WHEREAS the proposed Bylaw 19-004 is to establish the uses and regulations for a Direct Control district pertaining to the aforementioned land and are as described in Schedule "A" attached hereto;

AND WHEREAS policies in the Municipal Development Plan Bylaw No. 1331 refer to the Direct Control Designation being used by Council to regulate land use;

AND WHEREAS once an application has been submitted the municipality must prepare an amending bylaw and provide for its notification and consideration at a public hearing;

NOW THEREFORE, under the authority of the Municipal Government Act, R.S.A. 2000, C-26, as amended, the Council of Lethbridge County in the Province of Alberta duly assembled does hereby enact the following:

1. The uses and regulations for the Direct Control District shall be as described in Schedule "A" attached hereto and be applied to the lands described above and identified on the above map.

2. Bylaw No 1404 – The Land Use Bylaw of Lethbridge County is hereby amended.

1. PURPOSE

To provide a means whereby Council may regulate and control the use, development, or subdivision on a site specific basis the following lands:

North Half of SE ¼ SEC 2-9-21-4, County of Lethbridge Alberta.

For the specific purposes of allowing further additions to the site of the Netherlands Reformed Congregation existing church.

2. PERMITTED USES

Accessory Buildings/Structures to an Approved Permitted Use

Extensive Agriculture and Grazing

Day Care Centre

Dwelling, Single Detached Site Built

Outdoor Storage

Playfields/Playground

Private Nursing Home

Public/Institutional

Seniors Housing

Signs Type 1 and 2

Vehicle parking

DISCRETIONARY USES

Accessory Buildings/Structures to an Approved Discretionary Use

Cemetery

3. DEFINITIONS

Accessory buildings / structures means a building or structure that is incidental or subordinate to and customarily found in connection with a primary structure or use, located on the same lot as the principal building or use, but does not include a building or structure used for human habitation.

Day Care Centre means a building or portion thereof used for the provision of care, maintenance, and supervision of seven or more children, by persons unrelated to the children by blood or marriage, for periods not exceeding 24 consecutive hours and includes all day-care centres, nurseries, after-school, or baby-sitting programs which meet the conditions of this definition or are required to be licensed by the provincial government.

Dwelling means a self□contained premises or building designed for human habitation which includes provisions for cooking, sleeping and sanitary facilities, and is or has been constructed in compliance with all provincial building codes

Private Nursing Home means a private health facility or institutional-type residential building with multiple accommodation or dwelling units for care, supervision, or rehabilitation of senior-aged or disabled individuals, and containing overnight or long-term accommodation.

Public/Institutional means public or quasi-public uses, areas, or facilities such as, but not limited to: churches, schools, community halls, weigh scales, government agricultural research station, public utility facilities and structures, designated federal, provincial or municipal parks, recreation and camping areas.

Seniors Housing means development, including lodges, which is used as a residence for elderly individuals not requiring constant or intensive care and complies with the *Alberta Housing Act,* as amended and is sponsored and administered by any public agency or any non-profit organization, either of which obtains its financial assistance from Federal, Provincial, or Municipal Governments or agencies or public subscriptions or donation of any combinations thereof. Senior accommodation may include lounges, dining, health care, and recreation facilities.

Outdoor Storage means the open storage of goods, merchandise, materials or equipment outside a building.

Vehicle parking means an outside area designated or reserved on a parcel or lot for the explicit purpose of parking and storing vehicles associated with an approved institutional type land use on the same or associated parcel of land. This does not include RV parking.

All other words or terms have the same meaning as what is specified in the Land Use Bylaw.

4. MINIMUM LOT SIZE

The minimum lot size shall be 79.64 acres

5. MINIMUM YARD SETBACK REQUIREMENTS

Rear and Side Yard 15.2 metres (50 feet)

Outdoor parking areas and fencing may be permitted to project into the required side and rear yard setbacks, with fencing allowed at the property line.

6. MINIMUM SETBACK FROM ROADWAY

No part of a building, structure or development shall be located within 38.1 metres (125 feet) of the centre line of the public roadway RR 21-1

7. MAXIMUM SITE COVERAGE

The maximum site coverage for all principal and accessory buildings combined is 50 percent.

8. ACCESSORY BUILDINGS AND STRUCTURES

a) An accessory buildings or structures shall not be located in the required setback from a public road or an easement.

b) An accessory building or structure shall only be constructed after or in conjunction with an approved principle use or building on the parcel.

9. GENERAL STANDARDS OF DEVELOPMENT

At the discretion of Council or the Development Officer acting as the Development Authority having regard for Part 3 of the Land Use Bylaw.

10. SIGN REGULATIONS

As per Part 5 of the Land Use Bylaw.

11. OTHER STANDARDS

a) All finished lot grading shall be constructed and maintained to the satisfaction of the Lethbridge County and shall be in accordance with the Engineering Guidelines and Minimum Servicing Standards.

b) Approaches and driveway access shall be in accordance with the County of Lethbridge Engineering Guidelines and Minimum Servicing Standards or as otherwise stipulated by Council.

c) All storm water shall be retained on site to predevelopment levels. At the subdivision or Development Permit stage, a Storm Water Management Plan by a certified professional engineer may be required.

d) Any additional standards as required by Council or the Development Officer.

12. OTHER REQUIREMENTS

a) Site Plan and Layout — that shows the property dimensions, building locations, parking area, outdoor storage areas, employee parking areas, and utility easements and servicing areas, including the septic field location and any dugouts or storm ponds

b) Grading Plan – shall be completed to the satisfaction of the Director of Municipal Services.

c) Landscaping Plan — that shows landscaping and fencing (height and type) on the property. Fencing shall comply with Part 3, Section 11 of the Land Use Bylaw.

d) Servicing — the developer shall be responsible for ensuring all required servicing is provided to the development, including potable water and private septic. If an on-site private septic treatment system is used to handle sewage disposal, then the system and field must be installed by a certified installer licensed with the provincial department of Municipal Affairs.

13. SUBDIVISION

a) No additional subdivision of lands contained within this bylaw shall be permitted.

b) Council, acting in the capacity of the Subdivision Authority, shall make decisions on subdivision applications.

14. DELEGATION OF AUTHORITY

a) Council shall be the Development Authority to decide on development permit applications for discretionary uses or application for waivers of development standards. Council may also decide on development permit applications for permitted uses.

b) The Development Officer, in accordance with Part 1 section 35 of the Land Use Bylaw and pursuant to Section 641 (3) of the Municipal Government Act may, with the direction of Council, act as the Development Authority and receive and decide upon development permit applications for permitted uses provided they conform to the standards of this bylaw.

15. APPROVAL PROCEDURE

a) Where the Development Officer as the Development Authority has been delegated the authority to decide upon development permit applications for permitted uses and has done so, then immediately upon issuance of the development permit the Development Officer shall cause a notice to be posted to the County's website and in the County Administrative office.

b) Before consideration of a permit application for development requiring waivers on the subject property, Council shall:

i. Cause a notice to be issued by the designated officer to any person likely to be affected.

ii. Ensure that the notice contains the date and time that Council will hear the application for discretionary uses or application for waivers of development standards.

iii. Hear any persons that claims to be affected by the decision on the application.

c) Council may then approve the development application with or without conditions or refuse the application with reasons.

d) Where Council has decided on a development permit application, the Development Officer acting on behalf of Council, shall cause a notice of the decision to be issued to the applicant and post a copy of the decision in the lobby of the County office.

e) When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority, Alberta Transportation or any applicable provincial government department.

16. APPEAL PROCEDURE

a) Pursuant to Section 641(4)(a) of the Act, if a decision with respect to a development permit application is made by Council, there is no appeal to the Subdivision and Development Appeal Board.

b) If the Development Officer has been delegated the authority to decide upon development permit applications as the Development Authority, then the appeal to the Subdivision and Development Appeal Board is limited to whether the Development Officer followed the directions of Council

3. The Bylaw shall come into effect upon third and final reading thereof.

GIVEN first reading this 7th day of March 2019.

Reeve

Chief Administrative Officer

GIVEN second reading this 4th day of April, 2019.

Reeve

Chief Administrative Officer

GIVEN third reading this 4th day of April, 2019.

Reeve

Chief Administrative Officer

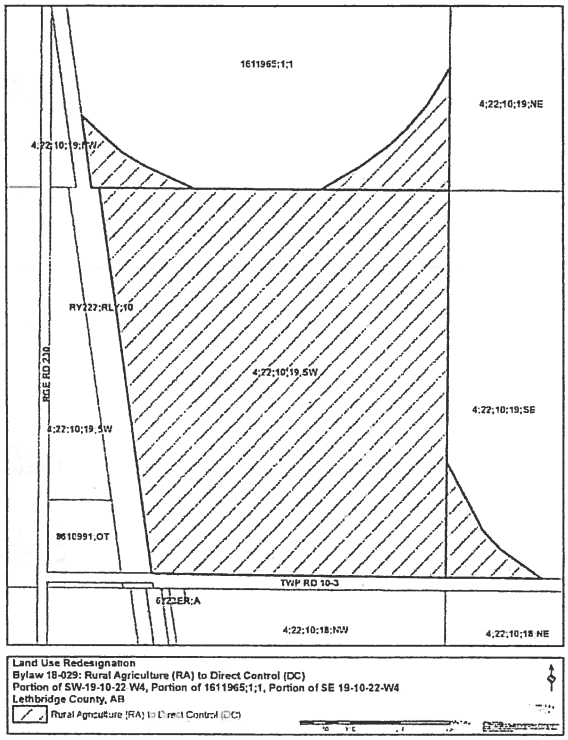
1st Reading	March 7, 2019
Public Hearing	April 4, 2019
2nd Reading	April 4, 2019
3rd Reading	April 4, 2019

LETHBRIDGE COUNTY
IN THE PROVINCE OF ALBERTA

BYLAW NO. 18-029

Bylaw 18-029 of Lethbridge County being a Bylaw for the purpose of amending Land Use Bylaw 1404, in accordance with Sections 230, 606 and 692 of the Municipal Government Act, R.S.A. 2000, Chapter M-26.

WHEREAS the purpose of Bylaw 18-029 is to re-designate a portion of Plan 1611965 Block 1 Lot 1 in the NW 19-10-22-W4 (9.17 acres), a portion of SE 19-10-22-W4 (4.22 acres), and a portion of SW 19-10-22-W4 (124.21 acres), from Rural Agriculture (R.A.) to Direct Control (D.C.);



AND WHEREAS the proposed Bylaw 18-029 is to establish the uses and regulations for a Direct Control district pertaining to the aforementioned land and are as described in Schedule "B" attached hereto;

AND WHEREAS policies in the Municipal Development Plan Bylaw No 1331 refer to the Direct Control Designation being used by Council to regulate land use;

AND WHEREAS once an application has been submitted the municipality must prepare an amending bylaw and provide for its notification and consideration at a public hearing;

NOW THEREFORE, under the authority of the Municipal Government Act, R.S.A. 2000, C-26, as amended, the Council of Lethbridge County in the Province of Alberta duly assembled does hereby enact the following:

1. The uses and regulations for the Direct Control District shall be as described in Schedule "B" attached hereto and be applied to the lands described above and identified on the above map.

2. Bylaw No 1404 – The Land Use Bylaw of Lethbridge County is hereby amended.

3. The Bylaw shall come into effect upon third and final reading hereof.

GIVEN first reading this 6th day of December, 2018.

Reeve

Chief Administrative Officer

GIVEN second reading this 5th day of September, 2019.

Reeve

Chief Administrative Officer

GIVEN third reading this 5th day of September, 2019.

Reeve

Chief Administrative Officer

1st Reading	December 6, 2018
Public Hearing	N/A
2nd Reading	Sept 5/19
3rd Reading	Sept 5/19

SCHEDULE 'B'

Direct Control Bylaw 18-029

1. **Purpose**
   To provide a means whereby Council may regulate and control the use and development on a site-specific basis to enable a large utility scale commercial solar collector farm on the following lands:

   A portion of NW 19-10-22 W4M, consisting of ~ 9.17 acres
   A portion of SE 19-10-22 W4M, consisting of ~ 4.22 acres
   A portion of SW 19-10-22 W4M, consisting of ~ 124.21 acres

2. **Uses**

   Permitted Uses
   - Agricultural Use
   - Accessory Building/Structure
   - Signs
   - Solar Collector Farm / Commercial (utility-scale)
   - Utility Structures Associated with Solar Collect Farm

3. **Definitions**

   Accessory Building/Structure means a building or structure that is incidental or subordinate to and customarily found in connection with a primary building, structure or use, does not precede the development of a primary structure or use, is located on the same lot as the principal building or use, but does not include a building or structure used for human habitation.

   Solar Collector Farm / Commercial (utility-scale) means a grouping of multiple (more than 5) devices, panels or structures and the substation that are capable of collecting and distributing solar energy at one megawatt or greater for the purpose of transforming it into thermal, chemical or electrical energy, and typically will tie-in and feed or sell power to the provincial electrical transmission or distribution system. The use includes any associated solar panels, solar modules, supports or racks, inverters, electrical transformer or substations required for the operation.

   Agricultural Use means a use of land or buildings for the production of crops, vegetables or raising of livestock.

   Sign means any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for advertising or visual communication intended to attract the attention of the public and is visible to the public right-of-way or other properties.

4. **Minimum Lot Size**
   As determined by the Development Authority.

5. **Minimum Setback Requirements**
   - Side and Rear Yard Setbacks – 6.1 metres (20 feet)
   - Setback to County Road – 38.1 metres (125 feet)
   - Setback to Rail line – 15.2 metres (50 feet)

6. **Maximum Site Coverage**
   The Maximum site coverage for all principal and accessory buildings is at the discretion of the Development Authority.

7. **Accessory Buildings and Structures**
   a. Accessory buildings or structures shall not be located within a required setback as identified in section 5 or on an easement
   b. An accessory building or structure shall only be constructed after or in conjunction with an approved principal use or building on the parcel.

8. **Development Permit Regulations**
An application for a Development Permit for the Commercial Solar Collector Farm will include the following as required by Council:
   - Standards of Development (See Part 3 – General Land Use Provisions)
   - Sign Regulations (See Part 5)
   - Alternative / Renewable Energy Developments (See Part 6, Section 2) – the developer shall provide all reports and information as stipulated in Section 2 subsection 6(a) through (k) to the satisfaction of the County to address the matters as outlined.

9. **Sign Regulations**
All signage shall conform to Part 5 of the Lethbridge County Land Use Bylaw.

10. **Other Standards**
   a. All finished lot grading shall be constructed and maintained to the satisfaction of Lethbridge County and shall be in accordance with the Engineering Guidelines and Minimum Servicing Standards.
   b. Approaches and driveway access shall be in accordance with the Engineering Guidelines and Minimum Servicing Standards or as otherwise stipulated by Council.
   c. Outdoor storage, parking and screening – as required to the satisfaction of the Development Authority.
   d. Any additional Standards as required by Council or the Development Officer acting as the Development Authority.

11. **Other Requirements**
   a. Site, Layout, and Grading Plan – that shows the property dimensions, building locations, storage areas, and utility easements and servicing areas.
   b. Roads – the developer shall enter into a road use agreement or other agreement with the County to address the use and condition of the road.
   c. Development Agreement – the developer shall enter into a development agreement to satisfy any requirements or standards as stipulated by the County.

12. **Subdivision**
   a. No additional subdivision of lands contained within this bylaw shall be permitted.
   b. Council, acting in the capacity of the Subdivision Authority, shall make decisions on subdivision applications.

13. **Delegation of Authority**
   a. Council shall be the Development Authority to decide on development permit applications for the discretionary uses or application for waivers of development standards. Council may also decide on development permit applications for permitted uses.
   b. The Development Officer, in accordance with Part 1 Section 35 of the Land Use Bylaw and pursuant to Section 641 (3) of the Municipal Government Act may, with the direction of Council, act as the Development Authority and receive and decide upon development permit applications for permitted uses provided they conform to the standards of the bylaw.

14. **Approval Procedure**
   a. Before consideration of a permit application for development requiring waivers on the subject property, Council shall:
      i. Cause a notice to be issued by the designated officer to any person likely to be affected.
      ii. Ensure that the notice contains the date and time that council will hear the application for discretionary uses or application for waivers of development standards.
      iii. Hear any person that claims to be affected by the decision on the application.
   b. Council may then approve the development application with or without conditions or refuse the application with reasons.
   c. Where Council has made the decision on a development permit application, the Development Officer acting on behalf of Council, shall cause a notice of the decision to be issued to the applicant and post a copy of the decision in the lobby of the County Office and on the County's website.
   d. When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority, Alberta Transportation or any applicable provincial government department.

15. Appeal Procedure

a. Pursuant to Section 641(4)(a) of the Municipal Government Act, if a decision with respect to a development permit is made by Council, there is no right to appeal to the Subdivision and Development Appeal Board.

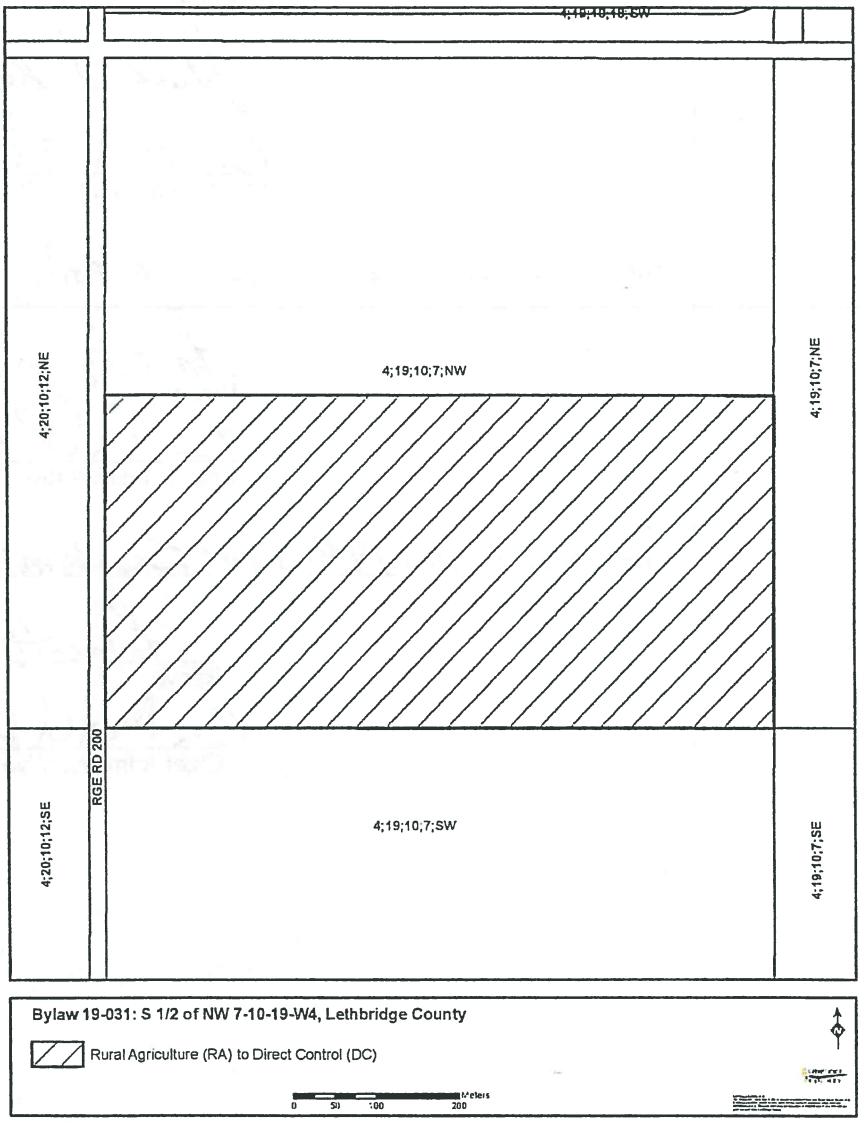
b. If the development Officer has been delegated the authority to decide upon development permit applications as the Development Authority, then an appeal to the Subdivision and Development Appeal Board is limited to whether the Development Officer followed the directions of Council.

LETHBRIDGE COUNTY
IN THE PROVINCE OF ALBERTA

BYLAW NO. 19-031

Bylaw 19-031 of Lethbridge County being a Bylaw for the purpose of amending Land Use Bylaw 1404, in accordance with Sections 230, 606 and 692 of the Municipal Government Act, R.S.A. 2000, Chapter M-26.

WHEREAS the purpose of Bylaw 19-031 is to re-designate the south half NW 7-10-19-W4, containing approximately 78.5 acres, from Rural Agriculture (R.A.) to Direct Control (D.C.);



AND WHEREAS the proposed Bylaw 19-031 is to establish the uses and regulations for a Direct Control district pertaining to the aforementioned land and are as described in Schedule "A" attached hereto;

AND WHEREAS policies in the Municipal Development Plan Bylaw No 1331 refer to the Direct Control Designation being used by Council to regulate land use;

AND WHEREAS once an application has been submitted the municipality must prepare an amending bylaw and provide for its notification and consideration at a public hearing;

NOW THEREFORE, under the authority of the Municipal Government Act, R.S.A. 2000, C-26, as amended, the Council of Lethbridge County in the Province of Alberta duly assembled does hereby enact the following:

1. The uses and regulations for the Direct Control District shall be as described in Schedule "A" attached hereto and be applied to the lands described above and identified on the above map.

2. Bylaw No 1404 – The Land Use Bylaw of Lethbridge County is hereby amended.

3. The Bylaw shall come into effect upon third and final reading hereof.

GIVEN first reading this 5th day of September 2019.

Lorne Hickey
Reeve

Chief Administrative Officer

GIVEN second reading this 5th day of September, 2019.

Lorne Hickey
Reeve

Chief Administrative Officer

GIVEN third reading this 19th day of September, 2019.

Lorne Hickey
Reeve

Chief Administrative Officer

Schedule A

Direct Control

1. **Purpose**
   To provide a means whereby Council may regulate and control the use and development on a site-specific basis to enable a large utility scale commercial solar collector farm on the following lands:

   The south half of NW 7-10-19 W4M, consisting of ~ 78 acres

2. **Uses**

   Permitted Uses
   - Agricultural Use
   - Accessory Building/Structure
   - Signs
   - Solar Collector Farm / Commercial (utility-scale)
   - Utility Structures Associated with Solar Collect Farm

3. **Definitions**

   Accessory Building/Structure means a building or structure that is incidental or subordinate to and customarily found in connection with a primary building, structure or use, does not precede the development of a primary structure or use, is located on the same lot as the principal building or use, but does not include a building or structure used for human habitation.

   Solar Collector Farm / Commercial (utility-scale) means a grouping of multiple (more than 5) devices, panels or structures and the substation that are capable of collecting and distributing solar energy at one megawatt or greater for the purpose of transforming it into thermal, chemical or electrical energy, and typically will tie-in and feed or sell power to the provincial electrical transmission or distribution system. The use includes any associated solar panels, solar modules, supports or racks, inverters, electrical transformer or substations required for the operation.

   Agricultural Use means a use of land or buildings for the production of crops, vegetables or raising of livestock.

   Sign means any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for advertising or visual communication intended to attract the attention of the public and is visible to the public right-of-way or other properties.

4. **Minimum Lot Size**
   As determined by the Development Authority.

5. **Minimum Setback Requirements**
   - Side and Rear Yard Setbacks – 6.1 metres (20 feet)
   - Setback to County Road – 38.1 metres (125 feet)

6. **Maximum Site Coverage**
   The Maximum site coverage for all principal and accessory buildings is at the discretion of the Development Authority.

7. **Accessory Buildings and Structures**
   a. Accessory buildings or structures shall not be located within a required setback as identified in section 4 or on an easement
   b. An accessory building or structure shall only be constructed after or in conjunction with an approved principal use or building on the parcel.

8. **Development Permit Regulations**
   An application for a Development Permit for the Commercial Solar Collector Farm will include the following as required by Council:
   - Standards of Development (See Part 3 – General Land Use Provisions)
   - Sign Regulations (See Part 5)
   - Alternative / Renewable Energy Developments (See Part 6, Section 2) – the developer shall provide all reports and information as stipulated in Section 2 subsection 6(a) through (k) to the satisfaction of the County to address the matters as outlined.

9. Sign Regulations

All signage shall conform to Part 5 of the Lethbridge County Land Use Bylaw.

10. Other Standards

a. All finished lot grading shall be constructed and maintained to the satisfaction of Lethbridge County and shall be in accordance with the Engineering Guidelines and Minimum Servicing Standards.
b. Approaches and driveway access shall be in accordance with the Engineering Guidelines and Minimum Servicing Standards or as otherwise stipulated by Council.
c. Outdoor storage, parking and screening – as required to the satisfaction of the Development Authority.
d. Any additional Standards as required by Council or the Development Officer acting as the Development Authority.

11. Other Requirements

a. Site, Layout, and Grading Plan – that shows the property dimensions, building locations, storage areas, and utility easements and servicing areas.
b. Roads – the developer shall enter into a road use agreement or other agreement with the County to address the use and condition of the road.
c. Development Agreement – the developer shall enter into a development agreement to satisfy any requirements or standards as stipulated by the County.

12. Subdivision

a. No additional subdivision of lands contained within this bylaw shall be permitted.
b. Council, acting in the capacity of the Subdivision Authority, shall make decisions on subdivision applications.

13. Delegation of Authority

a. Council shall be the Development Authority to decide on development permit applications for the discretionary uses or application for waivers of development standards. Council may also decide on development permit applications for permitted uses.
b. The Development Officer, in accordance with Part 1 Section 35 of the Land Use Bylaw and pursuant to Section 641 (3) of the Municipal Government Act may, with the direction of Council, act as the Development Authority and receive and decide upon development permit applications for permitted uses provided they conform to the standards of the bylaw.

14. Approval Procedure

a. Before consideration of a permit application for development requiring waivers on the subject property, Council shall:
    i. Cause a notice to be issued by the designated officer to any person likely to be affected.
    ii. Ensure that the notice contains the date and time that council will hear the application for discretionary uses or application for waivers of development standards.
    iii. Hear any person that claims to be affected by the decision on the application.
b. Council may then approve the development application with or without conditions or refuse the application with reasons.
c. Where Council has made the decision on a development permit application, the Development Officer acting on behalf of Council, shall cause a notice of the decision to be issued to the applicant and post a copy of the decision in the lobby of the County Office and on the County's website.
d. When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority, Alberta Transportation or any applicable provincial government department.

15. Appeal Procedure

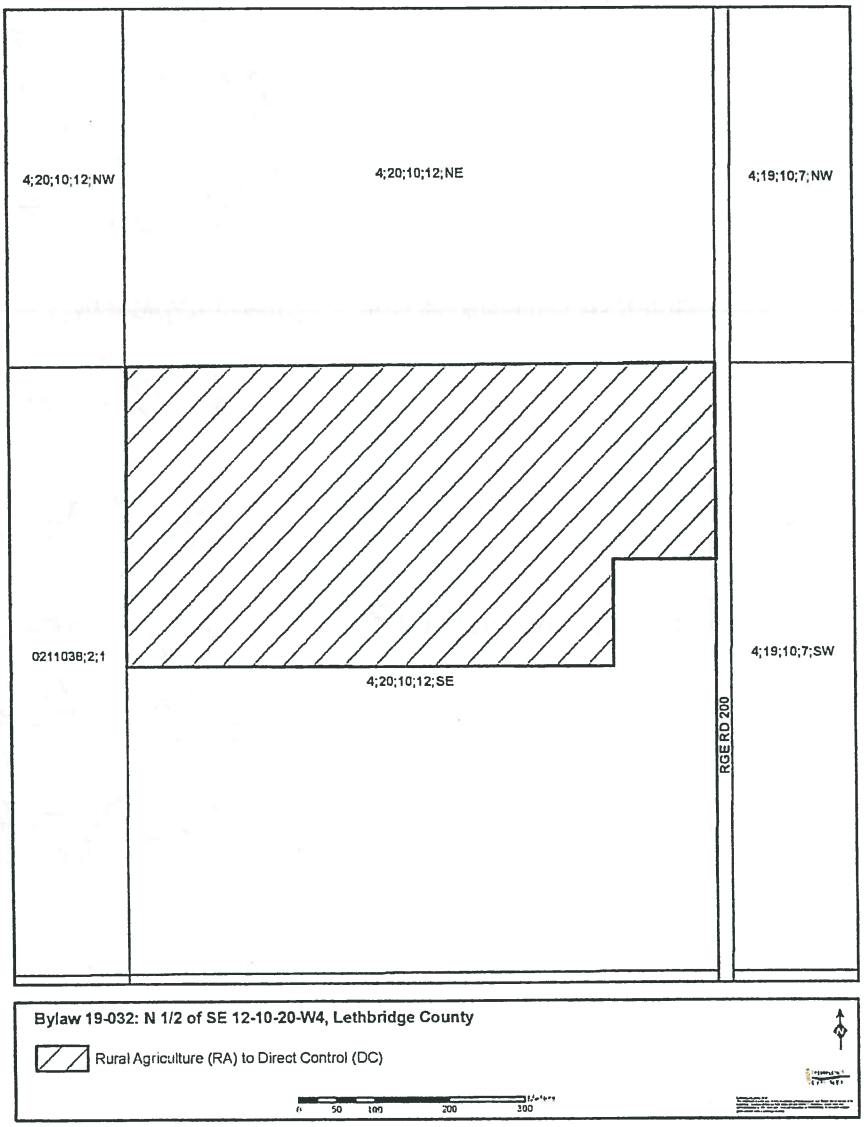
a. Pursuant to Section 685(4)(a) of the Municipal Government Act, if a decision with respect to a development permit is made by Council, there is no right to appeal to the Subdivision and Development Appeal Board.
b. If the development Officer has been delegated the authority to decide upon development permit applications as the Development Authority, then an appeal to the Subdivision and Development Appeal Board is limited to whether the Development Officer followed the directions of Council.

LETHBRIDGE COUNTY
IN THE PROVINCE OF ALBERTA

BYLAW NO. 19-032

Bylaw 19-032 of Lethbridge County being a Bylaw for the purpose of amending Land Use Bylaw 1404, in accordance with Sections 230, 606 and 692 of the Municipal Government Act, R.S.A. 2000, Chapter M-26.

WHEREAS the purpose of Bylaw 19-032 is to re-designate a portion of the north half of SE 12-10-20-W4, containing approximately 71.9 acres, from Rural Agriculture (R.A.) to Direct Control (D.C.);



AND WHEREAS the proposed Bylaw 19-032 is to establish the uses and regulations for a Direct Control district pertaining to the aforementioned land and are as described in Schedule "A" attached hereto;

AND WHEREAS policies in the Municipal Development Plan Bylaw No 1331 refer to the Direct Control Designation being used by Council to regulate land use;

AND WHEREAS once an application has been submitted the municipality must prepare an amending bylaw and provide for its notification and consideration at a public hearing;

NOW THEREFORE, under the authority of the Municipal Government Act, R.S.A. 2000, C-26, as amended, the Council of Lethbridge County in the Province of Alberta duly assembled does hereby enact the following:

1. The uses and regulations for the Direct Control District shall be as described in Schedule "A" attached hereto and be applied to the lands described above and identified on the above map.

2. Bylaw No 1404 – The Land Use Bylaw of Lethbridge County is hereby amended.

3. The Bylaw shall come into effect upon third and final reading hereof.

GIVEN first reading this 5th day of September 2019.

Reeve

Chief Administrative Officer

GIVEN second reading this 5th day of September, 2019.

Reeve

Chief Administrative Officer

GIVEN third reading this 19th day of September, 2019.

Reeve

Chief Administrative Officer

Schedule A

Direct Control

1. **Purpose**
   To provide a means whereby Council may regulate and control the use and development on a site-specific basis to enable a large utility scale commercial solar collector farm on the following lands:

   The north half of SE 12-10-20 W4M, consisting of ~ 72 acres

2. **Uses**

   Permitted Uses
   - Agricultural Use
   - Accessory Building/Structure
   - Signs
   - Solar Collector Farm / Commercial (utility-scale)
   - Utility Structures Associated with Solar Collect Farm

3. **Definitions**

   Accessory Building/Structure means a building or structure that is incidental or subordinate to and customarily found in connection with a primary building, structure or use, does not precede the development of a primary structure or use, is located on the same lot as the principal building or use, but does not include a building or structure used for human habitation.

   Solar Collector Farm / Commercial (utility-scale) means a grouping of multiple (more than 5) devices, panels or structures and the substation that are capable of collecting and distributing solar energy at one megawatt or greater for the purpose of transforming it into thermal, chemical or electrical energy, and typically will tie-in and feed or sell power to the provincial electrical transmission or distribution system. The use includes any associated solar panels, solar modules, supports or racks, inverters, electrical transformer or substations required for the operation.

   Agricultural Use means a use of land or buildings for the production of crops, vegetables or raising of livestock.

   Sign means any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for advertising or visual communication intended to attract the attention of the public and is visible to the public right-of-way or other properties.

4. **Minimum Lot Size**
   As determined by the Development Authority.

5. **Minimum Setback Requirements**
   - Side and Rear Yard Setbacks – 6.1 metres (20 feet)
   - Setback to County Road – 38.1 metres (125 feet)

6. **Maximum Site Coverage**
   The Maximum site coverage for all principal and accessory buildings is at the discretion of the Development Authority.

7. **Accessory Buildings and Structures**
   a. Accessory buildings or structures shall not be located within a required setback as identified in section 4 or on an easement
   b. An accessory building or structure shall only be constructed after or in conjunction with an approved principal use or building on the parcel.

8. **Development Permit Regulations**
   An application for a Development Permit for the Commercial Solar Collector Farm will include the following as required by Council:
   - Standards of Development (See Part 3 – General Land Use Provisions)
   - Sign Regulations (See Part 5)
   - Alternative / Renewable Energy Developments (See Part 6, Section 2) – the developer shall provide all reports and information as stipulated in Section 2 subsection 6(a) through (k) to the satisfaction of the County to address the matters as outlined.

9. Sign Regulations

All signage shall conform to Part 5 of the Lethbridge County Land Use Bylaw.

10. Other Standards

a. All finished lot grading shall be constructed and maintained to the satisfaction of Lethbridge County and shall be in accordance with the Engineering Guidelines and Minimum Servicing Standards.
b. Approaches and driveway access shall be in accordance with the Engineering Guidelines and Minimum Servicing Standards or as otherwise stipulated by Council.
c. Outdoor storage, parking and screening – as required to the satisfaction of the Development Authority.
d. Any additional Standards as required by Council or the Development Officer acting as the Development Authority.

11. Other Requirements

a. Site, Layout, and Grading Plan – that shows the property dimensions, building locations, storage areas, and utility easements and servicing areas.
b. Roads – the developer shall enter into a road use agreement or other agreement with the County to address the use and condition of the road.
c. Development Agreement – the developer shall enter into a development agreement to satisfy any requirements or standards as stipulated by the County.

12. Subdivision

a. No additional subdivision of lands contained within this bylaw shall be permitted.
b. Council, acting in the capacity of the Subdivision Authority, shall make decisions on subdivision applications.

13. Delegation of Authority

a. Council shall be the Development Authority to decide on development permit applications for the discretionary uses or application for waivers of development standards. Council may also decide on development permit applications for permitted uses.
b. The Development Officer, in accordance with Part 1 Section 35 of the Land Use Bylaw and pursuant to Section 641 (3) of the Municipal Government Act may, with the direction of Council, act as the Development Authority and receive and decide upon development permit applications for permitted uses provided they conform to the standards of the bylaw.

14. Approval Procedure

a. Before consideration of a permit application for development requiring waivers on the subject property, Council shall:
    i. Cause a notice to be issued by the designated officer to any person likely to be affected.
    ii. Ensure that the notice contains the date and time that council will hear the application for discretionary uses or application for waivers of development standards.
    iii. Hear any person that claims to be affected by the decision on the application.
b. Council may then approve the development application with or without conditions or refuse the application with reasons.
c. Where Council has made the decision on a development permit application, the Development Officer acting on behalf of Council, shall cause a notice of the decision to be issued to the applicant and post a copy of the decision in the lobby of the County Office and on the County's website.
d. When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority, Alberta Transportation or any applicable provincial government department.

15. Appeal Procedure

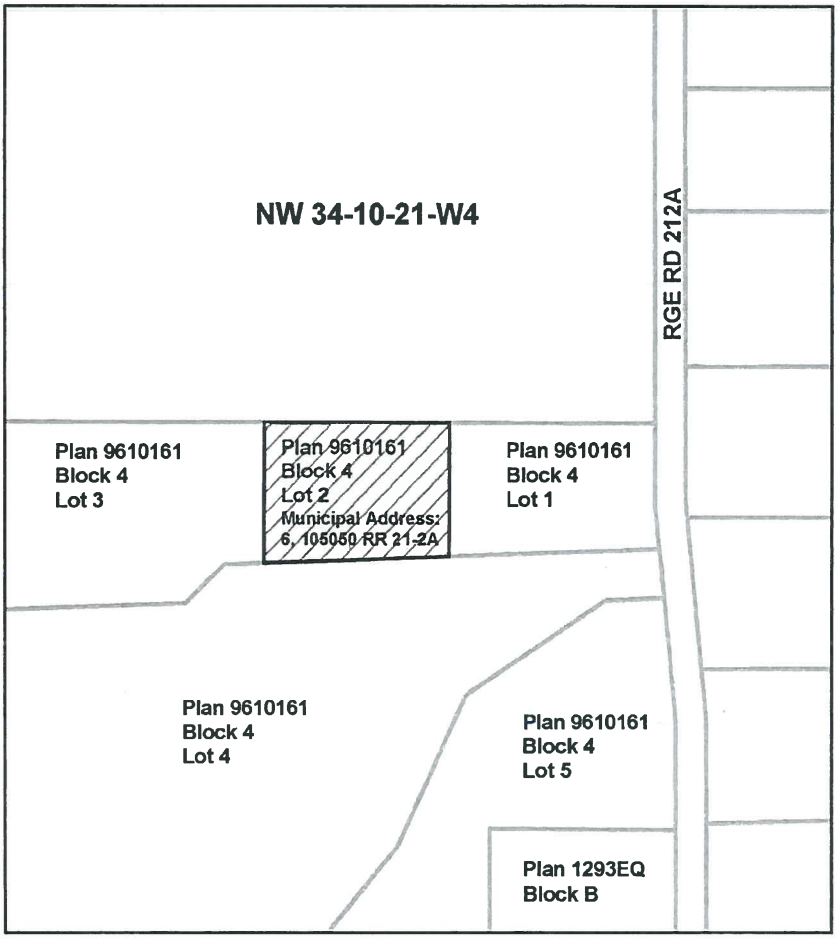
a. Pursuant to Section 685(4)(a) of the Municipal Government Act, if a decision with respect to a development permit is made by Council, there is no right to appeal to the Subdivision and Development Appeal Board.
b. If the development Officer has been delegated the authority to decide upon development permit applications as the Development Authority, then an appeal to the Subdivision and Development Appeal Board is limited to whether the Development Officer followed the directions of Council.

LETHBRIDGE COUNTY
IN THE PROVINCE OF ALBERTA

BYLAW NO. 20-014

Bylaw 20-014 of Lethbridge County being a Bylaw for the purpose of amending Land Use Bylaw 1404, in accordance with Sections 230, 606 and 692 of the Municipal Government Act, R.S.A. 2000, Chapter M-26.

WHEREAS the purpose of Bylaw 20-014 is to re-designate Plan 9610161 Block 4 Lot 2 in the NW 34-10-21-W4, from Grouped Country Residential (G.C.R.) to Direct Control (D.C.);



AND WHEREAS the proposed Bylaw 20-014 is to establish the uses and regulations for a Direct Control district pertaining to the aforementioned land and are as described in Schedule "A" attached hereto;

AND WHEREAS policies in the Municipal Development Plan Bylaw No 1331 refer to the Direct Control Designation being used by Council to regulate land use;

AND WHEREAS once an application has been submitted the municipality must prepare an amending bylaw and provide for its notification and consideration at a public hearing;

RECEIVED
AUG 3 1 2020
SH/YM/BJ

NOW THEREFORE, under the authority of the Municipal Government Act, R.S.A. 2000, C-26, as amended, the Council of Lethbridge County in the Province of Alberta duly assembled does hereby enact the following:

1. The uses and regulations for the Direct Control District shall be as described in Schedule "A" attached hereto and be applied to the lands described above and identified on the above map.

2. Bylaw No 1404 – The Land Use Bylaw of Lethbridge County is hereby amended.

3. The Bylaw shall come into effect upon third and final reading hereof.

GIVEN first reading this 18th day of June 2020.

Reeve

Chief Administrative Officer

GIVEN second reading this 6 day of August, 2020.

Reeve

Chief Administrative Officer

GIVEN third reading this 6 day of August, 2020.

Reeve

Chief Administrative Officer

First Reading	June 18, 2020
Public Hearing	August 6, 2020
Second Reading	August 6, 2020
Third Reading	August 6, 2020

SCHEDULE A

DIRECT CONTROL

1. PURPOSE

   To provide a means whereby Council may regulate and control the use, development, or subdivision, related to a construction/carpentry/woodworking business, on a site-specific basis for the following lands:

   Plan 9610161 Block 4 Lot 2

2. PERMITTED USES
   - Accessory Buildings/Structures to an approved use
   - Contractor Trade Shop
   - Office
   - Outdoor Storage

3. DEFINITIONS
   - **Accessory Buildings/Structures** means a building or structure that is incidental or subordinate to and customarily found in connection with a primary building, structure or use, does not precede the development of a primary structure or use is located on the same lot as the principal building or use, but does not include a building or structure used of human habitation.
   - **Contractor Trade Shop** means any building or premises used by a carpenter, mill worker, cabinet maker, plumber, electrician or similar trades persons for assembling materials or products or storing tools, materials, trailers or supplies related to the business, but does not involve any sales on the premises.
   - **Office** means development primarily for the provision of professional, managerial or consulting services; the administration needs of architects, engineers, businesses, trades, contractors, and other organizations.
   - **Outdoor Storage** means the open storage of goods, merchandise, materials or equipment outside a building on a parcel of land.

4. MINIMUM LOT SIZE
   - The minimum lot size shall be 1.5 acres (0.6 hectares).

5. MINIMUM YARD SETBACK REQUIREMENTS
   - Front (south) and Rear (north) Yard Setback – 9.1 metres (30 feet)
   - Side (east/west) Yard Setbacks – 6.1 metres (20 feet)

6. ACCESSORY BUILDINGS AND STRUCTURES
   - Any new or additional accessory buildings or structures shall not be located in the required setback from a property line or an easement.
   - An accessory building or structure shall be setback a minimum 3.05 meters (10 feet) from the principal buildings and from all other structures on the same lot.
   - An accessory building or structure shall only be constructed after or in conjunction with an approved principal use or building on the parcel.

7. GENERAL STANDARDS OF DEVELOPMENT
   - At the discretion of Council or the Development Officer acting as the Development Authority having regard for the Land Use Bylaw.

8. SIGN REGULATIONS
   - As per the Lethbridge County Land Use Bylaw.

9. OTHER STANDARDS
   - All storm water shall be retained on site to predevelopment levels.
   - All finished lot grading shall be constructed and maintained to the satisfaction of Lethbridge County and shall be in accordance with the County's Engineering Guidelines and Minimum Servicing Standards.
   - Parking for the parcel will be as per the Lethbridge County Land Use Bylaw.
   - Outdoor storage shall be screened to lessen the visual impact on adjacent parcels to the satisfaction of the Development Authority.
   - Any additional standards as required by Council or the Development Officer.

10. OTHER REQUIREMENTS
    - Site, Layout, and Grading Plan – that shows the property dimensions, building locations, parking areas, and utility easements and servicing areas, including the septic field location and dugouts/storm ponds may be required at the discretion of the Development Authority.
    - Refuse or solid waste shall be kept in a suitability sized container or enclosure.
    - Servicing – the developer shall be responsible for ensuring all required servicing is provided to the development, including potable water and private septic.
        - Parking and storage areas are prohibited from being located over any of the septic system, including the disposal field area.
    - Development Agreement – As a condition of a subdivision or Development Permit approval, the applicant may be required to enter into a Development Agreement with Lethbridge County, in accordance with Part 1 - Sections 37 and 38, of the Land Use Bylaw.

11. SUBDIVISION
    - As the parent titles is 1.5 acres (0.6 hectares) no further subdivision shall be allowed.
    - Council, acting in the capacity of the Subdivision Authority, shall make decisions on any future subdivision applications with respect to this bylaw.

12. DELEGATION OF AUTHORITY
    - Council shall be the Development Authority to decide on Development Permit Applications for application for waivers of development standards. Council may also decide on Development Permit Applications for permitted uses.
    - The Development Officer, in accordance with Part 1 - Section 10 of the Land Use Bylaw, and pursuant to Section 641 (3) of the Municipal Government Act, may, with the direction of Council, act as the Development Authority and receive and decide upon Development Permit Applications for permitted uses, provided they conform to the standards of the Bylaw.

13. APPROVAL PROCEDURE
    - Where the Development Officer, as the Development Authority has been delegated the Authority to decide upon Development Permit Applications for permitted uses, and has done so, then immediately upon issuance of the Development Permit, the Development Officer shall cause a notice to be published as per the requirements of the Land Use Bylaw.
    - Before consideration of a Permit Application for Developing requiring waivers on the subject property, Council shall:
        - Cause a notice to be issued by the designated officer to any person likely to be affected.
        - Ensure that the notice contains the date and time that Council will hear the Application for waivers of development standards.
        - Hear any persons that claims to be affected by the decision on the Application.
    - Council may then approve the Development Application with or without conditions or refuse the Application with reasons.
    - Where Council has made the decision on a Development Permit Application, the Development Officer acting on behalf of Council, shall cause a notice of the decision to be issued to the applicant and post a copy of the decision in the lobby of the County Office.
    - When applicable, Council should seek comments from external agencies such as the Regional Health Authority, Alberta Environment or Alberta Transportation, or any applicable Provincial Government department.

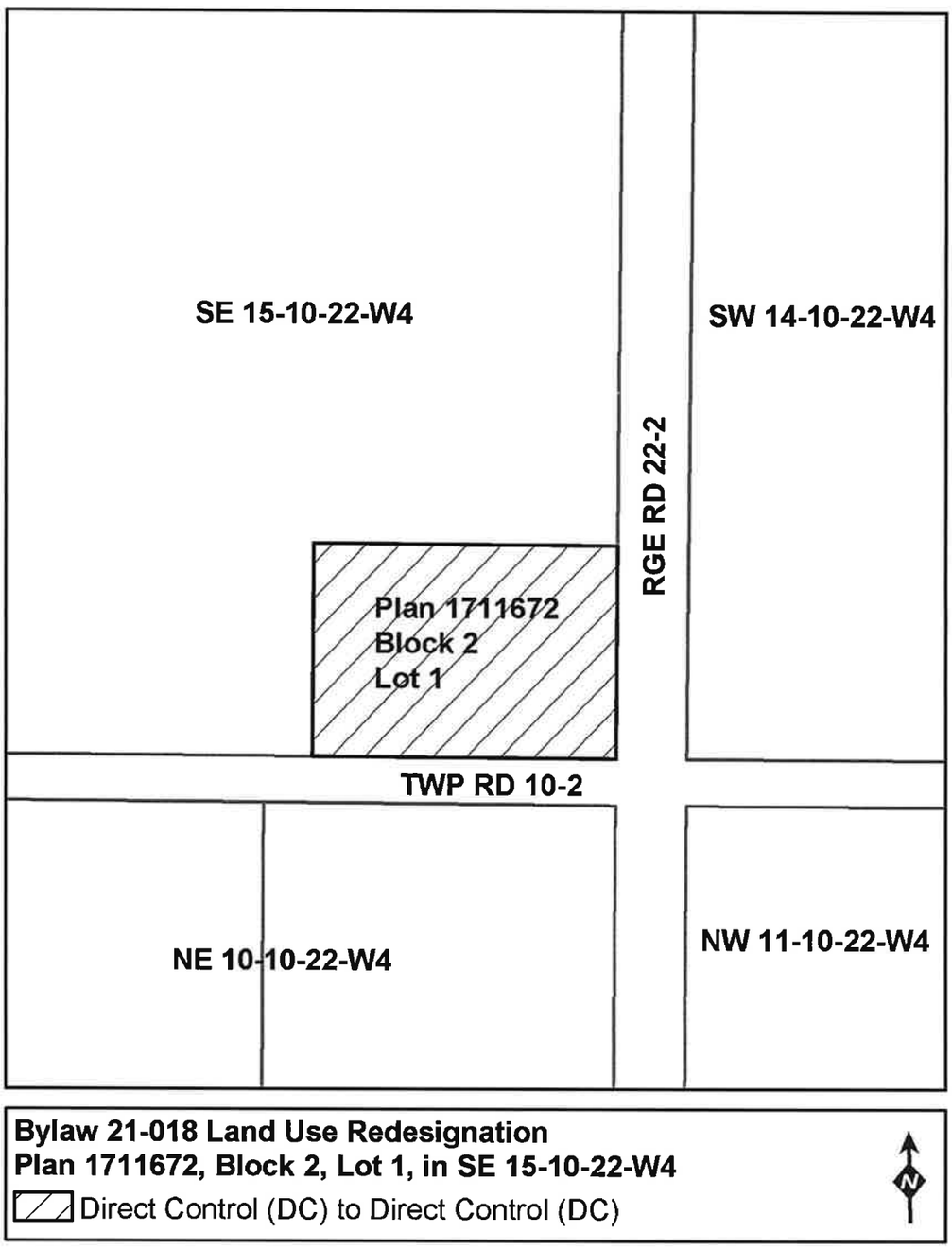
14. APPEAL PROCEDURE
    - Pursuant to Section 685(4)(a) of the Municipal Government Act, if a decision with respect to a Development Permit Application is made by Council, there is no appeal to the Subdivision and Development Appeal Board.
    - Pursuant to Section 685(4)(b) of the Municipal Government Act, if the Development Officer has been delegated the Authority to decide upon Development Permit Applications as the Development Authority, then the appeal to the Subdivision Appeal Board is limited to whether the Development Officer followed the directions of Council.

LETHBRIDGE COUNTY
IN THE PROVINCE OF ALBERTA

BYLAW NO. 21-018

Bylaw 21-018 of Lethbridge County being a bylaw for the purpose of amending Land Use Bylaw 1404, in accordance with Sections 230, 606 and 692 of the Municipal Government Act, R.S.A. 2000, Chapter M-26.

WHEREAS the purpose of Bylaw 21-018 is to re-designate Plan 1711672 Block 2 Lot 1, from Direct Control (D.C.) to Direct Control (D.C.);



AND WHEREAS the purpose of proposed Bylaw 21-018 is to establish the uses and regulations for a Direct Control district pertaining to the aforementioned land and are as described in Schedule "A" attached hereto;

AND WHEREAS policies in the Municipal Development Plan Bylaw No 1331 refer to the Direct Control Designation being used by Council to regulate land use;

AND WHEREAS once an application has been submitted the municipality must prepare an amending bylaw and provide for its notification and consideration at a public hearing;

NOW THEREFORE, under the authority of the Municipal Government Act, R.S.A. 2000, C-26, as amended, the Council of Lethbridge County in the Province of Alberta duly assembled does hereby enact the following, with the bylaw only coming into effect upon three successful reading thereof;

NOW THEREFORE, under the authority of the Municipal Government Act, R.S.A. 2000, C-26, as amended, the Council of Lethbridge County in the Province of Alberta duly assembled does hereby enact the following:

1. The uses and regulations for the Direct Control District shall be as described in Schedule "A" attached hereto and be applied to the lands described above and identified on the above map.

2. Bylaw No 1404 – The Land Use Bylaw of Lethbridge County is hereby amended.

3. Bylaw 18-031, the former Direct Control Bylaw, is hereby repealed.

4. The Bylaw shall come into effect upon third and final reading hereof.

GIVEN first reading this 4th day of November 2021.

Reeve

Chief Administrative Officer

GIVEN second reading this 6 day of December, 2021.

Reeve

Chief Administrative Officer

GIVEN third reading this 6 day of December, 2021.

Reeve

Chief Administrative Officer

1st Reading	November 4, 2021
2nd Reading	Dec. 6 / 2021
Public Hearing	Dec. 6 / 2021
3rd Reading	Dec. 6 / 2021

SCHEDULE A

DIRECT CONTROL

1. PURPOSE

   To provide a means whereby Council may regulate and control the use, development, or subdivision on a site-specific basis the following lands:
   - Plan 1711672, Block 2, Lot 1, within SE 15-10-22-W4

   To permit an agricultural/commercial mixed-use development on the parcel, and for the specific purpose of allowing renovations within the existing building, that will allow for a retail outlet and café for 1163458 Alberta Ltd. (Crystal Springs Cheese) located on Plan 1711672, Block 2, Lot 1 within SE 15-10-22-W4, with the primary processing and retail related to dairy/cheese processing and accessory uses.

2. PERMITTED USES
   Accessory Buildings/Structures to the listed Permitted Uses
   Food Processing Facility
   Liquor Store
   Office Administration to an Approved Use
   Retail Store (Less than 5,000 sq.ft.)
   Restaurant/Café (Maximum of 30 patron/customers)
   Signs Type 1 and 2

3. DEFINITIONS
   - All words and terms have the same meaning as what is specified in the Land Use Bylaw.

4. MINIMUM LOT SIZE
   - The minimum lot size shall be 1.22 hectares (3.00 acres).

5. MINIMUM YARD SETBACK REQUIREMENTS
   - Side and Read Yard Setbacks – 6.1 metres (20 feet)
   - Setback to centerline of County Roads – 38.1 metres (125 feet)

6. ACCESSORY BUILDINGS AND STRUCTURES
   - Any new or additional accessory buildings or structures shall not be located in the required setback from a public road or an easement.
   - An accessory building or structure shall be setback a minimum 4.0 meters (13'-1.5") from the principal buildings and from all other structures on the same lot.
   - An accessory building or structure shall only be constructed after or in conjunction with an approved principal use or building on the parcel.

7. GENERAL STANDARDS OF DEVELOPMENT
   - At the discretion of Council or the Development Officer acting as the Development Authority having regard for the Land Use Bylaw.

8. SIGN REGULATIONS
   - As per the Lethbridge County Land Use Bylaw.

9. OTHER STANDARDS
   - All storm water shall be retained on site to predevelopment levels. At the subdivision or Development Permit stage, a Storm Water Management Plan by a certified professional engineer shall be submitted.
   - All finished lot grading shall be constructed and maintained to the satisfaction of Lethbridge County and shall be in accordance with the County's Engineering Guidelines and Minimum Servicing Standards.
   - Parking for the parcel will be as per the Lethbridge County Land Use Bylaw, in consideration of retail and food/restaurant establishment standards and the combined uses on site.
   - Hours of operation shall be as stipulated by Council or the Development Officer.
   - The Restaurant/Café is limited to 30 patrons/customers
   - Any additional standards as required by Council or the Development Officer.
   - The developer is responsible for obtaining an *Alberta Health Services, Environmental Public Health Department* Food Premises approval, and a food Handling Permit.

10. OTHER REQUIREMENTS
    - Site, Layout, and Grading Plan – that shows the property dimensions, building locations, parking areas, and utility easements and servicing areas, including the septic field location, and dugouts/storm ponds.
    - Refuse or solid waste shall be kept in a suitability sized container or enclosure.
    - Servicing – the developer shall be responsible for ensuring all required servicing is provided to the development, including potable water and private septic.
        - Parking and storage areas are prohibited from being located over any of the septic system, including the disposal field area.
    - Development Agreement – As a condition of a subdivision or Development Permit approval, the applicant may be required to enter into a Development Agreement with the County of Lethbridge, in accordance with Sections 37 and 38 of the Land Use Bylaw.

11. SUBDIVISION
    - As the parent titles is 1.22 hectares (3.00 acres), no further subdivision shall be allowed.
    - Council, acting in the capacity of the Subdivision Authority, shall make decisions on any future subdivision applications with respect to this bylaw.

12. DELEGATION OF AUTHORITY
    - Council shall be the Development Authority to decide on Development Permit Applications for ~~discretionary uses or~~ application for waivers of development standards. Council may also decide on Development Permit Applications for permitted uses.
    - The Development Officer, in accordance with Section 9 of the Land Use Bylaw, and pursuant to Section 641 (3) of the Municipal Government Act, may, with the direction of Council, act as the Development Authority and receive and decide upon Development Permit Applications for permitted uses, provided they confirm to the standards of the Bylaw.

13. APPROVAL PROCEDURE
    - Where the Development Officer, as the Development Authority has been delegated, the Authority to decide upon Development Permit Applications, for permitted uses and has done so, then immediately upon issuance of the Development Permit, the Development Officer shall cause a notice to be published in a newspaper circulating in the area stating the location of the property for which the Application has been made and the Use approved.
    - Before consideration of a Permit Application for Developing requiring waivers on the subject property, Council shall:
        - Cause a notice to be issued by the designated officer to any person likely to be affected.
        - Ensure that the notice contains the date and time that Council will hear the Application for waivers of development standards.
        - Hear any persons that claims to be affected by the decision on the Application.
    - Council may then approve the Development Application with or without conditions or refuse the Application with reasons.
    - Where Council has made the decision on a Development Permit Application, the Development Officer acting on behalf of Council, shall cause a notice of the decision to be issued to the applicant and post a copy of the decision in the lobby of the County Office.
    - When applicable, Council should seek comments from other agencies such as the Planning Advisor, Regional Health Authority, Alberta Transportation, or any applicable Provincial Government department.

14. APPEAL PROCEDURE
    - Pursuant to Section 685(4)(a) of the Municipal Government Act, if a decision with respect to a Development Permit Application is made by Council, there is no appeal to the Subdivision and Development Appeal Board.
    - Pursuant to Section 685(4)(b) of the Municipal Government Act, f the Development Officer has been delegated, the Authority to decide upon Development Permit Applications as the Development Authority, then the appeal to the Subdivision Appeal Board is limited to whether the Development Officer followed the directions of Council.

PART 3

GENERAL LAND USE PROVISIONS

PART 3

GENERAL LAND USE PROVISIONS

A. STANDARDS OF DEVELOPMENT

1. QUALITY OF DEVELOPMENT

The Development Authority may impose conditions on development applications which serve to improve the quality of any proposed development within any land use district. Such special conditions may include, but are not limited to: landscaping, paved parking areas, exterior building finishes, setback variations, building mass, the control of noise, smoke, smell, and industrial wastes.

2. BUILDING DESIGN, CHARACTER AND APPEARANCE

The Development Authority will impose conditions, where deemed applicable, to ensure:

(a) that the design, character and appearance of a building is compatible with other buildings in the vicinity unless it is setting a higher standard of design, character and appearance for the land use district or a particular locality of it;

(b) that the design, character and appearance of the building is consistent with the purpose of the land use district in which the building is located;

(c) that a development complies with any provision of a statutory plan applicable to the design, character and appearance of the building in the district; and

(d) that, where the development is to be located adjacent to or within the distance prescribed by the *Public Highways Act*, the design of a building will be to a higher standard than that required elsewhere in the County. This may include, but is not limited to:

(i) appearance of building,

(ii) landscaping,

(iii) access/egress from property, and

(iv) fire protection.

3. EXTERIOR BUILDING FINISHES

The Development Authority may require specific finishing materials and/or colours to be used to ensure the compatibility of a proposed:

(a) development with surrounding or adjacent developments,

(b) building addition or accessory structure with existing buildings or structures on the same parcel.

4. PRE-PLANNED DEVELOPMENT

Where a comprehensive pre-planned coordinated development is proposed for an area greater than 0.81 hectares (2 acres), the standards shown in the bylaw may be relaxed by the Development Authority to an amount necessary to enable the area to be developed to the highest standards of use, servicing and amenity provided that:

(a) this is done on the basis of a comprehensive development plan approved by Council; and

(b) it is completed in one continuous operation (i.e. not in phases) unless the approved comprehensive development plan clearly indicates logical phasing or stages.

(c) This may also be considered if the application is to accommodate a mixed-use or clustered higher density development proposed in accordance with smart growth objectives or policies identified by the municipality and is deemed to be in conformity with a plan approved by Council.

5. SUB-STANDARD LOTS

(1) The Development Authority may approve a development on an existing urban registered lot the minimum dimensions or area of which are less than those specified in Part 2 provided that the minimum area allowed is not less than 232.25 m^2 (2,500 sq. ft.) or as established by the Subdivision and Development Regulation.

(2) Development of existing lots which are contained in an existing Certificate of Title and do not meet the minimum size requirements or any other requirements of this bylaw will be considered by the Development Authority on a case-by-case basis.

6. CORNER LOT RESTRICTIONS IN HAMLETS

On a corner lot nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 0.91 and 3.05 metres (3 and 10 ft.) above the centre line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property lines 7.62 metres (25 ft.) from the point of intersection.

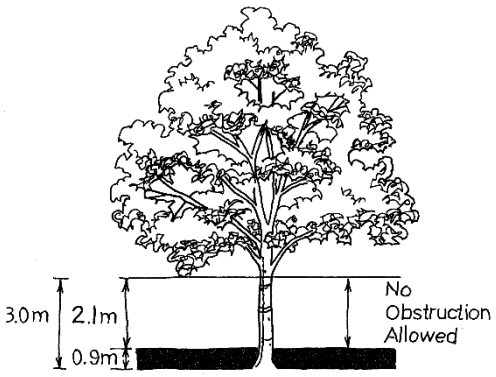


DIAGRAM 3.1

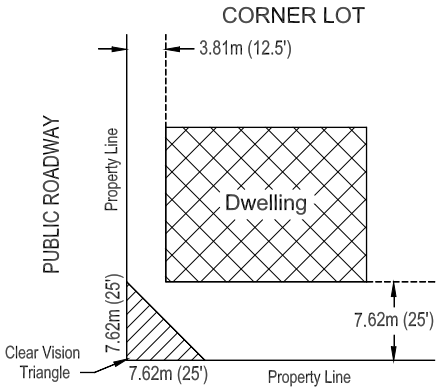


DIAGRAM 3.2

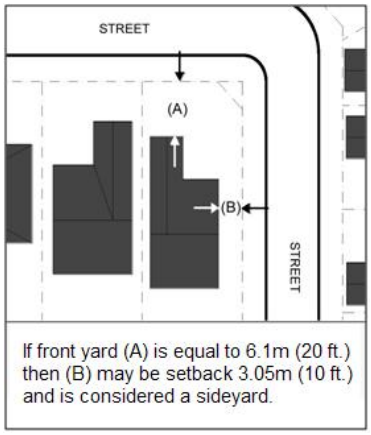
7. MULTIPLE FRONT YARD PROVISION

(1) In any hamlet, where any lot has more than one front yard line, the front yard requirement shall apply to all yards, but at the discretion of the Development Authority only one-half the front yard requirement may apply to one of the front yards, and that yard shall be considered a side yard.

(2) In the Grouped Country Residential land use district, where a lot fronts onto an internal subdivision municipal roadway, the front yard setback shall apply to the primary lot frontage as determined by the

Development Authority, but at the Development Authority's discretion, it may apply only one-half the front yard setback requirement to the other internal municipal roadway. If one of the side corner roads is a statutory road allowance, the requirement of a 125 ft. setback shall apply.

(3) If a lot is located on (between) a double-sided road, the applicable lot street frontage shall be considered as the internal subdivision road or road where primary access is obtained from.



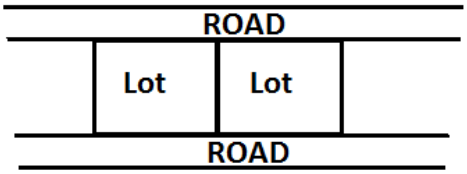


DIAGRAM 3.3

8. EXPOSED FOUNDATIONS

The maximum allowable height above the average finished surface level of the surrounding ground of the exposed portion of a concrete, block, or wood foundation may be limited by the Development Authority.

9. REFUSE COLLECTION AND STORAGE

(1) In all land use districts, refuse and garbage shall be stored in suitable containers or enclosures.

(2) Refuse and garbage holding areas, including containers, shall be effectively screened from public view.

(3) In a residential land use district, no outdoor storage of garbage shall be permitted in any front yard, including any unscreened portion of either front yard on a corner lot except in an approved enclosure until such time as disposal or pick-up occurs.

(4) All refuse on any construction site shall be properly screened from view and contained in an approved enclosure until such time as disposal occurs.

(5) In all non-residential land use districts, refuse and garbage holding areas, enclosures, and compaction areas are to be located a minimum of 7.62 metres (25 ft.) from an adjacent residential use.

10. FENCES IN RESIDENTIAL AREAS

(1) Hamlets

(a) No fence, wall, vegetation (i.e. shrubs, hedges, bushes, coniferous trees or any other plant that, in the opinion of the Development Authority, creates a visual obstruction and/or barrier) or any combination thereof, lying within 7.62 metres (25 feet) of the right-of-way of a public roadway (excluding lanes) shall extend no more than 0.91 metres (3 feet) above the ground (except in the

case of corner lots where one yard is considered as the side yard as indicated in Section 6 and in accordance with Section 7 of this part) without a permit issued by the Development Authority

(b) Fences in rear and side yards shall not exceed 1.83 metres (6 ft.) in height.

(2) Grouped Country Residential Areas

(a) No fence, wall, vegetation (i.e. shrubs, hedges, bushes, coniferous trees or any other plant that, in the opinion of the Development Authority, creates a visual obstruction and/or barrier) or combination thereof, lying within 10 metres (33 feet) of the right-of-way of a public roadway shall extend more than 1.22 metres (4 feet) above the ground without a permit issued by the Development Authority.

(b) Fences in the rear and side yards shall not exceed 1.83 metres (6 feet) in height and can be installed to the property line.

(c) Wind screen fences shall meet all applicable setbacks to municipal roads and property lines.

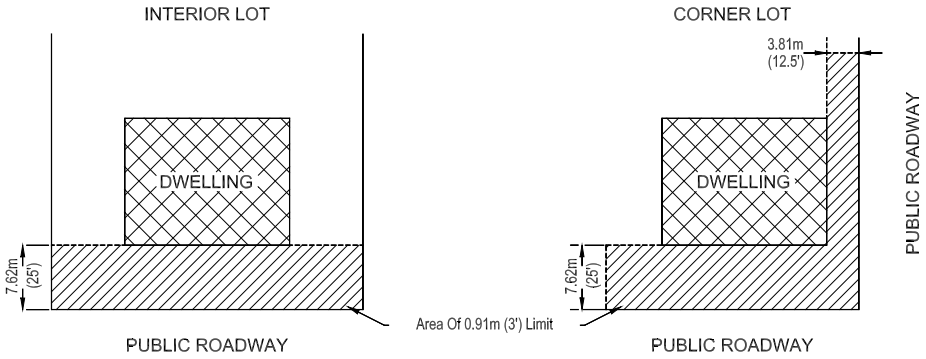


DIAGRAM 3.4

11. FENCES, TREES AND SHELTER BELTS IN RURAL AREAS

In rural areas along local roads, the construction or erection of a fence, hedge or shelterbelt shall comply with the following:

(a) no fence, hedge or shelterbelt shall be erected which would unduly restrict the vision of approaching traffic;

(b) fencing surrounding public utility lots shall be as per *Lethbridge County Engineering Guidelines and Minimum Servicing Standards* or as stipulated in a Development Agreement;

(c) all fences must be sited to be able to meet the required corner site triangle setbacks to roadways as depicted in Diagram 3.5;

(d) a chain link, split rail or barb wire type fence may be located adjacent to the property line or within the required setbacks to a public road, but solid material fences and snow fences must meet the stipulated setbacks to the public road;

(e) no hedge or shelterbelt shall be erected within the distances to a right-of-way of a public road, as depicted in Diagram 3.5;

(f) wind screen fences shall meet all setbacks to municipal roads and provincial highways as required for the applicable land use district.

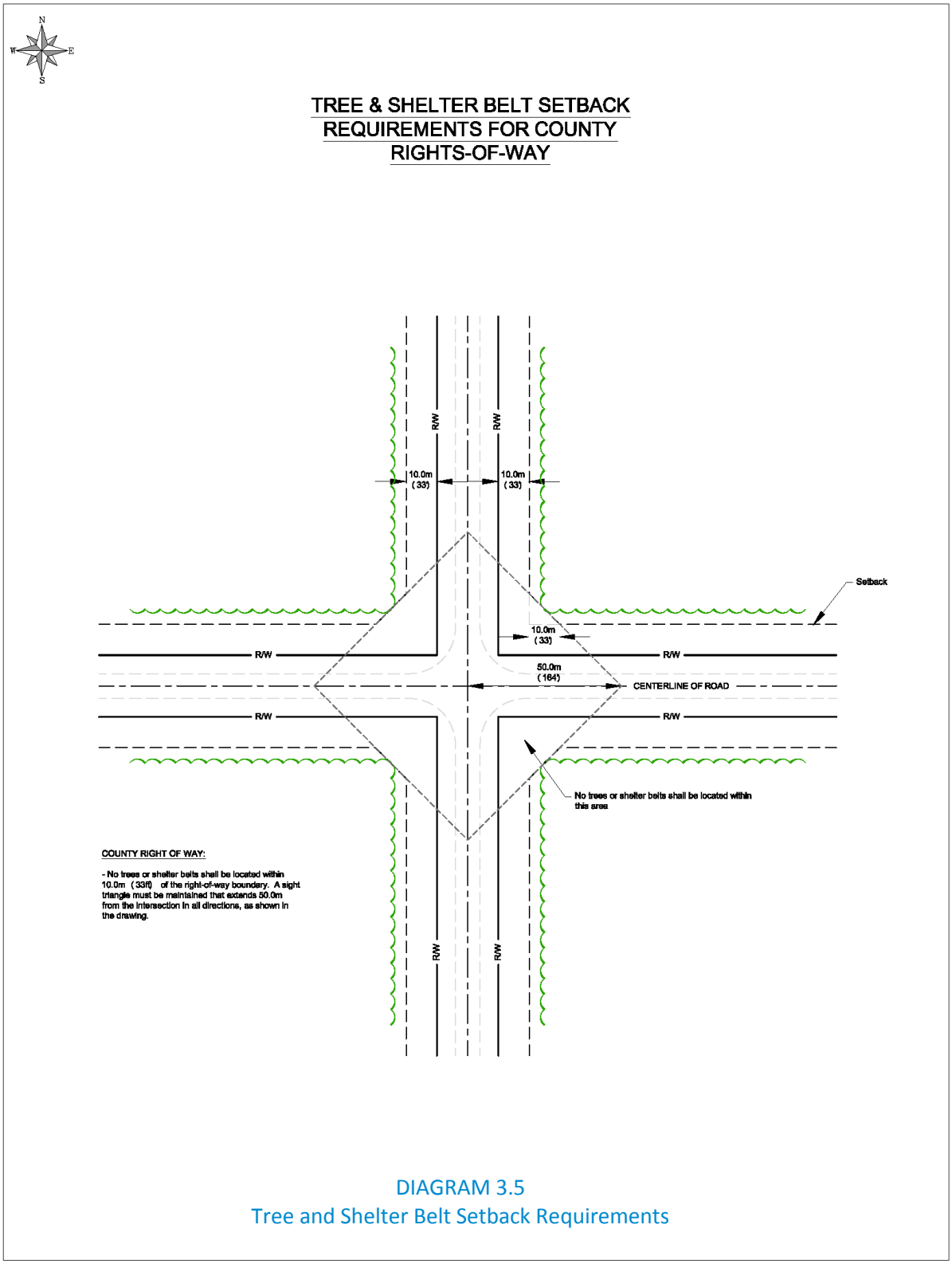


DIAGRAM 3.5
Tree and Shelter Belt Setback Requirements

12. DECKS AND AMENITY SPACES

(1) A development permit is required for the construction of any deck 0.61 metres (2 ft.) or more above grade in height. Deck height is measured from the finished grade to the finished floor grade of the deck.

(2) A development permit is required for the construction of any deck that is covered or enclosed (roof or walls), regardless of the height.

(3) A development permit is required for the construction of a deck if it will be attached to a principal building.

(4) For the purpose of calculating yard setbacks and site coverage requirements as provided in this bylaw, where a structure is attached to the principal building by a roofed structure (open or enclosed), it shall be deemed to be part of the principal building and must meet the required side and rear yard setbacks.

(5) Decks not attached to a building that are not 0.61 metres (2 ft.) or more in height, do not require a development permit provided they meet the minimum setback requirements for accessory buildings.

(6) REAR YARD SETBACKS: uncovered decks may encroach into the minimum required rear yard setback a maximum distance of 3.05 metres (10 ft.).

(7) For the purpose of applying these standards of the bylaw:

(a) a **deck** means a wooden, or other similar hard-surfaced platform, with or without a roof, walls or railings intended for outdoor living space or amenity area and which is generally attached to a building;

(b) a **raised deck** means a horizontal structure with a surface height 0.61 metres (2 ft.) or greater above grade at any point, but generally no higher than the first storey floor level, and is intended for use as a private outdoor amenity space;

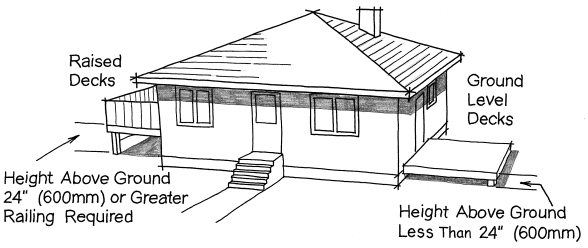


DIAGRAM 3.6

(c) a **ground level deck** means an unenclosed (no roof or walls) amenity area of wood, or other similar material, that is constructed less than 0.61 metres (2 ft.) above grade and is typically attached to a dwelling;

(d) a **ground level patio** means an unenclosed (no roof or walls) amenity area of concrete, brick, wood, or other material that is constructed at grade and may or may not be or attached to a dwelling.

(8) In accordance with Part 1 – Administrative, Section 13 (Development Not Requiring a Development Permit), decks in the Rural Agriculture – RA land use district do not require a development permit, but may require a building permit. The applicant shall be responsible for obtaining any required Safety Code permit pertaining to the construction of a deck.

13. BUILDING SETBACKS

(1) The Development Authority may waive the building setback requirement in a well-established residential area if, in its opinion, the setback blends in with the prevailing yard pattern.

(2) The Development Authority may require varied building setbacks in new residential areas if, in its opinion, the variation in setbacks will enhance the development of that area.

(3) The Development Authority may require increased building setbacks other than those listed in 13(1) and (2) if, in his opinion, such setbacks would be necessary.

14. MINIMUM SETBACKS FOR USES INVOLVING LIVESTOCK OR ANIMALS

(1) All corrals, feeders, shelters or other structures for the feeding of animals less than the numbers outlined in the *Agricultural Operations and Practices Amendment Act 2001 and Regulations* shall not be located closer to a neighbouring residence than 30.48 metres (100 ft.).

(2) All corrals, feeders, shelters or other structures for the feeding of animals less than the numbers outlined in the *Agricultural Operations and Practices Amendment Act 2001 and Regulations* shall not be located within 30.48 metres (100 ft.) of the boundary or right-of-way an irrigation district canal, creek, stream, river, lake shore or water body.

(3) A large animal veterinary clinic (e.g. cattle, horses, pigs, sheep and goat) shall not be located within 152.40 metres (500 ft.) of a neighbouring residential building.

(4) A kennel, breeding facility, livestock sales yard or abattoir shall not be located within 304.80 metres (1,000 ft.) of a neighbouring residential building.

15. MINIMUM SETBACKS FROM ROADWAYS

(1) No part of a building, structure or development shall be located within:

(a) 38.10 metres (125 ft.) of the centre line of any public roadway which is not designated as a provincial highway under the *Highways Development Protection Regulation,* unless authorized by the Development Authority;

(b) 70.00 metres (230 ft.) of the centre line or 40.00 metres (131 ft.) from the right-of-way boundary, whichever is greater, of roads designated as provincial highways under the *Highways Development Protection Regulation;*

(c) any greater distance that may be required by the Development Authority in order to facilitate future road widening, service road dedication, to reduce potential snow drifting, or vision restrictions.

(2) For any development adjacent to provincial roadways classified as a four-lane divided highway or freeways/expressways, the required setback distances and accesses will be reviewed on a highway-by-highway/development-by-development basis and shall be as prescribed by Alberta Transportation.

(3) Where any parcel or part of a parcel has frontage on a provincial highway, special standards for setbacks, access, and service roadways may be required by Alberta Transportation under the *Highways Development Protection Regulation*.

(4) Landscaping and dugout setbacks shall be at the discretion of the Development Authority having consideration for future road widening and possible adverse effects on the safety of the roadway.

16. DUGOUTS

(1) No part of any dugout, regardless of size, shall be located within:

(a) 45.72 metres (150 ft.) of the right-of-way of a highway; and

(b) 38.10 metres (125 ft.) of the centre line, whichever is greater, of any public roadway which is not designated as a provincial highway under the *Highways Development Protection Regulation,* unless authorized by the Development Authority.

(2) In accordance with Part 1, section 13(4)(h), a dugout or pond is exempt from a development permit if the applicable setbacks to all roadways (including the required site triangle restriction) and property lines are met in accordance with the bylaw (setbacks are to include the area for berms, stockpiles and fencing associated with a dugout or pond);

17. DEVELOPMENT AND SETBACKS NEAR CANALS

All other development shall not be located within 30.48 metres (100 ft.) of the boundary of a right-of-way of an irrigation canal that serves any downstream users. In order to determine the status of a canal, the comments of the relevant irrigation district should be considered.

18. ACCESS

(1) The municipality may, at the time of subdivision or development, require the developer to enter into an agreement for the construction of any approach(es) necessary to serve the lot or development area in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards*.

(2) All newly created lots shall have frontage on a public roadway which enables direct physical and legal access onto that public road. The minimum frontage requirements shall be as defined by the minimum lot dimensions in the applicable land use district or as required by the Subdivision or Development Authority.

(3) All new development shall have frontage on and direct physical and legal access to a maintained public roadway, except for:

(a) development internal to a condominium plan containing private roadways;

(b) development internal to a manufactured home community, dwelling group, or multi-use development containing internal roadways as approved by the Development Authority; and

(c) in limited circumstances where the Subdivision or Development Authority has allowed legal access to be provided by an easement.

(4) To ensure proper emergency access, all developments shall have direct legal and developed physical access to a public roadway constructed in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards*. If the development is within 304.80 metres (¼ mile) of a provincial highway, direct legal and physical access to a public roadway shall be to the satisfaction of Alberta Transportation.

(5) Access points adjacent to blind corners, hills, ridges, railway crossings and any other obstructions shall be positioned so as to provide a reasonably unobstructed view in either direction of 100.00 metres (328 ft.) on a local road.

(6) The requirement of a service road or subdivision street to provide access may be imposed as a condition of approval for any new development other than those deemed approved. Construction and survey costs for a service road shall be the responsibility of the applicant.

(7) The Development Authority may require access to be located so that it can be shared with an adjoining lot or development.

19. ACCESS TO AND DEVELOPMENT NEAR PROVINCIAL HIGHWAYS

(1) All accesses on provincial highways shall be approved by Alberta Transportation. The department will review any development adjacent to a provincial highway and determine whether an access, existing or proposed, is acceptable.

(2) All land redesignations and new developments that will cause intensified or increased use of any access to provincial highways shall be approved by Alberta Transportation.

(3) Provincial legislation may require that Alberta Transportation issue a Roadside Development Permit when development takes place in proximity of the provincial highway system.

20. DRIVEWAYS

(1) In hamlets, vehicle access to and from corner lots shall generally be limited to locations along the minor street or cul-de-sac.

(2) In hamlets, every vehicular entrance and exit shall be located at least 6.10 metres (20 ft.) from the intersection of two streets, excluding lanes, and a greater distance where reasonable and appropriate (reference to 6.10 metres distance illustrated as setback A on Diagram).

(3) In all other cases, every vehicular access and exit to a parcel shall be located to the satisfaction of the municipality.

(4) As a condition of a development or subdivision approval, the Development Authority or Subdivision Authority may stipulate the minimum width and type of private driveways required to ensure adequate access for emergency vehicles, applicable to all land use districts.

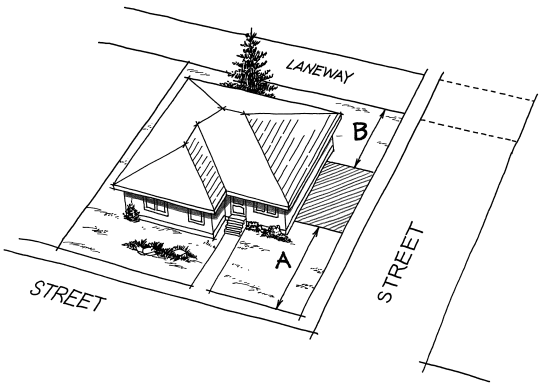


DIAGRAM 3.7

(5) No access for vehicles will be permitted from a municipal roadway where, in the opinion of the Development Authority, there would be an excessive number of access points onto a roadway.

(6) Outside of hamlets, the minimum parcel frontage or width required to accommodate a private parcel access or driveway onto a public roadway shall be a minimum of 6.10 metres (20 ft.).

21. DEMOLITION

For the purposes of the application of the Land Use Bylaw, the demolition or removal of buildings shall be considered a permitted use subject to complying with the following:

(1) No person shall commence or cause to be commenced the demolition or removal of any building or structure, or portion thereof, until all necessary permits have been obtained unless otherwise exempted by the bylaw.

(2) The demolition or removal of any building or structure 9.29 m^2 (100 sq. ft.) or less in size or an agricultural building located in the Rural Agriculture land use district may be exempt from a municipal development permit in accordance with Part 1 – Administrative, Section 13 (Development Not Requiring a Development Permit).

(3) A development permit must be obtained for the demolition or removal of any building or structure greater than 9.29 m^2 (100 sq. ft.) in size, unless it is deemed by the Development authority to be exempt as an agricultural building located in the Rural Agriculture land use district.

(4) Whenever a development permit is issued for the demolition or removal of a building or structure, it shall be a condition of the permit that the lot shall be cleared, with all debris removed, and left in a graded condition upon completion of the demolition or removal to the satisfaction of the Development Authority.

(5) When a development permit is to be approved for the demolition or removal of a building or structure, the Development Authority may require the applicant to provide a cash deposit, an automatically renewable irrevocable letter of credit, or other acceptable form of security in such amount as to occupy the costs of reclamation to any public utility or municipal property if applicable.

(6) Whenever a demolition or removal of a building or structure is carried out, the property owner shall, at their own expense, protect any wall, structure, sidewalk, landscaping (hard and/or soft) or roadway liable to be affected by such demolition or removal, including those on neighbouring properties, from damage or displacement.

(7) The Development Authority may require as a condition of the development permit that the site be fenced and screened to ensure adequate public safety.

(8) The applicant shall be responsible for obtaining all necessary Safety Codes approvals and utility service disconnections before demolition or removal of buildings or structures.

(9) A development permit for demolition may be treated as a discretionary use by the Development Authority, if it is combined and processed in conjunction with a discretionary use development permit application.

(10) At the discretion of the Development Authority, affected landowners or utility agencies may be notified of the application prior to the issuance of the permit.

22. EXCAVATIONS

For the purpose of this bylaw, an excavation shall be considered a development and is subject to the requirements of obtaining a development permit from the municipality, unless otherwise exempted in the bylaw.

23. UTILITY EASEMENTS

(1) No development permit may be issued for a development that encroaches into or over a utility easement or right-of-way without the written consent of the easement owner or the person whose utility line is found in the easement, or both.

(2) All development permit applications submitted to the municipality shall illustrate on the site plan the specific location any easements or utility rights-of-way on the parcel. Prior to deeming a development permit application complete, the Development Authority may require a developer or landowner to provide utility easement or right-of-way information in the form of agreements or registered plans.

24. PIPELINE AND OTHER UTILITY CORRIDOR SETBACKS

Any development involving pipeline and/or power line transmission rights-of-way shall be sited to comply with all relevant Federal and Provincial legislation. Setbacks from pipelines and other utility corridors shall be in

accordance with appropriate Provincial Regulations or Acts and any regulations or directives established by the Alberta Energy Resources Conservation Board (ERCB).

25. LANDSCAPING AND SCREENING

(1) The Development Authority may impose landscaping or screening requirements on development applications for permitted and discretionary uses if, in their opinion, they would serve to improve the quality or compatibility with nearby uses of any proposed development. Landscaping or screening requirements will usually be required for business, commercial or industrial developments, especially adjacent to transportation corridors and within commercial or industrial parks.

(2) Landscape securities shall be provided if requested by the Development Authority, with the minimum deposit amount as determined sufficient by the Development Authority, which shall be held until an inspection has been completed by the municipality to determine compliance.

(3) The Development Authority may require that a high-quality landscape plan/design be submitted for review and approval by the municipality:

(a) as part of a development permit application prior to being deemed complete; or

(b) as a condition of a development permit approval.

(4) The front yard (except for sidewalks and driveways) shall be landscaped to the satisfaction of the Development Authority.

(5) In the case of corner lots, the minor street frontage shall also be landscaped to the satisfaction of the Development Authority.

(6) Landscaping may consist of any or all of the following:

(a) trees, shrubs, lawn, flowers;

(b) large feature rocks, bark chips, field stone;

(c) berming, terracing;

(d) other innovative landscaping features.

(7) Within hamlets and the Grouped Country Residential land use district, landscaping of lots shall be carried out within two years of the date a development permit is issued, to the satisfaction of the Development Authority. In other districts, the landscaping shall be carried out within the time prescribed on the development permit approval.

(8) In addition to any other provisions of this bylaw, landfill sites, gravel pits, sewage lagoons, sewage treatment plants, commercial or industrial storage yards and other similar forms of development may be required to be screened from view by a vegetated buffer strip or some other form of screening.

(9) The Development Authority, in considering a development permit application, may impose conditions requiring the retention of trees or additional plantings of such a type and extent that are considered necessary.

(10) If landscaping is required as a condition of a development permit approval, the Development Authority may impose any or all of the following standards:

(a) If water is readily available, soft landscaping guidelines pertaining to more typical or traditional forms of landscaping (not including xeriscaping or xerigardening) that shall be provided must be in consistency with following (at a minimum):

(i) trees must be planted in the overall minimum ratio of one tree per 130 m^2 (1399 sq. ft.) of landscaped area provided;

(ii) the mixture of tree sizes at the time of planting must be equivalent to a minimum of 50 percent larger trees;

(iii) at the discretion of the Development Authority, the mixture of tree sizes at the time of planting may be equivalent to 2/3 trees with an option of providing 1/3 remaining with shrubs with no less than 3.0 shrubs per tree;

(iv) all plant materials shall be planted according to good horticultural practice;

(v) selection of plant varieties shall be based on regional climatic conditions, constraints of location, effectiveness in screening (if required), resistance to disease and insect attack, cleanliness, appearance and ease of maintenance;

(vi) wherever space permits, trees shall be planted in groups;

(vii) if trees are planted, the minimum requirements for tree sizes at the time of planting shall be:

Table 1	
TREE TYPE	**CALLIPER / HEIGHT**
Deciduous trees (small)	40 mm calliper
Deciduous trees (large)	80 mm calliper
Coniferous trees (small)	1.5 metres height
Coniferous trees (large)	2.5 metres height
Shrubs	0.5 metres height or spread

(b) If water is not available, xeriscaping or xerigardening, which refers to landscaping and gardening in ways that reduce or eliminate the need for supplemental water from irrigation and emphasizes plants whose natural requirements are appropriate to the local climate, shall be highly encouraged. Xeriscaping or xerigardening may include incorporating rocks, mulch, boulders in the design, but it must also focus on including some form of greenery (plants) that require less water.

(11) Additional landscaping that may be required at the discretion of the Development Authority may include, but is not limited to, the following:

(a) additional separation, or buffering, between adjacent land uses;

(b) the use of trees, shrubs, fences, walls, and berms to buffer or screen uses of negative impact; and

(c) the use of trees, shrubs, planting beds, street furniture and surface treatments to enhance the appearance of a proposed development.

(12) Where any parcel or part of a parcel adjacent to a provincial highway is used for outdoor storage of goods, machinery, vehicles, buildings, or waste materials, the Development Authority shall require screening by buildings, fences, hedges, trees, berming, or other landscaping features to their satisfaction.

(13) Where screen planting is required, low water use and indigenous species should be used, but evergreen trees and flowering trees are acceptable.

(14) Fencing shall only be utilized for the visual screening of outside storage, waste/garbage, equipment, product, vehicles or for security purposes provided it is located in the side or rear yards of the principal building. At the discretion of the Development Authority, decorative fencing may be permitted in the front yard of a principal building in compliance with the standards of the Land Use Bylaw and any approved architectural controls. Additionally, fencing may be permitted in the front yard of a principal building at the discretion of the Development Authority with consideration of the following:

(a) it may be exempted in older, well established industrial or commercial areas in consideration of the existing prevalent yard and neighbourhood patterns;

(b) where no principal building is present on parcel or the use is for outdoor storage;

(c) where municipally approved architectural controls are present and/or the area structure plan for the land or business park enables such use;

(d) on corner lots, the required site corner triangle setbacks must be able to be adhered to.

If the above described criteria cannot be met, fencing shall only be utilized for visual screening in the side and rear yards of the principal building.

(15) The location, type, height or size of visual screening that may be required shall be provided as determined necessary at the discretion of the Development Authority.

(16) To the satisfaction of the Development Authority, the following shall be enclosed from view, or screened to soften the visual impact on adjacent or proximal sites, public roadways, and public thoroughfares:

(a) all heating, ventilating, and air conditioning (HVAC) apparatus on the roof, with the exception of solar power;

(b) outside storage areas;

(c) exterior work areas;

(d) garbage, waste, and waste handling and collection areas;

(e) wrecked or damaged motor vehicles;

(f) outdoor service areas, including any loading and vehicular service areas, that are visible from an adjacent residential property or from a public road other than a lane;

(g) bulk outdoor storage, including but not limited to auto wrecking, lumber yards, pipe storage, vehicle storage and similar uses; and

(h) the parking or storage of large trucks, tractor-trailers, and heavy industrial equipment.

(17) Limited outside storage display areas may be allowed at the discretion of the Development Authority, provided that they are limited to examples of equipment, products, vehicles or items sold by the business use located on the subject site containing the display area, are not located within any required setback, and are not located on any required and approved landscaping area.

(18) The location, length, thickness and height of screening shall be in accordance with the Landscaping Plan or Development Permit approved by the Development Authority.

(19) Such screening shall be maintained to mitigate visual impact from the ground to a height of 1.98 metres (6.5 ft.), or as may be stipulated as a condition of Development Permit.

(20) Where, because of the height of materials stored, a form of screening to a height of 1.98 metres (6.5 ft.) would not be sufficient, a form of screening with sufficient height to mitigate the view shall be provided, to the satisfaction of the County.

26. DRAINAGE, SITE GRADING AND RETAINING WALLS

(1) The Development Authority may require as a condition of development approval:

(a) engineered grading and drainage plans for the development;

(b) a legal land survey demonstrating that engineered grades have been met;

(c) grading and other measures, as appropriate, to control surface drainage, reduce or eliminate grade difference between adjacent lots, and minimize erosion or slope instability;

(d) the final grades of the development must be approved by the Development Authority before the issuance of a building permit;

(e) the applicant is responsible for ensuring adherence to final grades.

(2) At the discretion of the Development Authority, the applicant shall be required to grade a parcel in such a manner that all surface water will drain from the building and other site improvements.

(3) The Development Authority or Subdivision Authority may require the applicant of a development or subdivision to provide at their expense, a storm water drainage management plan prepared by a licensed professional engineer as part of the information requirements in considering an application or as a condition of approval.

(4) The Development Authority or Subdivision Authority may refuse to approve a development permit or a subdivision application if it cannot be demonstrated to the satisfaction of the relevant approval authority that storm water drainage can be suitably managed.

(5) The Development Authority may require an applicant to provide a site grading plan for any development if there is the possibility the development may block drainage, natural drains or drain water onto neighbouring lands.

(6) The Development Authority may require the construction of a retaining wall as a condition of a development permit if, in his opinion, significant differences in grade exist or will exist between the parcel being developed and adjacent parcels.

(7) As a condition of a development permit, the Development Authority may require special grading and/or paving to prevent surface drainage problems with neighbouring lots.

(8) Where no specific engineered grading and drainage plan is submitted or requested for a development, the Development Authority may establish and specify building grades at its discretion.

(9) In no instance shall a lot owner develop, construct, regrade or alter the grading of a lot where it would result in improper drainage or adversely impact a neighbouring property owner or cause flooding.

27. LOW IMPACT DEVELOPMENT (LID)

(1) Low Impact Development (LID) consists of a set of best management practices (BMPs) which seek to reduce storm water quantity and improve storm water quality at its source. These practices include but are not limited to:

(a) green roofs;

(b) bioretention areas;

(c) porous pavement;

(d) water re-use; and

(e) bioswales.

(2) LID measures such as those described above may be required by the County to be implemented on new development projects, renovations to existing buildings, or revisions to existing developments/ subdivisions or parcels of land by individual land owners. These measures may be mandatory for land development and required as part of an area structure plan, conceptual design scheme, or condition on

a development permit approval, as determined necessary by County Council or the Development Authority.

(3) As part of a sustainable neighbourhood design, landscaping may be required to utilize native vegetation wherever possible to reduce the irrigation demand (xeriscaping). Irrigation of public areas with reclaimed water and storm water from centralized storm ponds is an option to further reduce potable water demands.

28. SERVICES, TRANSPORTATION AND UTILITIES FACILITIES

(1) An application to locate or expand a land use shall not be approved unless, in the opinion of the Development Authority, the proposed use will not have a detrimental effect on any:

(a) transportation or communication system, including highways, railway, airport site or communication facility; or

(b) regionally significant services or utilities facilities, including irrigation works, pipelines and power transmission lines.

(2) Any application for development located in the vicinity of a sour gas pipeline shall be circulated to the Energy Resources Conservation Board for comment prior to a decision being made on the application.

29. OBJECTS PROHIBITED OR RESTRICTED IN YARDS

(1) In accordance with the applicable land use district, the number of recreational vehicles that shall be stored or parked on a parcel shall not exceed the number as specified in a land use district or unless otherwise approved by the Development Authority.

(2) A recreational vehicle parked on a lot in any district shall not be used for permanent living or sleeping accommodation.

(3) Unless otherwise authorized in the bylaw and allowed in a land use district as a permitted or discretionary use, shipping containers (or c-containers, sea-containers) are prohibited from being used or stored in yards. (See Section 32 of Part 4 – Use Specific Provisions)

30. OFF-STREET PARKING REQUIREMENTS FOR NON-AGRICULTURAL USES

APPLICABILITY

(1) The off-street parking and loading requirements and design standards apply to:

(a) all new buildings and uses;

(b) the expansion or enlargement of existing buildings or uses; and

(c) a change in a land use.

(2) In the case of expansion or enlargement of an existing building or use, additional off-street parking spaces will be required to serve the expanded or enlarged area only, not the entire building or use.

GENERAL REQUIREMENTS

(3) Parking areas shall be laid out and delineated in a manner which will provide for orderly parking (see diagram on following pages).

(4) The Development Authority may require that driveways and parking areas or portions thereof be properly gravelled or hard surfaced (e.g. asphalt, concrete, pavement, stones).

(5) All parking spaces shall be provided on the same lot as the building or use, except where the Development Authority may permit parking space to be on a lot within 152.40 metres (500 ft.) of the building or use if, in his opinion, it is impractical to provide parking on the same lot as the building or use. Where such other parking space is provided, a caveat, to the approval of the Development Authority, shall be registered against the lot.

MINIMUM REQUIRED OFF-STREET PARKING

(6) Table 2, Minimum Required Off-Street Parking, shall be used to calculate the minimum number of off-street parking spaces a use is required to provide.

(7) Off-street parking requirements based on floor area are to be computed on the gross floor area (GFA) of the building.

(8) Calculation of off-street parking requirements resulting in a fractional number of 0.5 or greater shall be rounded up and rounded down when resulting in a fractional number of 0.49 or less.

(9) A multiple use development must provide parking in an amount equal to the number of spaces for all uses, except where a shared parking provision is approved by the Development Authority. A shared parking provision based upon the proposed sharing of parking spaces between two or more uses must include a written agreement between the owners on record. Where such off-site parking is approved, a caveat shall be registered against the lot to guarantee the continuous use of the site for parking.

(10) Where a use is not listed, minimum required off-street parking shall be provided as required by the Development Authority having regard to the listed use that is most similar to the proposed use. As an alternative, the Development Authority may require a parking study to be prepared by a qualified professional at the applicant's expense to determine the parking requirements for a use not listed in Table 2.

Table 2 – Minimum Required Off-street Parking

USE	MINIMUM PARKING SPACES
COMMERCIAL/INDUSTRIAL	
Accessory structures and uses	As required by the Development Authority
Amusement facility	1 space / 27.87 m^2 (300 sq. ft.) of GFA
Vet care facility small animal	1 space / 46.45 m^2 (500 sq. ft.) of GFA
Vet care facility large animal	1 space / 46.45 m^2 (500 sq. ft.) of GFA
Auctioneering establishment	1 space / 65.03 m^2 (700 sq. ft.) of GFA
Autobody repair/paint shop	1 space /46.45 m^2 (500 sq. ft.) of GFA
Automotive sales and/or service	1 space / 46.45 m^2 (500 sq. ft.) of GFA
Bulk fuel station	1 space / 46.45 m^2 (500 sq. ft.) of GFA
Business support service	1 space / 46.45 m^2 (500 sq. ft.) of GFA
Car wash	1 space per employee
Construction supply and contractor	1 space / 65.03 m^2 (700 sq. ft.) of GFA
Convenience store	1 space / 27.87 m^2 (300 sq. ft.) of GFA
Drive-in/drive-through use	1 space / 5.11 m^2 (55 sq. ft.) of seating area plus 1 space per employee
Eating establishments	1 space per 4 seats plus 1 per employee
Entertainment establishment	1 space / 5.11 m^2 (55 sq. ft.) of patron use area plus 1 space per employee

USE	MINIMUM PARKING SPACES
Equipment sales, rental and service	1 space / 65.03 m^2 (700 sq. ft.) of GFA
Farmers market	1 space / 37.16 m^2 (400 sq. ft.) of GFA
Financial institution	1 space / 37.16 m^2 (400 sq. ft.) of GFA
Funeral facility	1 space / 5 seating spaces plus 1 space per employee
Grain elevators/seed cleaning	1 space / 65.03 m^2 (700 sq. ft.) of GFA
Grocery store	1 space / 37.16 m^2 (400 sq. ft.) of GFA
Government service	1 space / 46.45 m^2 (500 sq. ft.) of GFA
Health service	1 space per staff member and 1 space per examination room
Heavy industry	1 space / 92.90 m^2 (1000 sq. ft.) of GFA
Hotel/motel	1 space per guest room
Household repair service	1 space / 46.45 m^2 (500 sq. ft.) of GFA
Industrial (not-specified)	1 space per employee or more as required by the Development Authority
Intensive horticultural service	1 space / 65.03 m^2 (700 sq. ft.) of GFA
Kennel	1 space / 46.45 m^2 (500 sq. ft.) of GFA
Landscaping materials sales	1 space / 65.03 m^2 (700 sq. ft.) of GFA
Licensed premises	1 space per each 2 seating spaces
Light industry/manufacturing	1 space / 65.03 m^2 (700 sq. ft.) of GFA
Mini storage	As required by the Development Authority
Office	1 space / 46.45 m^2 (500 sq. ft.) of GFA
Outdoor storage	As required by the Development Authority
Personal service	1 space / 37.16 m2 (400 sq. ft.) of GFA
Recreation facility, public	1 space / 27.87 m2 (300 sq. ft.) of GFA
Recreation facility, private	1 space / 27.87 m2 (300 sq. ft.) of GFA
Recycling facility	1 space / 65.03 m2 (700 sq. ft.) of GFA
Research and development facility	1 space / 92.90 m2 (1000 sq. ft.) of GFA
Retail store	1 space / 37.16 m2 (400 sq. ft.) of GFA
Salvage or wreckage yard	As required by the Development Authority
Service station/gas bar	1 space / 37.16 m2 (400 sq. ft.) of GFA
Shopping centre	1 space / 23.23 m2 (250 sq. ft.) of GFA
Specialty manufacturing/rural cottage industry	1 space / 46.45 m2 (500 sq. ft.) of GFA
Tourist information	1 space / 46.45 m2 (500 sq. ft.) of GFA
Transportation/delivery service	1 space / 46.45 m2 (500 sq. ft.) of GFA
Truck transportation/dispatch depot	1 space / 65.03 m2 (700 sq. ft.) of GFA
Truck wash	1 space per employee
Warehousing	1 space / 65.03 m2 (700 sq. ft.) of GFA
Waste disposal facility	As required by the Development Authority
Wholesale trade	1 space / 65.03 m2 (700 sq. ft.) of GFA
RESIDENTIAL	
Bed and breakfast	1 space per guest room plus the 2 spaces per dwelling unit
Boarding home	1 space per sleeping unit plus the 2 spaces per dwelling unit
Day care facility	1 pick-up/drop-off space per 10 children plus 1 space per employee
Communal facility	As required by the Development Authority
Secondary suites	1 space per suite plus 2 spaces per dwelling unit

USE	MINIMUM PARKING SPACES
RESIDENTIAL (continued)	
Dwellings:	
- Accessory	1 space per dwelling unit
- Apartment	1.5 spaces per each dwelling unit plus 0.5 space per unit for visitor parking
- Multi-unit	2 spaces per each dwelling unit plus 0.5 space per unit for visitor parking
- Semi-detached and duplex	2 spaces per each unit
- Single-detached, manufactured new	2 spaces per dwelling unit
- Single-detached, manufactured used	2 spaces per dwelling unit
- Single-detached, site built for park operator	2 spaces per dwelling unit
- Single-detached, ready-to-move	2 spaces per dwelling unit
- Single-detached, site built	2 spaces per dwelling unit
Dwelling group	1.5 spaces per dwelling unit
Home occupation 1	N/A
Home occupation 2	1 additional space
Home occupation 3	2 additional spaces
Manufactured home community - visitor parking	As required by the Development Authority
Senior citizen housing	1 space per 2.5 dwelling units
PUBLIC	
Cemetery/ crematorium	As required by the Development Authority
Clubs and organizations	1 space / 5.11 m^2 (55 sq. ft.) of patron use area plus 1 space per employee
Community hall	1 space/5 seating spaces plus 1 space per employee
Cultural facility	1 space/5 seating spaces plus 1 space per employee
Dormitory	As required by the Development Authority
Educational facility	3 spaces per classroom
Exhibition ground	As required by the Development Authority
Group care facility	1 space per employee plus visitor parking as required by the Dev. Authority
Group home facility	2 spaces per each dwelling unit plus 1 space per employee
Hospital	1 space per bed
Parks and playgrounds	As required by the Development Authority
Religious assembly	As required by the Development Authority

BARRIER-FREE PARKING

(11) The minimum number of barrier-free parking spaces to be provided for shall be a portion of the total number of off-street parking spaces required, in accordance with Table 3, Barrier-Free Parking Spaces.

(12) Each barrier-free parking space for the disabled shall be:

(a) at least 3.66 metres (12 ft.) wide;

(b) have a firm, slip-resistant and level surface;

(c) be clearly marked as being for the use of persons with disabilities only.

(13) Where there are two or more adjacent barrier-free parking stalls, a 1.52 metres (5 ft.) wide access aisle shall be provided between the stalls.

(14) Barrier-free parking stalls shall be clearly identifiable in accordance with Safety Codes.

(15) There must be a well-lit, distinguishable, barrier-free path of travel from the parking areas to the building entrance.

(16) The Development Authority may require an additional number of spaces be provided when the purpose or use of the building facilities may cause an increase in the number of seniors or persons with disabilities who require accessible parking, such as, but not limited to, medical services and restaurants.

Table 3 – Barrier-Free Parking Spaces	
Number of parking spaces required for a use	Number of barrier-free spaces required for use by persons with disabilities
0-10	0*
11-25	1
26-50	2
51-100	3
for each additional increment of 100 or part thereof	one additional stall

* Development is encouraged to provide at least one barrier-free parking space for use by persons with disabilities.

LOADING SPACE REQUIREMENTS

(17) One loading space shall be provided for each loading door.

(18) The minimum dimensions for a loading space shall be 3.05 metres (10 ft.) by 9.14 metres (30 ft.) with an overhead clearance of 3.96 metres (13 ft.).

(19) Each loading area shall provide a doorway into the building sufficient to meet the needs of the use within the building.

(20) Each loading area shall be designed in such a manner that it will not interfere with convenient and safe pedestrian movement, traffic flow or parking.

(21) The Development Authority may require additional loading areas or doors if such additional areas or doors are deemed necessary.

(22) The Development Authority may consider a joint loading area for two or more uses if such a loading area would facilitate orderly development or relieve congestion in the immediate area.

STACKING SPACES FOR DRIVE-THROUGH USES

(23) In addition to the off-street parking requirements, a drive-through use is required to provide the following minimum stacking spaces:

Restaurant use:	30.48 metres (100 ft.) from order box to pick-up window
Gas station:	9.14 metres (30 ft.) from each end on pump island
Bank machine:	22.86 metres (75 ft.) from bank machine window
Car wash:	15.24 metres (50 ft.) from car wash entrance
Other:	As determined by the Development Authority

(24) The minimum stacking space requirements in Section (23) above may be varied by the Development Authority depending upon the intensity of the proposed development.

OFF-STREET PARKING DESIGN STANDARDS

(25) Off-street parking areas shall be accessible and designed in a manner which will provide for orderly parking in accordance with the minimum parking space dimensions in Table 4, Minimum Parking Space Dimensions and Figure 1, Minimum Parking Space Dimensions.

(26) Parking space designs proposing tandem or stacked parking to a maximum of two vehicles per stall may be approved by the Development Authority provided the spaces are for employee parking only.

(27) The stall width and depth requirements for an off-street parking space may be reduced by the Development Authority where spaces are designed to accommodate compact vehicle parking.

(28) Where a use or development may need to accommodate over-sized vehicles such as tractor-trailers, large recreational vehicles, buses or other similar vehicles, the Development Authority may require larger parking space and aisle dimensions.

(29) Off-street parking areas shall be constructed in a manner which will permit adequate drainage, snow removal, and maintenance.

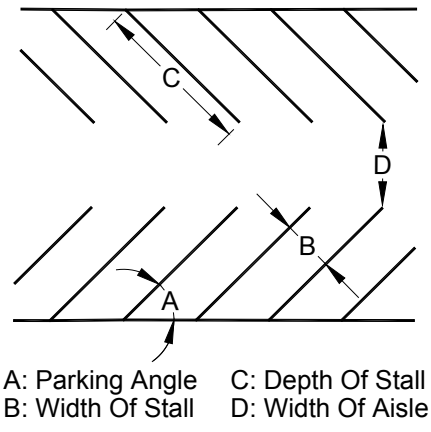
(30) Off-street parking spaces adjacent to a road right-of-way shall be provided with bumper blocks, curbing or other similar protective feature to ensure public safety and prevent vehicle overhang.

(31) The Development Authority may require that off-street parking areas or portions thereof be paved as a condition of approval.

Table 4 – Minimum Parking Space Dimensions

A: Parking Angle	B: Stall Width		C: Stall Depth		D: Aisle Width	
Degrees	Metres	Feet	Metres	Feet	Metres	Feet
0	2.44	8.0	6.71	22	3.66	12
30	2.74	9.0	5.49	18	3.35	11
45	2.59	8.5	6.10	20	3.96	13
60	2.59	8.5	6.40	21	5.49	18
90	2.90	9.5	5.64	18.5	7.32	24

Figure 1: Minimum Parking Space Dimensions



31. PERMITTED PROJECTIONS INTO SETBACKS

(1) In no circumstances shall any part of any structure encroach or cause runoff on an adjoining property.

(2) The following features may, subject to the relevant provisions of Safety Codes, project into the required setbacks under this bylaw:

(a) unenclosed steps or unenclosed fire escapes;

(b) a wheelchair ramp at the discretion of the Development Authority;

(c) fences or walls to the property line in accordance with the applicable land use district and the Corner Lot Sight Triangle requirements;

(d) driveways, curbs and sidewalks;

(e) off-street parking in accordance with the applicable land use district and the Corner Lot Sight Triangle requirements;

(f) cooling units not to exceed 0.91 metres (3 ft.);

(g) mailboxes;

(h) landscaping, fish ponds, ornaments, flagpoles less than 4.57 metres (15 ft.) in height, or other similar landscaping features in accordance with the Corner Lot Sight Triangle requirements;

(i) temporary swimming pools in accordance with the applicable land use district; and

(j) signs, in accordance with Part 5, Section 2(9) (Sign Regulations).

(3) The portions of an attachment to a principal structure which may, subject to the relevant provisions of Safety Codes, project over a setback are as follows:

(a) eaves, fireplaces, belt courses, bay windows, cornices, sills or other similar architectural features may project over a side setback as permitted under the relevant provisions of Safety Codes and over a front or rear setback a distance not to exceed 1.22 metres (4 ft.);

(b) a deck, balcony, porch, veranda, cantilever, or other similar feature may project over a front, rear or side setback a distance not to exceed 1.22 metres (4 ft.).

(4) In all cases, projections into any required setback must comply with the requirements of Safety Codes.

32. LIGHTING

Site lighting may be required as a condition of development and any such lighting shall be located and/or oriented as required by the Development Authority.

33. CLUSTERED / SMART GROWTH DEVELOPMENT CONCEPTS

To more efficiently use land and better manage growth, the County may require developers to apply concepts and principles of clustered development, higher densities, mixed-use and the preservation of open space or agricultural lands. To assist in achieving this Smart Growth objective, Council or the Development Authority, may apply the following:

(1) Area structure plans or conceptual design schemes may be required to incorporate clustering, mixed-use and other smart growth techniques in the plan proposal when directed to do so by Council.

(2) The Development Authority may relax or vary a standard of the bylaw pertaining to site coverage, setbacks, lot dimensions and sizes if it is in accordance with an adopted area structure plan or conceptual design scheme approved by Council.

(3) The proposed uses must conform to the permitted or discretionary uses of the applicable land use district.

(4) For mixed-use development, Section 23 of Part 4 – Use Specific Provisions apply.

34. HERITAGE CONSERVATION / HISTORICAL SITES AND VARIANCE PROVISIONS

The intent of these policies and standards is to preserve and protect historical buildings and landscapes which become landmarks and touchstones for the community, as the retention of historic elements serves to moderate the impact of rapid societal change.

The Federal *Standards & Guidelines for the Conservation of Historic Places in Canada* and the *Alberta Historical Resources Act* may be used to provide for the means to identify and protect historic resources in the municipality.

(1) The Development Authority may relax or vary a standard of the bylaw pertaining to site coverage, setbacks, height restrictions, access, parking and loading requirements, lot dimensions and sizes, if it is to accommodate the preservation or redevelopment of a building or development that has been officially designated as a historic building or site or meets the criteria in Section (2) below.

(2) Sites or buildings considered as eligible to receive special consideration under the land use bylaw include; archaeological sites, cultural landscapes, ethnic and local heritage sites, pioneer and agricultural sites, schools, churches and community halls, historic commercial buildings or structures, transportation heritage and cemeteries.

(3) In consideration of Sections 34(1) and (2), the Development Authority may waive certain requirements of the standards of the land use bylaw subject to the following conditions:

(a) the proposed work on the site would be compatible with and sympathetic to the character and context of the heritage site according to the federal heritage Standards and Guidelines for the Conservation of Historic Places in Canada;

(b) the heritage character-defining elements of the site are maintained;

(c) the existing buildings or use would be compromised if strict adherence to the land use bylaw standards were enforced;

(d) legal protection, in the form of a heritage designation or a covenant, may be a pre-requisite for any municipal heritage incentive.

(4) Where Council has, after giving the owner 60 days notice, designated by bylaw a historic resource within the municipality whose preservation it considers to be in the public interest, together with any land in or on which it is located that may be specified in the bylaw as a “Municipal Historic Resource”, no person shall alter or destroy or repair the resource without the approval of Council or a person appointed by Council.

(5) In conjunction of a development permit application submitted for a proposal declaring to be a historic building or site, the Development Authority may request that the applicant provide verification that the building, site or land has obtained official historic designation.

B. SERVICING AND SITE SUITABILITY

35. RURAL SERVICING STANDARDS AND SOIL SUITABILITY

SEWAGE SERVICING REQUIREMENTS

(1) Where a development requires a means of sewage disposal or treatment, the developer shall be required to install a sewage disposal system in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards* or other system as approved by the municipality. The Subdivision Authority may refuse to approve an application for subdivision or the Development Authority may refuse to approve an application for a development if the parcel on which it is proposed is not large enough to support a sewage disposal system to the standard required.

ON-SITE PRIVATE SEWAGE SYSTEMS

(2) The Development Authority or Subdivision Authority may ask for a professional soil test/analysis at any time it is of the opinion it is warranted, to determine the soil texture and the suitability of the land for private sewage septic systems in relation to the development or subdivision proposal.

(a) required on parcels that are less than 0.8 hectares (2 acres) in size

(b) required where a development is on a coulee slope or near a river/lake

(3) The soils test/analysis must be carried out in accordance with the *Alberta Private Sewage Systems Standard of Practice 2009 (or subsequent update).*

(4) All on-site private sewage treatment systems, including the holding tank and field or lagoons/ponds, must be located entirely within the legal property boundaries of the dwelling or building the system is associated with.

(5) All required distances the private sewage treatment system must be setback from the various attributes and property lines of the site shall be as per stipulated in the *Alberta Private Sewage Systems Standard of Practice 2009 (or subsequent standard update).*

(6) Sewage holding tanks are a method of private sewage disposal that are generally discouraged but may be considered acceptable by the municipality at its sole discretion if the volume of daily waste produced is considered low and only if no other reasonable alternative is available.

(7) The Development Authority may, as a condition on a development permit for a dwelling or building that requires a private septic sewage system, require that the applicant be responsible for having the private septic sewage system installed to meet all provincial regulations or standards including the *Alberta Private Sewage Systems Standard of Practice 2009 (or subsequent standard update).*

COMMUNAL TREATMENT SYSTEMS

(8) For multi-lot, clustered or grouped country residential developments, Lethbridge County may consider as an acceptable method to treat sewage effluent. In determining the suitability of allowing such systems, the municipality may take into consideration:

(a) the type of system proposed and the technology involved in the treatment;

(b) the engineering specifications and documented operating record of such systems;

(c) if Alberta Environment would approve the system;

(d) the projected life cycle of such a system;

(e) the annual maintenance and operating costs;

(f) the required monitoring and reporting of the system and what level of certification of the operator is required;

(g) the proposed access, fencing, and security of the infrastructure associated with the treatment system;

(h) the location of the system and its associated infrastructure or disposal area and the proximity to adjacent or nearby land uses;

(i) if a setback waiver request to Alberta Environment is needed in relation to any nearby or proposed residences determined to be located within the provincially regulated 300 metres (984 ft.) setback requirement of the *Municipal Government Act Subdivision and Development Regulations*;

(j) if the parcel the system is to be located on is to be designated as a PUL to the dedication of Lethbridge County;

(k) comments or recommendations from the Regional Health Authority, Alberta Environment, and any other government or referral agency;

(l) any other matter Lethbridge County deems relevant to the proposal and consideration of approval of the treatment system.

(9) At its sole discretion and prerogative, Lethbridge County may accept or may refuse to approve or accept any communal sewage treatment system.

(10) The costs related to the preparation of an engineering report and application to be submitted to Alberta Environment, in support of a setback waiver request in relation to the provincially regulated 300 metres (984 ft.) setback requirement to a communal sewage treatment system, shall be borne entirely by the developer, unless otherwise agreed to by Lethbridge County.

(11) If approving a communal sewage treatment system, Lethbridge County may at the time of subdivision or development, require the developer to enter into a development agreement with the municipality for the construction and installation of the system necessary to serve the subdivision or development at the applicant's expense.

MUNICIPAL TREATMENT SYSTEMS

(12) If a development is proposing to install, extend, or connect to a municipal sewage treatment system, Lethbridge County may consider approval of such requests at its own discretion. An applicant proposing this method will be requested to obtain written authorization from the County consenting to such prior to a subdivision or development permit application being deemed complete, unless this has been specified in other agreements with the municipality.

POTABLE WATER

(13) All subdivisions shall have a potable water supply suitable to Lethbridge County and Alberta Environment.

(14) The Subdivision Authority may refuse to approve an application for subdivision or the Development Authority may refuse to approve an application for a development if the proposed source of water is deemed to be not acceptable or cannot be verified.

36. *WATER ACT* REQUIREMENTS

The provincial *Water Act* came into force in January 1999. It is the intent of the provincial government to eventually adopt Water Management Plans (WMPs) for all water basins in Alberta. Until such time these plans

are prepared and put into practice in accordance with provincial guidelines, Lethbridge County shall meet the legislative requirements of section 23 of the *Water Act* regarding subdivision and development by applying the following policies:

(1) Prior to the preparation of a water management plan (WMP), Lethbridge County shall require that a certified water report be prepared for any application for subdivision approval or a proposed land use redesignation which proposes to create six or more parcels of land in a quarter section where the water is not being provided by a licensed or municipal source.

(2) All certified reports shall be prepared in accordance with the *Report Requirements under Section 23 of the Water Act for Subdivision Development* as produced by Alberta Environment, September 1999.

(3) The certified report shall be forwarded to the Regional Director for the *Water Act* for interpretation, evaluation and comment.

(4) All costs associated with the preparation, evaluation, interpretation and/or distribution of the said report shall be borne by the registered owner or the agent authorized to act on behalf of the registered owner.

(5) At its sole discretion, Lethbridge County may charge additional fees to ensure that any certified report is referred to the appropriate authorities for evaluation and interpretation pursuant to section 61 of the *Municipal Government Act*.

(6) Upon the preparation and subsequent adoption of a water management plan within Lethbridge County, these policies shall be reviewed, re-evaluated and modified if necessary.

37. STORM WATER MANAGEMENT

(1) The Subdivision Authority or Development Authority may require the applicant of a development or subdivision to provide at their expense, a storm water drainage management plan prepared by a licensed professional engineer as part of the information requirements in considering an application or as a condition of approval.

(2) As a condition of a subdivision or development application approval, the Subdivision Authority or Development Authority may impose any of the requirements outlined in Part 1, Section 20 and 28(2) and section 26 of this Part.

(3) All storm water drainage management plans submitted to the municipality must be prepared to the satisfaction of Lethbridge County in accordance with Alberta Environment and Sustainable Resource Development's *Stormwater Management Guidelines* and *Lethbridge County Engineering Guidelines and Minimum Servicing Standards, Lethbridge County Storm Water Management Master Plans,* or other required municipal standards or policies as directed by the County.

(4) When Alberta Environment and Sustainable Resource Development approval is required for a storm water drainage management plan, the applicant is responsible for obtaining the necessary approval and filing a copy of the approval or refusal with the municipality once the application decision has been issued by the provincial department.

(5) The Development Authority may require the applicant of a development to provide at their expense, a lot grading or finished elevation plan prepared by an Alberta Land Surveyor, professional engineer or architect as part of the information requirements in considering an application or as a condition of approval.

38. DEVELOPMENT OF LANDS SUBJECT TO SUBSIDENCE OR FLOODING

(1) If, in the opinion of the Subdivision or Development Authority, land upon which development is proposed is subject to subsidence or flooding, the relevant Approval Authority may require the applicant to submit a structural building plan prepared and sealed by a qualified professional engineer, and/or a slope stability analysis, and/or geotechnical report, and/or flood mapping prepared by a qualified professional engineer demonstrating that any potential hazards can be mitigated.

(2) Development requiring a development permit must be set back a minimum of at least 20 metres (65.6 ft.) from the boundary of a naturally occurring watercourse unless an engineering study, as required by Sections 38(1) or (6) is provided.

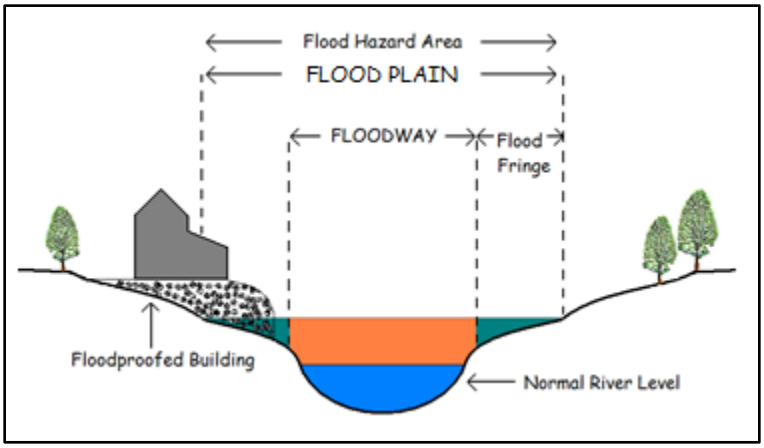


DIAGRAM 3.8

(3) New development within the flood hazard area (consisting of both the floodway and flood fringe) shall be strongly discouraged; however, should the Subdivision or Development Authority consider it appropriate, a development may be allowed in the flood fringe area subject to the following requirements:

(a) development shall be restricted to non-residential buildings or structures that can be adequately protected to minimize potential flood damage, and

(b) the first floor and mechanical and electrical installations within any structures or buildings shall be a minimum of 0.5 metres (1.6 ft.) above the 1:100 year flood elevation level, and

(c) the lowest elevation of any unprotected opening shall not be less than 0.5 metres (1.64 ft.) above the 1:100 year flood elevation.

(4) Buildings shall have no “finished” floor space developed below the 1:100 year flood elevation. This includes a crawl space under a dwelling.

(5) The applicant must provide information on the grade elevations of the proposed building site, the building, as well as the building openings and mechanical or electrical equipment all referenced in geodetic elevations.

(6) Before a development permit is issued, the Development Authority may require that the applicant provide a certificate containing the seal and signature of a Professional Engineer of The Association of Professional Engineers and Geoscientist of Alberta (APEGA) or Architect indicating that the requirements listed above have been met and that the building or structure is adequately protected against flood damage to the 1:100 year flood elevation.

(7) The Subdivision or Development Authority, may consult with Alberta Environment and Sustainable Resources or other appropriate organization or individual to assist in determining high-water marks, flood hazard/risk area, banks and the level of a lake, dam, river or other waterway taking into account 1:100 water levels, wind set-up and wave run-up.

(8) If an existing parcel is contained within a 1:100 year flood plain, in whole or in part, so that the parcel has no developable area, any residential building or principal building on that parcel must satisfy the provisions of Section38(4).

(9) Where flood plain/slope information is not available but the Development Authority believes that lands may be subject to flooding, the Authority may require that development requiring a development permit be set back such distance as the Authority considers reasonable and appropriate to minimize the risk of flooding.

(10) The Subdivision or Development Authority may refuse to approve an application for subdivision or development if it is of the opinion that the parcel or development will be located within the 1:100 year flood plain or flood hazard area, or if it cannot be clearly demonstrated to the satisfaction of the approval authority that the parcel will not be subject to flooding.

(11) Land areas identified as permanent wetlands or have wetland status as identified by Alberta Environment and Sustainable Resources are considered generally unsuitable for the majority of developments and may be denied a development permit at the discretion of the Development Authority.

(12) The Subdivision Authority and the Development Authority shall also take into consideration the findings, recommendations and policies of any municipally approved storm water drainage plans, *Lethbridge County Storm Water Management Master Plans,* or other required municipal standards or policies relating to storm water or drainage.

39. DEVELOPMENT SITING FOR COULEE / STEEP SLOPE AREAS

(1) For any proposed subdivision or development on sites with known or verified slopes of 15 percent or greater, the Subdivision or Development Authority shall require that an applicant submit a professionally prepared geotechnical analysis.

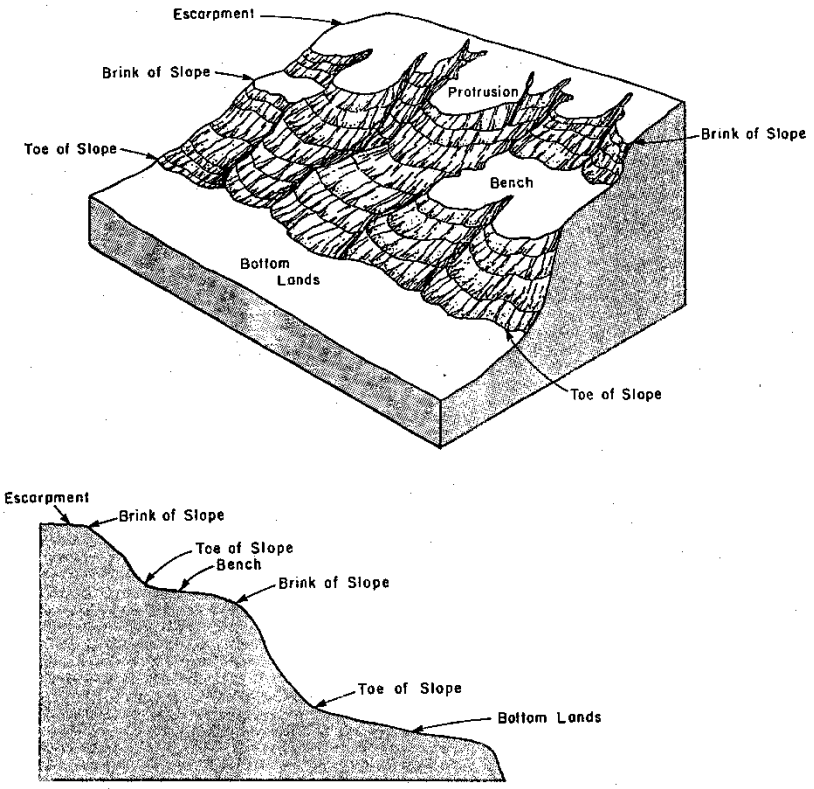
(2) The Subdivision or Development Authority may at its discretion, exempt an applicant from the requirements of Section 39(1), if the land is to be used for agricultural, grazing, or resource extraction purposes and no buildings are being proposed to be located on the land.

(3) The Subdivision or Development Authority may, at its discretion, require that an applicant submit a professionally prepared geotechnical analysis for any proposed subdivision or development on sites adjacent to coulee or river valley brinks of slope, or with slopes of less than 15 percent, if it is of the opinion it is warranted.

(4) For the purposes of this section, “top of the bank” is as determined by the Subdivision or Development Authority in consultation with Alberta Environment or a qualified professional of The Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGA).

(5) Based on the *“Interim Guidelines for Subdivision of Land Adjacent to Steep Valley Banks”* by Alberta Environmental Protection, it is recommended that the lot developable area setback from the crest of the slope be determined by the slope or grade of the coulee. At a minimum, the slope or grade should be calculated by a professional geotechnical engineer so that the dwelling and permanent building required setback formula can be applied (see Topographical Features Diagram below):

(6) Notwithstanding a use may be a permitted use or discretionary use, the Development Authority may require a greater setback than is prescribed in Section 39(5) above if the Development Authority deems it is warranted.



TOPOGRAPHICAL FEATURES

DIAGRAM 3.9

40. HAZARD LANDS

(1) The Subdivision Authority may refuse to approve an application for subdivision or the Development Authority may refuse to approve an application for a development if the proposed development is located in potential hazard land areas (e.g. floodplains, steep or unstable slopes, permanent wetlands) or on other areas where hazard lands are identified, such as coal mining areas, gas wells, abandoned wells, or former industrial lands, unless the relevant approval authority is satisfied the subdivision development can proceed safely.

(2) Prior to making a decision on a subdivision or development application, the Subdivision or Development Authority may:

(a) request that a professionally prepared geotechnical analysis, be submitted at the applicant's expense;

(b) circulate the application proposal and corresponding geotechnical report to any relevant government departments for comment; and

(c) depending on the nature of the hazard, request that an Environmental Impact Assessment (EIA) as prepared by a qualified professional be submitted at the applicant's expense.

41. RIVER VALLEYS AND SHORELANDS

(1) Before approving any application to locate or expand a land use in or adjacent to a river valley or shoreland area which requires a land use bylaw waiver, the Development Authority shall refer such an application to any local, regional, provincial or federal government agency that, in its opinion, has an interest in land use management.

(2) No application to locate or expand a land use in or adjacent to a river valley or shoreland area shall be approved unless, in the opinion of the Development Authority, the proposal will not:

(a) be located in a flood prone area; and

(b) cause soil erosion or damage to a river bank; and

(c) cause deterioration of water quality; and

(d) hinder the flow of water to the river; and

(e) compromise aesthetic quality or natural amenities; and

(f) be detrimental to area of ecologically sensitive habitat or of historic or scenic importance; and

(g) have a detrimental effect on adjoining or nearby agricultural operations if the proposed development is for a non-agricultural use; and

(h) have a detrimental effect on existing or proposed recreation areas; and

(i) have a detrimental effect on existing or proposed irrigation canals or water diversion structures.

(3) Notwithstanding section 41(2), a resource extraction and gravel pit operation may be granted an approval to operate or expand in or adjacent to a river valley or shoreland area if an engineering study has been completed that illustrates the use will not be detrimental or can be managed in such manner it will not compromise the matters identified in section 41(2), and the Development Authority in its discretion accepts the findings of the report.

(4) Where a proposed development is flood protected and is granted permission to locate within the flood fringe area of the 1:100 year flood plain of any watercourse, the Development Authority may request the developer to provide any of the following requirements prior to the issuance of a development permit:

(a) the registration of a Save Harmless Agreement against the title indemnifying the municipality in case of a subsequent flood causing damage to the development;

(b) the provision of an appropriate private sewage disposal system to the satisfaction of the appropriate health authority and the *Safety Codes Act*;

(c) a certificate from a qualified Alberta Land Surveyor stating the top of the footings of any proposed development will be at or above the 1:100 flood plain level and proof of such elevation;

(d) an assurance that any proposed setback requirements as established by Alberta Environment or other government department are met or exceeded.

(e) The standards and requirements of above sections 37 to 40 of Part 3, General Land Use Provisions, Standards of Development (and section 38 in particular), must also be considered and may be applicable.

(f) Notwithstanding that a use may be a permitted or discretionary use in a land use district, a proposed development containing building or structures to be located in the known floodway portion of the flood hazard area shall not be issued a development permit by the Development Authority.

42. SETBACKS FROM SOUR GAS FACILITIES

(1) A residence, rural public facility or country residential subdivision shall be set back such distance from a sour gas facility as the Subdivision or Development Authority considers reasonable and appropriate, having regard to:

(a) the comments of the Energy Resources Conservation Board (ERCB) and the owner of the sour gas facility; and

(b) the minimum separation distances contained in the districts of this bylaw.

(2) The Development Authority shall solicit and consider the comments of the Energy Resources Conservation Board (ERCB) and the owner of the sour gas facility if a development application:

(a) proposes to locate a residence or a rural public facility within 100 metres (328 ft.) of a level 1 sour gas facility, unless the facility is a pipeline;

(b) proposes to locate a residence within 100 metres (328 ft.) of a level 2 sour gas facility;

(c) proposes to locate a rural public facility within 500 metres (1,640 ft.) of a level 2 sour gas facility;

(d) proposes to locate a residence within 100 metres (328 ft.) of a level 3 or 4 sour gas facility;

(e) would result in unrestricted country development, namely, more than eight dwellings per quarter section within 500 metres (1,640 ft.) of a level 3 or a level 4 sour gas facility; or

(f) proposes to locate a rural public facility within 1.5 kilometres (0.9 miles) of a level 3 or a level 4 sour gas facility.

43. SETBACKS FROM ABANDONED WELLS

The Subdivision and Development Regulation (Alberta Regulation 160/2012) requires municipalities to ensure that applicants include abandoned well information from the Energy Resources Conservation Board (ERCB) in applications for both subdivisions and development permits. Lethbridge County shall meet the legislative requirements of Alberta Regulation 160/2012 regarding subdivision and development by applying the following policies:

(1) It the responsibility of the applicant of the proposed subdivision and/or development to take measures to identify any abandoned wells within that property and to apply the required setback.

(2) The Subdivision or Development Authority shall not deem a subdivision or development permit application complete until the applicant has provided the required abandoned well information from the ERCB.

(3) The applicant shall be required to provide the following information:

(a) the ERCB information, including a map of the search area from the viewer and a statement that there are no wells in the project area or a list and map identifying the location of abandoned wells within the search area (including the surface coordinates, as provided by the viewer or ERCB Information Services); and

(b) if an abandoned well is present, a detailed site plan must be provided that accurately illustrates the actual well location (i.e. latitude, longitude) on the subject parcel as identified in the field and the

setback established in the ERCB Directive 079 [a minimum 5 metre (16.4 ft.) radius around the well] in relation to existing or proposed building sites.

(4) If there is an abandoned well located in the area of the proposed surface development, the applicant is advised to contact the well licensee of record for any additional information that may be needed or to physically locate the well, and to discuss the proposed development and abandoned well issue in more detail.

(5) Notwithstanding a use may be a permitted use or discretionary use, surface structures on top of an abandoned well are not permitted and a minimum 5 metre (16.4 ft.) setback radius around the well shall be maintained.

44. ENVIRONMENTALLY SIGNIFICANT AREAS (ESAs) / SENSITIVE LANDS

(1) Either prior to making a decision on a subdivision or development application or as a condition of approval, the Subdivision or Development Authority may require an applicant/developer to provide further studies by qualified professionals identifying the important aspects of land known or suspected to be environmentally significant.

(a) The Subdivision or Development Authority may consider the Cottonwood Report: *Environmentally Significant Areas in the Oldman River Region, County of Lethbridge* or other provincial information resources to determine the location of environmentally significant areas or features which may be required to be addressed.

(b) When an Environmental Impact Analysis or Assessment is required by the relevant approval authority for environmentally significant areas, the submitted report may be required to provide:

(i) the boundaries of ESAs delineated through more detailed field surveys;

(ii) a comparison of alternatives;

(iii) an assessment of long-term consequences; and

(iv) the development of management plans for the land.

(2) Notwithstanding that a use may be permitted or discretionary in the land use districts of the bylaw, the Subdivision or Development Authority may, at its discretion, either stipulate development setbacks or restrict development to identified environmentally significant or sensitive areas as a condition of subdivision or development permit approval.

(3) A minimum 20 metre (65.6 ft.) development setback from the boundary of a water body may be required by the Subdivision or Development Authority applicable to both permitted and discretionary uses.

(4) At the discretion of the Subdivision or Development Authority, it may apply specific setbacks or buffers to a specific land use activity if its impacts have been assessed by an Environmental Impact Assessment.

45. MINIMUM SETBACK REQUIREMENTS FROM RAILWAYS

At the discretion of the Subdivision or Development Authority, the following setbacks may be applied to subdivision or development applications adjacent to a CPR right-of-way where it is determined it is necessary or prudent to do so:

RESIDENTIAL

(1) A residential or country residential subdivision should not be approved, unless the parcel size is sufficient to allow the dwelling to be setback a minimum of 75 metres (246 ft.) of the CPR property line.

(2) Except for in designated hamlets, a development application for a new residential dwelling on a previously undeveloped parcel should not be approved if the structure is located within 75 metres (246 ft.) of the CPR property line.

(3) Should a 75 metre (246 ft.) separation from the CPR property line not be achievable, the Development Authority may allow a dwelling no closer than 30 metres (98.4 ft.), subject to a berm being erected on the property, parallel to the railway right-of-way, with construction according to the following specifications: berm minimum height to be 2.5 metres (8.2 ft.) and side slopes not steeper than 2.5 to 1.

(4) An unoccupied accessory building, such as a garage, storage shed, etc., may be permitted closer than 30 metres (98.4 ft.), with the applicable districts' minimum side yard setbacks to apply.

(5) The Development Authority, at its discretion, may allow a pre-existing dwelling within the 75 metre (246 ft.) distance to be repaired or rebuilt, if the structure has been damaged by flood or fire and is to be placed on the original permanent foundation.

(6) In a designated hamlet, a development application for a new residential dwelling to be located within 75 metres (246 ft.) of the CPR property line may be approved at the discretion of the Development Authority, subject to the owner entering into and signing an indemnity or Save Harmless Agreement with Lethbridge County, that shall be registered on the land title by caveat prior to the development permit being issued.

COMMERCIAL AND NON-INDUSTRIAL

(7) A commercial development not serviced by rail and/or non-industrial (excluding residential) use should be setback from the track centre line a minimum distance of:

(a) 4.57 metres (15 ft.) for a non-main track,

(b) 15.24 metres (50 ft.) for a main track with a speed more than 65 km per hour (40 mph),

(c) 12.19 metres (40 ft.) for a main track with a speed of 65 km per hour (40 mph) or less.

CONDITIONS OF APPROVAL

(8) As a condition of approval the Development Authority, at its discretion, may place other conditions on a development permit including the requirement that the developer install a chain link fence along the common property line of the railway, address drainage issues, or other such matters it considers necessary.

46. CANAMEX FREEWAY DEVELOPMENT AND SITING REQUIREMENTS

The approval of non-agricultural land uses shall be in consideration of the County's policy objectives to efficiently manage growth, and in consideration of the provinces mandate to protect the Provincial Highway Network as a safe and efficient transportation corridor. Parcels and land uses impacted by or in close proximity of the officially gazetted Canamex Freeway (Designated Future Alignment) should respect the Lethbridge County Municipal Development Plan, the *County of Lethbridge and Town of Coaldale Integrated Development Strategy* approved for the Highway 3 corridor, and the *Lethbridge County Industrial-Commercial Land Use Strategy* and have regard for the location of the Canamex Freeway. Enhanced setbacks, access restrictions, clustering land use concepts, servicing and storm water management plans, must be taken into consideration. To address this, the following standards and siting criteria may be applied:

(1) For parcels adjacent to Highway 3 or in proximity to the area identified for the Canamex Freeway corridor, additional setbacks to those stipulated in any land use district may be applied between proposed developments and the Canamex Freeway Designated Future Alignment in accordance with the recommendations and requirements of Alberta Transportation, or in accordance with an area structure

plan or design scheme approved for the lands. Where no area structure plan or design scheme is applicable, the designated setbacks may be applied by the Development Authority in consideration of subsection (7).

(2) Any redesignation application, area structure plan or design scheme prepared for lands impacted by or in close proximity of the Canamex Freeway shall take into consideration and address to the satisfaction of Council:

(a) the recommendations and issues identified in the *Integrated Development Strategy* report, as endorsed by Lethbridge County and Town of Coaldale, as it applies to the Highway 3 corridor area; or,

(b) for other areas adjacent to the Canamex, demonstration of how the proposed plan and design aligns and is compatible with the transportation network and overall land use and growth management strategies of Lethbridge County.

(3) Special setbacks to the Canamex Freeway boundary may be applied in accordance with an approved area structure plan in consideration of the *Integrated Development Strategy* and the *Industrial-Commercial Land Use Strategy.*

(4) The Development Authority may in regard to a development permit approval, or the Subdivision Authority in regards to a subdivision application approval, impose any reasonable conditions it determines necessary to ensure either appropriate setbacks are met and the future integrity of the Canamex Freeway system is not compromised.

(5) Grouped County Residential or other uses deemed not to be compatible with the *Lethbridge County Industrial-Commercial Land Use Strategy* should not be approved for redesignation within 1.6 km (1-mile) of the proposed interchange areas of the Canamex. In circumstances where a non-compatible use already exists within the defined area and may have potential to expand or further develop, any land use proposal will be reviewed on the basis of its own individual merit and circumstances.

(6) The Development Authority may consider the approval of drainage plans which propose to incorporate innovative or new technologically advanced drainage systems as part of the management plan in consideration of the *Integrated Development Strategy* report, as endorsed by Lethbridge County and Town of Coaldale, as it applies to the Highway 3 corridor area.

(7) For situations where a development proposal is identified to be impacted by the Canamex Freeway, and notwithstanding that a use or building may be listed as a permitted or discretionary use in a land use district, the Development Authority may place specific setback conditions on a permit approval to locate the use, building, structure or improvement elsewhere on the quarter section or parcel outside the proposed freeway take area of the Designated Future Alignment.

(8) In consultation with Alberta Transportation, the Development Authority may approve a development permit for a permitted use, building, structure or improvement even though it that may result in it being located within the identified Canamex Freeway area:

(a) if it is determined there is no other reasonable or suitable location on the parcel to accommodate the development, and all other aspects and standards of the bylaw are able to be met; or

(b) if the proposed buildings, structures or improvements are to be located within an existing parcel or yard where utilities and infrastructure already exist and it would be unreasonable or an undue hardship on the landowner to relocate the existing utilities and infrastructure;

and the conditions or requirements of Alberta Transportation have been addressed.

(9) Notwithstanding that the Development Authority for Lethbridge County may approve a development permit by the municipality, any such approval is contingent on the landowner/developer obtaining the necessary permit for development from Alberta Transportation subject to the *Highways Development and Protection Act and Regulation*.

Subdivision Criteria and Canamex

(10) For the subdivision of lands impacted by or in close proximity of the Canamex Freeway, the Subdivision Authority shall review the proposal in the context of present County policy and determine if the application conforms or does not conform to the regular subdivision criteria, with consideration for the following:

(a) If a parcel would not be eligible for subdivision consideration, regardless if the Canamex Freeway was to impact the title or parcel of land or not, then the County Subdivision Authority may refuse to approve the proposed subdivision.

(b) For an isolated parcel or country residential subdivision with existing improvements that meets other subdivision criteria of the bylaw and may be eligible for subdivision, any concerns or requirements from Alberta Transportation will be taken into consideration in making a decision on the application.

(c) For proposed industrial, commercial or grouped country residential uses the subdivision shall be considered in accordance with the applicable land use designation and if it complies to any area structure plan, conceptual design scheme, statutory plan, or growth strategy plan approved for the affected lands and any applicable Canamex requirements, standards or policies.

(d) For a proposed vacant or bareland parcel that meets other subdivision criteria of the bylaw and may be eligible for subdivision consideration, the County will consult with the applicant to see if a more appropriate area of land could be subdivided so that there would be no or less potential impact to the Canamex. A vacant parcel subdivision application submitted for a proposal that may impact the integrity of the Canamex may be denied if it is determined, at the discretion of the municipality, that the landowner has a more suitable area could be subdivided that would have less potential impact on the future Canamex.

47. WETLANDS

Alberta's Wetland Policy provides strategic direction required to make informed management decisions in the long term to minimize the loss and degradation of wetlands, while allowing for continued growth and economic development in the province. The goal of the Alberta Wetland Policy is to conserve, restore, protect and manage Alberta's wetlands to sustain the benefits they provide to the environment, society and economy. Municipalities must make land use decisions, and consideration of subdivision and development decisions in respect of the provincial policies.

(1) Applicability

The land use regulations and provisions in this section apply to the use and development of all land and buildings in all land use districts.

(a) Applicants/developers must follow the Alberta Wetland Assessment and Impact Report Directive whenever an activity is proposed that will impact a wetland.

(b) Where applicable, all development proponents are to submit wetland-related *Water Act* and *Public Lands Act* applications in accordance with the Alberta Wetland Policy.

(c) The Development Authority may require the developer to retain all or portions of naturally occurring wetlands where the Development Authority determines that the development may be done in a manner that avoids, minimizes, or mitigates the impacts to the wetlands.

(d) The applicant/developer is solely responsible for adhering to all relevant provincial and federal legislation and regulations including the Water Act, R.S.A. 2000, c. W-3, and the Alberta Wetland Policy.

(e) Land areas identified as permanent wetlands or have wetland status as identified by Alberta Environment and Parks are considered generally unsuitable for the majority of developments and may be denied a development permit at the discretion of the Development Authority.

(2) Process

(a) Where an activity is proposed that will impact a wetland, and prior to receiving an Area Structure Plan or redesignation of land approval, the developer shall consult with Alberta Environment and Parks to determine whether the Crown intends to claim the wetlands on the site in accordance with the provisions of the *Public Lands Act, R.S.A. 2000*, c. P-40. Crown claimed wetlands shall be retained in accordance with the directions from Alberta Environment and Parks.

(b) Where practical to retain wetlands, the Development Authority may not approve development that disturbs a wetland. Where it can be demonstrated to the satisfaction of the Development Authority that it is not practical to avoid impacting a wetland, for example, due to inherent site constraints or the requirements for the proper functioning of a wetland, the Development Authority may approve development that disturbs a wetland with conditions designed to mitigate the impact of the development on the wetland.

(c) The developer is solely responsible for any costs associated with retaining a Qualified Wetland Science Practitioner (QWSP) to prepare a Wetland Report, or for wetlands that will be impacted by the proposed development, the developer shall submit a Wetland Mitigation Report as prepared by a Qualified Professional (QP) whom is registered with the province as a wetland specialist.

(d) The onus is on the developer to ensure compliance with all applicable regulatory documents.

(3) Standards and Setbacks

(a) For those wetlands to be retained, the developer shall provide a strip of land, not less than 6 metres in width, abutting the bed and shore.

(b) Minimum building setbacks beyond the 6 metre buffer of a naturally occurring wetland shall be proposed through a Wetland Report as submitted by the developer and approved by the Development Authority.

(c) The 6 metres or more in width of land to be provided may be dedicated at the time of subdivision as Environmental Reserve (ER) if the municipality determines it is necessary.

PART 4

USE SPECIFIC LAND USE PROVISIONS

PART 4

USE SPECIFIC LAND USE PROVISIONS

A. STANDARDS OF DEVELOPMENT

The standards in this Part establish additional requirements for specific uses, buildings or structures. The General Development Standards in Part 3 and the requirements of the applicable land use district shall also apply unless otherwise stated.

1. ACCESSORY BUILDINGS, STRUCTURES AND USES

(1) No accessory building, structure or use shall be allowed on a lot without an approved principal structure or use, unless the applicable land use district otherwise authorizes.

(2) Accessory buildings, structures and uses that are not specifically included within a development permit require a separate development permit application.

(3) Any accessory building, structure or use standard as specifically stipulated in a land use district shall apply unless otherwise relaxed or varied by the Development Authority.

(4) Specific accessory buildings, structures and uses that may be exempt from the requirement of obtaining a development permit is specified in Part 1 – Administrative, Section 13 (Development Not Requiring a Development Permit).

2. AIRPORT AREA RESTRICTIONS

PURPOSE

(1) The purpose of this section is to protect lands adjacent to the Lethbridge Airport from the impact of air travel.

APPLICATION

(2) Restrictions contained in this section apply to all lands and land use districts shown in the boundary of the Airport Protection Area on Map 1 of this section. The Airport Protection Area is also illustrated on Map 4 in Part 9, Land Use Districts maps.

DEFINITIONS

(3) In this section:

Airport means the Lethbridge Airport.

Airport Protection Area means the Airport Protection Area shown on Map 1 of this section.

Airport Runway means the area of land within the airport that is used or intended to be used for the take-off and landing of aircraft.

C, followed by a number where it appears in one of the NEP Area columns in Table 1 opposite a particular land use, means that the land use is permitted subject to the conditions set out in Table 1.

Department means the Director of the Planning Branch in the Planning Services Division of Alberta Municipal Affairs.

Land Use Bylaw means the Land Use Bylaw for Lethbridge County.

Municipality means Lethbridge County in the Province of Alberta.

NA, where it appears in one of the NEP columns in Table 1 opposite a particular land use, means that the land use is not allowed and prohibited in that NEP Area.

NEP Contour means a numbered contour as shown on Map 1 in this section.

NEP 25- Area means the NEP Area that lies between the 25 NEP Contour and the boundary of the Airport Protection Area.

NEP 25-30 Area means the NEP Area that lies between the 25 NEP Contour and the 30 NEP Contour.

NEP 30-35 Area means the NEP Area that lies between the 30 NEP Contour and the 35 NEP Contour.

NEP 35-40 Area means the NEP Area that lies between the 35 NEP Contour and the 40 NEP Contour.

NEP 40+ Area means the NEP Area enclosed by the 40 NEP Contour.

Noise Exposure Projection Area or NEP Area means an area of land shown on Map 1 of this section that:

(a) is enclosed by the 40 NEP Contour;

(b) lies between 2 NEP Contours; or

(c) lies between the 25 NEP Contour and the boundary of the Airport Protection Area;

as shown on Map 1 of this section.

P, where it appears in one of the NEP columns in Table 1 opposite a particular land use, means that the land use in that NEP Area is permitted, but subject to other sections of the Land Use Bylaw.

Residential Replacement or Infilling Unit means any new residential development that:

(a) will replace a residential development that has been demolished or destroyed; or

(b) is to be built on a lot that is:

  (i) registered under the *Land Titles Act*, and

  (ii) designated for residential development,

in this bylaw.

GENERAL

(4) All development within the Airport Protection Area requires a development permit except for those uses in Part 1 – Administrative, Section 13 (Development Not Requiring a Permit).

(5) The Development Authority and Subdivision and Development Appeal Board are not precluded by this section from attaching any other conditions in accordance with the land use bylaw to a development permit.

LAND USE

(6) The Airport Protection Area is divided into the following districts:

(a) the Airport Clear District, designated A-D; and

(b) the Airport Agricultural District, designated A-A

as shown on Map 1 in this section.

(7) The Development Authority or Subdivision and Development Appeal Board may issue a development permit without any conditions under these restrictions for any application that involves a use that is designated "P" in Table 1 of this section and meets other requirements and uses of the land use bylaw.

(8) The Development Authority or Subdivision and Development Appeal Board may issue a development permit for an application that involves a conditional use or a similar use in accordance with Table 1 of this section only if the appropriate condition specified is prescribed as a condition of the development permit.

(9) The Development Authority or Subdivision and Development Appeal Board shall not issue a development permit for an application for development if that use is designated "NA" within Table 1 of this section, or if the use is similar in the opinion of the Development Authority or Subdivision and Development Appeal Board to a prohibited use, or involves a use that is not listed in Table 1.

(10) A use listed in Table 1 includes accessory uses and buildings unless otherwise noted.

HEIGHT LIMITATIONS

(11) A development permit shall only be issued for a development within the Airport Protection Area if that development does not exceed the maximum elevation identified on Map 2 of this section or on the certificate of title for the land on which the development will be located.

TABLE 1

LAND USE IN RELATION TO NOISE EXPOSURE PROJECTION AREAS

Airport Clear District (A-D)

LAND USES: Land uses within this district shall be in accordance with Transport Canada's zoning criteria.

Airport Agricultural District (A-A)

LAND USES	NOISE EXPOSURE PROJECTION AREAS				
	NEP 25-Area	NEP 25-30 Area	NEP 30-35 Area	NEP 35-40 Area	NEP 40+ Area
Airport and Related Facilities	P	P	P	P	P
Agricultural Machinery Sales and Service	P	P	C1	C1	C1
Agricultural Sales and Service	P	P	C1	C1	C1
Bulk Fertilizer	P	NA	NA	NA	NA
Church and Manse	P	C1	C1	NA	NA
Community Centre	P	C1	C1	NA	NA
Contractor's Business	P	P	C1	C1	C1
Extensive Recreational Uses	P	P	P	P	NA

LAND USES	NOISE EXPOSURE PROJECTION AREAS				
	NEP 25- Area	NEP 25-30 Area	NEP 30-35 Area	NEP 35-40 Area	NEP 40+ Area
Farms (extensive agriculture)	P	P	P	P	P
Fur Farm	P	NA	NA	NA	NA
Gravel and Sand Pit	P	P	NA	NA	NA
Grain Elevators	P	P	P	P	P
Home Occupation	P	C1	C1	C1	C1
Kennel	P	P	C1,C2	NA	NA
Manufacture of Asphalt	P	P	NA	NA	NA
Market Gardening	P	P	P	P	NA
Minor Light Industrial Facility	P	P	C1	C1	C1
Minor Recreational Facility	P	P	C1	C1	C1
Manufactured home (non-farm)	P	NA	NA	NA	NA
Park	P	P	P	C3	C3
Public Incinerator	P	NA	NA	NA	NA
Public and Quasi-Public Buildings and Uses	P	C1	C1	NA	NA
Radio, Television and Other Communication Tower	P	P	P	P	P
Ready Mix Concrete Pit	P	P	NA	NA	NA
Residential Replacement or Infilling Unit	P	C1	C1	C1	NA
Riding Stable	P	P	P	C3	NA
Sanitary Landfill	NA	NA	NA	NA	NA
School	P	C1	NA	NA	NA
Seed Cleaning Plant	P	P	NA	NA	NA
Sewage Treatment Plant or Lagoon	P	C2	C2	NA	NA
Single-Detached Dwelling (non-farm)	P	C1	NA	NA	NA
Sod Farm	P	P	P	P	NA
Veterinary Clinic	P	P	C1,C2	NA	NA
Water Reservoir and Treatment Plant	P	C2	C2	NA	NA

LAND USE CONDITIONS:

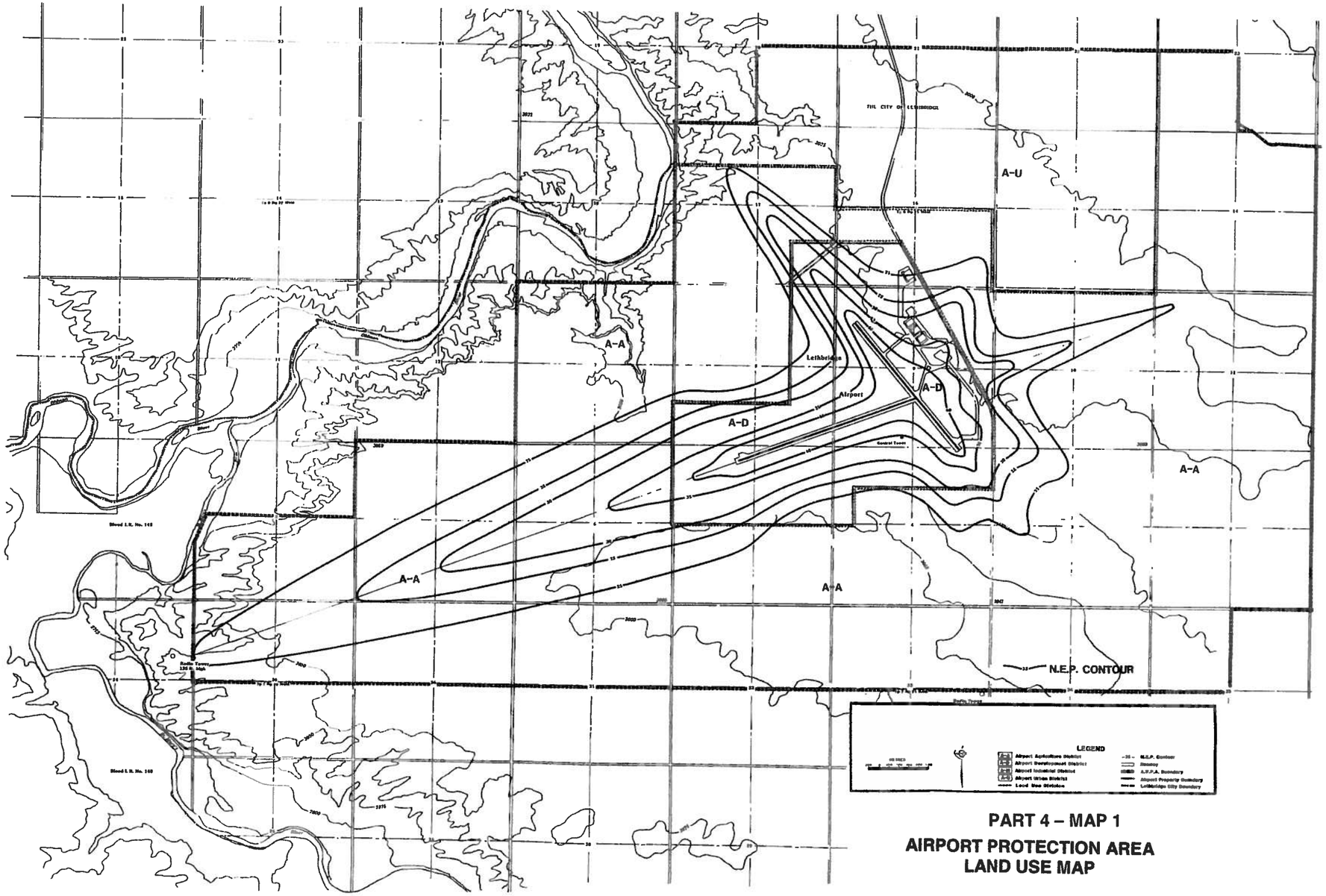
C1 Construction shall conform to the exterior acoustic insulation requirements of the *Alberta Safety Standards Act* or subsequent legislation for those NEP Areas other than the NEP 25 - Area unless otherwise stated in this section. Where this condition is specified, the Development Authority shall indicate on the development permit between which noise contours the proposed development site would be located for reference of the building inspector at the time of the building permit application.

C2 The development shall be covered completely.

C3 The development shall not include structures for the seating of spectators except as varied to allow for seating of a minor nature as specified in the condition.

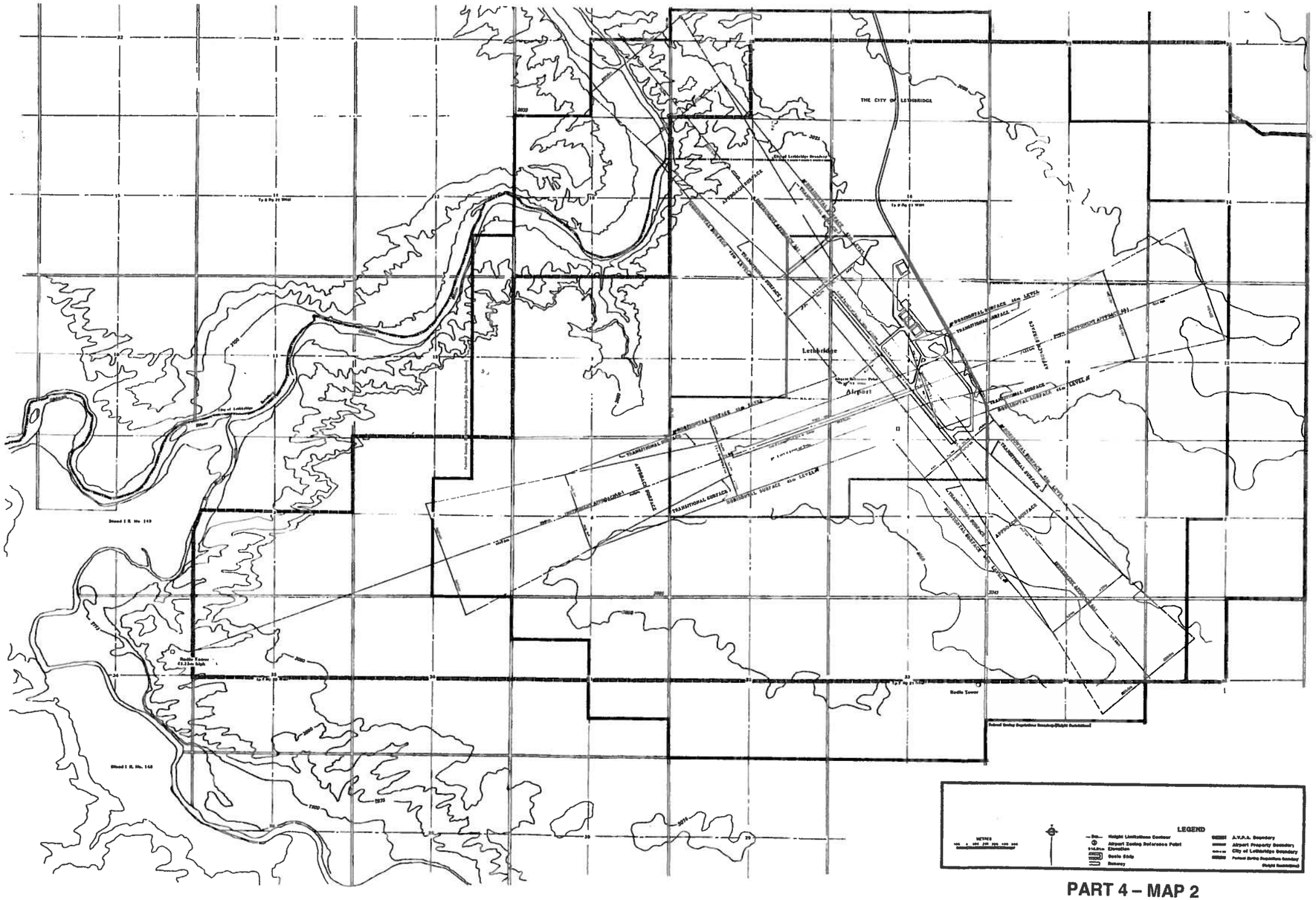
NA Land use not allowed - Where NA appears in one of the NEP columns in Table 1 opposite a particular land use, means that the land use is not allowed and is prohibited in that NEP Area.

P Land use permitted - Where P appears in one of the NEP columns in Table 1 opposite a particular land use, means that the land use in that NEP Area is permitted, but subject to other sections of the land use bylaw.



PART 4 – MAP 1

AIRPORT PROTECTION AREA
LAND USE MAP



PART 4 – MAP 2

AIRPORT PROTECTION AREA
HEIGHT LIMITATIONS MAP

3. ALTERNATIVE ENERGY

See Part 6 – Alternative / Renewable Energy Developments

4. ANHYDROUS AMMONIA STORAGE FACILITY

For a development application for a bulk anhydrous ammonia storage facility or a residential dwelling in proximity to an existing bulk ammonia storage facility the Development Authority:

(a) shall consider the location of neighbouring residential uses and apply the "Guidelines for the Location of Stationary Bulk Ammonia Facilities" prepared by Alberta Environment before making a decision on a development application concerning a bulk ammonia storage facility; and

(b) in all instances, a development application for a residential dwelling shall not be approved if it is located within 500 metres (1,640 ft.) of an established Anhydrous Ammonia bulk storage facility.

5. ABATTOIRS

(1) The abattoir must not be located closer than 304.80 metres (1,000 ft.) to any adjacent residential dwelling.

(2) All abattoir facilities must have a designated loading area in accordance with the bylaw standards (see Part 3, Standard of Development).

(3) Applications for abattoirs shall be referred to Alberta Health Services and Alberta Agriculture and Rural Development (ARD) for comment prior to a decision being made by the Development Authority.

(4) The applicant shall be responsible for compliance with the Alberta Health Standards and Guidelines and the Alberta Building Code requirements.

(5) The facility and all processing must be able to comply with the *Alberta Meat Inspection Act and Regulations* or the *Canada Meat Inspection Act and Regulations.*

(6) The abattoir must be a licensed Federal abattoir or a Provincial abattoir that is inspected by the Regulatory Services Division of the Meat Inspection Branch of Alberta Agriculture and Rural Development.

6. AUTOMOTIVE REPAIR / DETAIL / PAINT SHOPS

(1) Automotive repair shops shall not be located within 50 metres (164 ft.) of the boundary of any property in a residential or grouped country residential land use district. This distance may be relaxed if the parcel of land on which the automotive repair shop is located is within a hamlet and is designated as Hamlet Commercial or Hamlet Industrial land use.

(2) Automotive detail and paint shops uses are not permitted within 75 metres (246 ft.) of the boundary of any property in a residential or grouped country residential land use district, or within 100 metres (328 ft.) from an existing residential dwelling, whichever distance is greater. This distance may be relaxed if the use is for automotive detail only and it is not associated with a paint shop.

(3) All operations associated with automotive repair, detail or paint shop uses shall be contained within a completely enclosed building except where outdoor storage is expressly permitted.

(4) Where exterior storage is permitted, such storage shall not be located in the front yard and shall be screened from view from any road or lane in accordance with Part 3, Section 25. Wherever possible, outdoor storage should not back onto or face an adjacent residential yard. The Development Authority may place conditions on a development permit approval to require screening in accordance with Part 3, Section 25.

(5) The applicant shall be responsible for compliance with Alberta Environment and Sustainable Resource Development regulations and guidelines for containing, storing and disposing of paint or fluids.

(6) For any business that is involved in selling, repairing, or salvaging automotive vehicles, the applicant shall be responsible for compliance with the Alberta Motor Vehicles Industry Council (AMVIC) licensing requirements. The Development Authority shall require the applicant obtains the AMVIC license as a condition of a development permit or municipal business license being issued.

(7) For an individual or business involved in auto automotive vehicle sales only (including lease consignment), a development permit approval will be required if transactions correspond to the licensing requirements of the Alberta Motor Vehicles Industry Council (AMVIC). The Development Authority shall require the applicant obtains the AMVIC license as a condition of a development permit or municipal business license being issued.

7. AUTO WRECKAGE / SALVAGE OR WRECKING YARDS

(1) The site shall be situated a minimum distance of 500 metres (1,640 ft.) from any adjacent residence.

(2) The site shall not be located on good quality agricultural land unless the maximum area for storage is 16.19 hectares (40 acres) or less, or the land is located in an area with an approved area structure plan and designated for such use.

(3) The storage site must be fenced by a type approved by the Development Authority to a minimum height of 2.44 metres (8 ft.). At a minimum, the storage yard must be fenced on the side fronting a public roadway and may be required to be fenced on other sides and at a specified distance, at the discretion of the Development Authority.

(4) All vehicles and machinery must be stored within the enclosure and maintenance of the site should be in accordance with the standards deemed necessary for the use of the site in an acceptable fashion at the discretion of the Development Authority.

8. BATCH PLANTS / CONCRETE OR ASPHALT

(1) The Development Authority shall solicit and consider the comments of Alberta Environment and Alberta Health Services before making a decision on a development application concerning a batch concrete or asphalt plant.

(2) The building or working area used for processing/mixing aggregate shall not be located closer than 300 metres (984 ft.) to a residential dwelling, the separation distance being measured from the edge of the dwelling to the nearest edge of the planned working area of the sand and gravel extraction operation.

(3) The Development Authority may require that the developer enter into a Road Use Management Agreement with the County in order control traffic on county roads and manage dust control and/or maintenance issues.

(4) The applicant shall be responsible for obtaining an approval and complying with Alberta Environment regulations and guidelines.

(5) The Development Authority may require verification of a secure and suitable water supply, as required for the type of development, in consideration of a permit approval.

(6) For other batch plants – see Part 4, Section 27 (Resource Extraction) (Gravel and sand pits or stone quarries).

9. BED AND BREAKFAST OPERATIONS

(1) A bed and breakfast operation shall only provide breakfast meals to registered overnight guests prepared in the common kitchen of the principal residence.

(2) No more than eight (8) registered guests are permitted at one time.

(3) No cooking facilities are allowed in sleeping rooms or suites.

(4) In addition to the off-street parking requirements for the dwelling/accessory building units itself, one (1) off-street parking space per rented guest room shall be required for a bed and breakfast operation.

(5) A bed and breakfast operation may include a maximum of one (1) supplementary building, other than an accessory building, such supplementary building being:

(a) an existing farm building or similar building that is proposed to be converted into temporary sleeping quarters and used in conjunction with an existing residence for a bed and breakfast; or

(b) an authorized supplementary residence.

(6) Employees working in the business shall be limited to the residents of the dwelling unit.

(7) Alterations to the principal building may be permitted but shall not change the principal character or external appearance of the principal building.

(8) A development permit is based solely on the location of use. If a permit holder relocates within the municipality, the person must apply for a development permit to continue the use from the new location.

(9) Advertising may only be permitted in compliance with Part 5, Sign Regulations.

(10) Applications for bed and breakfast operations shall be referred to Alberta Health Services for comment.

(11) A bed and breakfast establishment must comply to building standards set out by the Alberta Building Code and a development permit does not exempt compliance with health regulations or any other provincial and municipal requirements.

(12) The applicant shall be responsible for compliance with the Alberta Health "Bed and Breakfast" Health Standards and Guidelines and the Alberta Building Code requirements for Bed & Breakfast accommodations.

10. CAMPGROUND USES

See Part 2 – Land Use Districts and Regulations (*Rural Recreational – RR* land use district).

11. CAR AND TRUCK WASHES

(1) All washing facilities shall occur within an enclosed building with at least two bay doors.

(2) Vacuuming facilities may be outside the building but shall not be in the front yard and shall not be closer than 15.24 metres (50 ft.) from the boundary of any residential land use district.

(3) The building surfaces shall be faced with masonry, porcelainized steel, baked enamel steel or other material equal in durability and appearance.

(4) The building shall be located a minimum of 30.48 metres (100 ft.) from the boundary of any residential land use district.

(5) All off-street parking areas shall be hard-surfaced and dust-free.

(6) Any lights used to illuminate the area shall be directed away from adjacent residential properties.

(7) A permanent screening fence or wall not less than 1.83 metres (6 ft.) in height shall be constructed along any site property line which abuts a residential land use district.

(8) For parking and stacking requirements, refer to Part 3 – General Land Use Provisions.

(9) As part of the complete development permit application requirements for a car or truck wash use, the Development Authority may ask the applicant to provide verification, to the satisfaction of the Development Authority, that there is a secure water source sufficient to service the development.

(10) A development permit approval for a car or truck wash may be denied, if in the opinion of the Development Authority, there is not a sufficient water source to service the development.

(11) Lagoons or private sewage septic treatment systems may not be used for handling the grey water resulting from the washing of vehicles if the proposed system is determined to be not suitable by the Development Authority. As a condition of a development permit approval, the Development Authority:

(i) may require the proposed grey water system to be engineered by a qualified professional with a technical report submitted to the satisfaction of the municipality and deemed acceptable; or,

(ii) may require the proposed development to be connect to municipal sewage services, if available, at the applicant's expense.

(12) In the Rural Agriculture land use district, the Development Authority may exempt the requirements of any sections of 11 (2) through (8) if it determines they are not applicable based upon location considerations.

12. COMMERCIAL RECREATION USES

See Part 2 – Land Use Districts and Regulations (*Rural Recreational – RR* land use district).

13. DAY HOME

(1) The operation of a day home does not require a development permit - see Part 1 – Administrative, Section 13 (Development Not requiring a Development Permit).

(2) A day home shall have no more than six (6) clients a day.

(3) A day home shall not be located within a dwelling containing another Home Occupation.

(4) Signage for day home facilities must comply with the following:

(a) a maximum of one sign;

(b) sign must be no greater than 0.74 m^2 (8 sq. ft.) in size; and

(c) sign must be located in the buildings window.

(5) Notwithstanding that a development permit may not be required; all day homes must comply with provincial requirements and regulations.

14. DAY CARE/CHILD CARE FACILITIES

All day care facilities may be approved subject to the following conditions and requirements:

(1) If determined necessary by the Development Authority, the applicant for a day or child care facility may be required to meet and consult with all adjacent land owners in the vicinity of where the use is proposed.

(2) In any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.

(3) Signage for day/child care facilities must comply with the following:

  (a) a maximum of one sign;

  (b) sign must be no greater than 0.74 m^2 (8 sq. ft.) in size; and

  (c) sign must be located in the building's window in a residential land use district.

  (d) In a residential land use district a request for more than one sign or a sign greater than 0.74 m^2 (8 sq. ft.) requires a separate development permit application. In a commercial or industrial land use district, one exterior building sign may be permitted in addition to a window sign.

(4) Site lighting must be designed not to "flood or spill" into adjacent property.

(5) The site must allow for secure storage and pick up of garbage and recycling material located away from public areas.

(6) The use shall not generate traffic problems within the district.

(7) The use requires a minimum of one (1) on-site pick-up and drop-off space for every 10 children/clients and the location of passenger loading zones for day care facilities may be specified by a condition of a development permit.

(8) On-site parking is required with the provision of one (1) space per employee, in accordance with Part 3, Sections 6 - 10.

(9) On-site parking should be separated from pedestrian traffic and outdoor areas for children.

(10) A day (child) care facility/site catering to children must have screening for any outdoor play areas to the satisfaction of the Development Authority.

(11) All applications for day care facilities shall, as a condition of approval, obtain the necessary approvals required from regulatory agencies. All child care facilities must be licensed and operate in accordance with the provincial *Child Care Licensing Act*.

(12) It is highly encouraged that day (child) care facilities have some sort of secure, outdoor or active play area space available for children on the parcel, which may be stipulated as conditions on a development permit approval.

(13) In considering the suitability of a building or site for a discretionary day care/child care use, the Development Authority may consider the appropriateness of the location for child care with regard for the proximity to required services, parks, neighbourhood characteristics, traffic issues or congestion in the neighbourhood, and if the size is adequate to meet program requirements, including outdoor space, parking, and the drop-off zone.

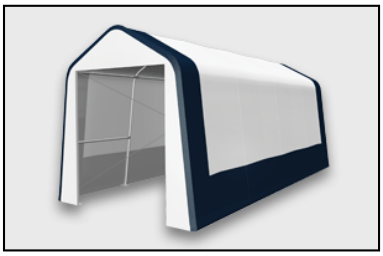
(14) In considering the suitability of a building or site for a discretionary day care/child care use in a commercial or industrial land use district, the Development Authority shall:

  (a) only approve a permit for the day/child care facility if it is located within or operated by an existing business within an industrial park;

(b) consider the compatibility of adjacent land uses, as the Development Authority may refuse to approve an application if the development would be located adjacent to or in the proximity of hazardous or noxious industry; and

(c) require an emergency response/evacuation plan for the day/child care facility to be prepared and submitted to the satisfaction of the Development Authority.

15. FABRIC BUILDINGS / COVERED STORAGE STRUCTURES



Fabric buildings or covered storage structures which meet the definition of this bylaw are to be considered as permanent buildings or structures and must meet the required setbacks, maximum height, maximum site coverage and other applicable standards of the bylaw. Development permit applications involving fabric buildings shall be considered with regard to the following:

(1) Permit applications will be processed in accordance with the use proposed, which must meet or be similar to the applicable land use district permitted or discretionary uses listed.

(2) For certain uses, such as agricultural, Part 1 – Administrative, Section 13 (Development Not Requiring a Development Permit) may be applicable, provided the required setbacks and other applicable standards of the bylaw are met.

(3) Fabric buildings which do not meet the definition of this bylaw, or are associated with uses which are prohibited in the bylaw, are deemed to be prohibited uses.

(4) Fabric building / storage accessory building or structures are not to be located:

(a) in the front or side yard in any hamlet residential land use district, and

(b) shall not be located in the front yard within all other districts.

(5) A fabric storage accessory building or structure shall not be located within the required setback from a public road or on an easement.

(6) A fabric storage accessory building or structure shall be setback a minimum 1.22 metres (4 ft.) from the principal dwelling and from all other structures on the same lot.

(7) All buildings or structures must be securely tethered and anchored to the ground in accordance with provincial Safety Code requirements. Additionally, all fabric covers must be securely tethered to the structures' frame.

(8) As a condition of a development permit approval, the Development Authority may stipulate specific requirements for the type of fastening or tie-down system and fabric material colour to be applied to the accessory building or structure.

16. GARDEN SUITES (AS A TEMPORARY DWELLING)

The Development Authority may issue a development permit for a garden suite for temporary accommodation as a second residence in accordance with section 18(4) of the bylaw.

(1) Garden suites shall:

(a) be a portable, self-contained, manufactured housing unit;

(b) not be placed on a permanent foundation;

(c) not be located in a front yard;

(d) not exceed one (1) storey in height;

(e) have a minimum separation distance of 3.05 metres (10 ft.) and a maximum separation space of 30.5 metres (100 ft.) from the principal building;

(f) not exceed 92.9 m^2 (1,000 sq. ft.) in size; and

(g) if there is no municipal or treated sewage system provided, only be permitted on parcels where the septic analysis and report verifies to the satisfaction of the Development Authority that the parcel, soils and existing system is suitable for two dwellings and meets the provincial standards of practice .

(2) Development permits shall be issued on a temporary basis for a period not to exceed 3-years, and application must be made for a new temporary permit approval if the applicant desires to extend the use for another temporary period of time, up to another maximum 3-year term.

(3) The Development Authority shall require the provision of security, in a minimum amount of $5,000, in the form of a bond or irrevocable letter of credit, by the applicant as a condition of approval for a Garden Suite.

(4) It is the responsibility of the applicant or landowner to notify the Development Authority when the use of a garden suite for temporary accommodation is no longer required on the parcel.

(5) Dwellings approved as garden suites/second residences are not eligible for subdivision approval.

17. GROUP CARE OR GROUP HOME FACILITY

(1) The applicant is required as part of the development permit application, to provide information on the following:

(a) the type of client served,

(b) the number of clients accommodated,

(c) the number of staff employed, and

(d) the submission of a plan that describes how communication with neighbours will be carried out and how neighbourhood compatibility problems are to be resolved.

(2) All **group home** facilities that may be approved are subject to the following conditions and requirements:

(a) The applicant for a **group home** facility shall be required to meet and consult with all adjacent land owners in the vicinity of where the use is proposed.

(b) The total occupancy by clients and staff shall be specified for each development by condition of a development permit. The total number of clients shall not exceed more than two (2) per bedroom in a residential District.

(c) The Development Authority may establish the maximum number of residents allowed in a group home facility on a case specific basis with attention given to the District in which the use is located and the type of facility seeking approval.

(d) In any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.

(e) If the group home facility is operating within a single-detached dwelling, the dwelling must be located on a street with a rear lane, and is not permitted to be located within cul-de-sacs or lane-less streets.

(f) The use of accessory buildings, structures or uses not associated with the principal residential dwelling are not permitted on the property.

(g) Site lighting must be designed not to "flood or spill" into adjacent property.

(h) The site must allow for secure storage and pick up of garbage and recycling material located away from public areas.

(i) The use shall not generate traffic problems within the district.

(j) On-site parking is required with the provision of two (2) spaces per each dwelling unit plus one (1) space per employee, in accordance with Part 3, Section 30, subsections 6 -10.

(k) Signage for group home facilities must comply with the following:

(i) a maximum of one sign,

(ii) sign must be no greater than 0.74 m^2 (8 sq. ft.) in size, and

(iii) sign must be located in the buildings window.

(l) All applications for group home facilities shall, as a condition of approval, obtain the necessary approvals required from regulatory agencies and the group home shall comply with provincial standards.

(3) All **group care f**acilities that may be approved are subject to the following conditions and requirements:

(a) The applicant is required as part of the development permit application, to provide information as stipulated in section 17(1) above.

(b) Site lighting must be designed not to "flood or spill" into adjacent property.

(c) The site must allow for secure storage and pick up of garbage and recycling material located away from public areas.

(d) The use shall not generate traffic problems within the district.

(e) On-site parking is required in accordance with Part 3, Section 30.

(f) Signage for group care facilities shall be in accordance with Part 5, Sign Regulations.

(g) All applications for group care facilities shall, as a condition of approval, obtain the necessary approvals required from regulatory agencies and the group home shall comply with provincial standards.

(h) As a condition of a development permit approval, the Development Authority may stipulate specific requirements for the development as listed in Part 3, General Land Use Provisions.

18. HAY PLANT / STORAGE BUILDINGS OR STRUCTURES

(1) A hay plant shall require a development permit from the municipality. In addition to the permit requirement, the building or structure:

(a) shall meet all the applicable setbacks of the land use district within which it is located; and

(b) must be located no closer than 200 metres (656 ft.) to an adjacent boundary of an urban municipality or designated grouped country residential land use district; and

(c) shall contain a dugout or fire pond on site with water available that is readily accessible for fire suppression purposes, with the pond being provided at a size and location as stipulated by the County.

19. HAZARDOUS INDUSTRIES

Hazardous industries are those uses as defined in Part 8, Definitions, and typically include uses that may be detrimental to public health, safety or welfare beyond the boundaries of the site or parcel upon which it is situated. For such uses, the following shall apply:

REFERRALS

(1) The Development Authority shall solicit and consider the comments of Alberta Environment and Alberta Health Services before making a decision on a development application concerning a hazardous industry.

(2) The Development Authority shall solicit and consider the comments of an urban municipality before making a decision on a development application which proposes to establish or enlarge a hazardous industry:

(a) less than 3.2 kilometres (2 miles) from the boundaries of any jurisdiction; and

(b) consider any relevant policies in the Intermunicipal Development Plan.

(3) Prior to a decision being made on a hazardous industry, the Development Authority may hold a public meeting in order to solicit the views of the public in regard to the application.

GENERAL LOCATION

(4) The Development Authority may require that a hazardous industry shall be located in a designated heavy industrial land use district and specified area, in accordance with the Municipal Development Plan.

20. HOME OCCUPATIONS

(1) An approved home occupation shall be valid only for the period of time the property is occupied by the applicant / owner for the approved use.

(2) An application for a home occupation shall only be considered by the Development Authority upon an application endorsed or filed by the registered owner of the property.

(3) No permit shall be issued if, in the opinion of the Development Authority, the home occupation would undermine the liveability standards of the residential use of the property or any adjacent properties.

(4) No permit shall be issued if the parcel does not have a habitable residence, power, on-site potable water supply, a sewage disposal system, and legal and physical access to a municipal all-weather road.

(5) No advertising shall be permitted on the property except for a window sign and up to one indirectly illuminated sign of 0.37 m^2 (4 sq. ft.) in Hamlets and 1.48 m^2 (16 sq.ft) in all other districts, to be placed against the building or fence. Larger signage may be permitted, if, in the opinion of the Development Authority, the signage does not interfere with the residential or agricultural character of the area.

(6) Home occupations may be approved subject to the following criteria and conditions:

(a) The use shall not involve the display of goods upon the premises, however, goods may be stored subject to the approval of a Home Occupation 3 by the Development Authority provided the storage

of such shall not be exposed to the public view, and shall not involve a change in the appearance of the residence or its accessory buildings.

(b) No variation from the external appearance and residential character of land or building shall be permitted.

(c) A home occupation use is considered the secondary use of a residence or ancillary building to a residence, for an occupation, trade, profession, craft or small scale retail business which must not change the character of the area and does not show significant evidence of such secondary use. Any use which appears more commercial in nature or is on a larger scale may be directed to locate within an appropriate commercial, business light industrial, or industrial land use district.

(d) The use shall not generate traffic problems within the district.

(e) Consideration shall be given to the potential for a home occupation to impact adjacent uses due to noise, vibration, smoke dust or odours. No offensive noise, vibration, smoke, dust, odours, heat, or glare should be produced by the use.

(7) If at any time, in the opinion of the Development Authority, the conditions of a Home Occupation Permit have not been complied with, the Development Authority may issue a stop order, pursuant to section 645 of the *Municipal Government Act*.

(8) The following information must be supplied when applying for a Home Occupation Permit:

(a) proof of ownership and residency;

(b) description of business;

(c) materials, equipment and/or vehicles that will be used for the Home Occupation;

(d) number of resident and non-resident employees on the premises;

(e) number of business/clients visits per day;

(f) number of parking spaces on the property; and

(g) type of signage for the Home Occupation.

(9) Based on the information provided in the application, the Development Authority shall determine what level of Home Occupation Permit is applicable for the operation using the chart below. If a specific Home Occupation level is not listed as a permitted or discretionary use in the applicable land use district the proposal is located within, then a development permit shall not be issued.

	Home Occupation 1	Home Occupation 2	Home Occupation 3
Non-Resident Employees (on premises)	None	Up to 2	Up to 4
Commercial Vehicles and/or Trailers	None	Up to 2	Up to 3
Outside Storage	None	None	At Development Authority's discretion
Parking Stalls	None	One per employee plus one for customers	One per 2 employees, one per commercial vehicle, one for customers
Client visits	None	Limited daily or weekly business-related visits	Limited daily or weekly business-related visits

(10) The Development Authority, in its discretion, may limit the number of client business-related visits to a premise on a daily or weekly basis for a Home Occupation 2 or 3.

(11) If, in the opinion of the Development Authority, a Home Occupation Permit may require a detailed review after a limited period of operation to determine if it is compatible with the amenities of the neighbourhood on a more permanent basis, the Development Authority may issue a temporary permit for a defined period of time in accordance with the bylaw.

(12) A home occupation permit does not exempt compliance with health regulations or any other municipal or provincial regulations.

21. KENNELS – KENNELING, BREEDING AND DOG TRAINING FACILITIES

Sections 21(1) through (14) below shall be applied by the Development Authority for the kennelling, boarding, training or breeding of any such use involving dogs; however, a dog agility or training facility may be exempted from any or all of the requirements in accordance with Section 21(15).

(1) An application for a development permit must be made to the Development Authority by submitting:

(a) a completed development application form;

(b) the fee;

(c) a site plan indicating the legal description, all property lines and easements, fencing, and the location of existing and proposed development in relation to lot boundaries;

(d) a business plan with information on the number of dogs, type off facility proposed, description of how waste (feces) will be managed; and, if a breeding kennel, the type (breed), ratio of females to males, anticipated puppy litters, description of how the facility will meet the *Canadian Veterinary Medical Association Code of Practice for Canadian Kennel Operations - Edition May 2007* (or subsequent amendment);

(e) floor plans, elevations and sections of the kennel buildings at a minimum scale of 1:200 or such other scale as required by the Development Authority; and

(f) the floor plan is to illustrate the number and size of pens for the dogs in the building and any outside areas.

(2) No buildings or exterior exercise area(s) to be used to accommodate dogs shall be allowed within 304.80 metres (1,000 ft.) of any dwelling located on adjacent parcels and a diagram indicating the distances shall be submitted with the development permit application. A reciprocal setback from existing kennels shall be applied to all new dwellings.

(3) All dog facilities, including buildings and exterior exercise areas, shall be located to the rear of the principal building and shall be constructed to the following standards:

(a) interior walls and ceilings shall be constructed of washable building material;

(b) exterior walls should be fire-resistant and impervious to moisture;

(c) doors, window frames and window sashes should be impervious to moisture and rodent resistant;

(d) insulation shall be required, taking into consideration the breed, age and overall health of the dogs; and

(e) all facilities must have adequate ventilation, heating and light.

(4) The Development Authority may, when issuing a development permit, determine the maximum number of adult dogs that may be kept at any one time by the operator of a private or commercial kennel.

(5) All pens, rooms, exercise runs, and holding stalls shall be soundproofed if deemed necessary by the Development Authority which shall base its decision on the number of animals to be kept at the kennel, the proximity of the kennel to other uses and/or other kennels, and possibility that the noise from the kennel may adversely affect the amenities of the area.

(6) In addition to soundproofing requirements, the times at which the animals are allowed outdoors may be regulated. In particular, all dogs at a kennel, including pups, may be required to be kept indoors between the hours of 10:00 p.m. and 7:00 a.m.

(7) All kennel facilities shall be screened by both a visual and sound barrier, by fences and/or landscaping, from existing dwellings on adjacent parcels to the satisfaction of the Development Authority.

(8) Kenneling facilities shall be operated in accordance with health regulations and, in particular, excrement and similar waste shall be disposed of in a manner acceptable to Alberta Health Services.

(9) All dog food stored on-site must be securely stored inside buildings and no outdoor storage is allowed.

(10) As a condition of approval on a development permit, the Development Authority may require that pen sizes, dog runs, enclosures, whelping areas, and exercise or play areas and other facility standards are in compliance with the *Canadian Veterinary Medical Association Code of Practice for Canadian Kennel Operations - Edition May 2007 (or subsequent amendment*).

(11) If encountered, a dead animal should be disposed of in accordance with the most current 'Destruction and Disposal of Dead Animals Regulation'.

(12) Permits issued for kennel development may be limited to a maximum period of three years and shall be subject to immediate revocation if the kennel is not developed or operated in accordance with the conditions of approval.

(13) Application for a renewal of a development permit for a kennel operation shall take into consideration the following:

(a) mandatory inspection report by a doctor of veterinary medicine submitted with application;

(b) any previous complaints or comments from adjacent landowners;

(c) complaints filed to the Alberta Society for the Prevention of Cruelty to Animals (SPCA);

(d) compliance with the *Canadian Veterinary Medical Association Code of Practice for Canadian Kennel Operations - Edition May 2007 (or subsequent amendment*).

(14) As a condition of approval, the Development Authority shall require that the applicant submit an inspection report, prepared by a doctor of veterinary medicine, to Lethbridge County on the anniversary date of the permit. In addition, at the discretion of the Development Authority, the applicant may be required to submit yearly inspection reports as a condition of approval.

(15) A dog agility or training facility that does not involve the kennelling, boarding or breeding of dogs may be exempted from sections 21(2)and (5) through (14) at the discretion of the Development Authority.

22. MANUFACTURED / READY-TO-MOVE/ MOVED-IN HOME STANDARDS

ELIGIBLE HOMES

Manufactured Home 1:

- New factory-built units within the past year of application for a permit and not previously occupied. In appearance, a Manufactured Home 1 shall generally resemble conventional site-built (stick-built) constructed homes;
- current Canadian Standards Association (CSA) certified units;
- this category includes modular or prefabricated homes that conform to the bylaw standards;
- the minimum roof pitch shall not be less than a 4/12 pitch;
- the minimum floor area of the principal dwelling not including attached garage shall not be less than 74.32 m^2 (800 sq. ft.);
- the dwelling shall be a minimum 7.32 metres (24 ft.) in width;
- must be placed on a basement foundation. If a basement is not feasible, the foundation must be permanent (e.g. continuous concrete, as timber supports or concrete block are not acceptable) and shall be as required by the Development Authority.

Manufactured Home 2:

- Used factory-built units, not constructed prior to 1985, in a state of good condition as determined by the Development Authority (note: previously referred to as mobile homes);
- Current Canadian Standards Association (CSA) certified units;
- Any application for a development permit to locate a used manufactured home shall include recent colour photographs of all elevations (i.e. front, side and rear views) including additions.
- Foundations may include continuous concrete, timber supports, or concrete block.

Ready-to-Move Homes (new):

- New stick framed (conventional) dwelling units built off-site within the past year of application for a permit and/or not previously occupied.

Moved-in Dwellings / Homes:

- Previously occupied dwellings, relocated from on parcel of land to another.
- Any application for a development permit to locate a moved-in dwelling shall include recent colour photographs of all elevations (i.e. front, side and rear views) including additions.

[Moved-in buildings (non-residential) see section 23]

APPLICATION REQUIREMENTS

(1) Any application for a Manufactured Home 1 or Ready-to-Move shall adhere to the development permit application requirements and standards of the bylaw.

(2) In addition to meeting the requirements of Section 24(2), any application for a development permit to locate a Manufactured Home 2, a used dwelling unit, or a moved-in dwelling:

(a) shall include recent colour photographs of all elevations including additions;

(b) may require a personal inspection by the municipality to determine the unit's suitability;

(c) accurate site plan for the location to which the building is to be placed or moved;

(d) floor plan and specifications of the structure of the building; and

(e) photo of the serial number plate.

(f) Applications for used units or moved-in dwellings may also be required to provide a certified Safety Codes officer's report indicating the condition of the home, whether it complies with provincial building codes, and what work would need to be done to enable it to meet code if it is found to be deficient.

FOUNDATIONS, BASEMENTS, AND ROOF LINES

(3) All units shall be placed on foundations which conform to provincial building requirements and Canada Mortgage and Housing regulations.

(4) All homes not placed on a basement shall be skirted in compatible materials and enclosed.

(5) Any portion of a concrete block foundation above grade shall be parged unless otherwise finished with another approved material.

(6) The maximum height of the exposed portion of a concrete block foundation shall be not more than 0.91 metres (3 ft.) above the average finished grade level of the surrounding ground.

(7) To ensure compatibility of housing types, the variation of roof lines between manufactured, modular, ready-to-move and moved-in homes and conventional homes may be limited. Generally, the homes should not be more than 0.61 metres (2 ft.) higher or lower than an adjacent home.

ADDITIONS

(8) Any additions, such as enclosed patios, entrance porches, carports, storage areas, additional rooms, or any other roofed structure, shall require a development permit.

(9) All home additions shall be of a design and finish which will complement the unit.

(10) The materials and colours used in the construction of additions shall be of a quality, style and design which will match or complement the dwelling.

(11) Materials used shall be those commonly used for exterior finishing of residences.

CONDITIONS

(12) As a condition of approval the Development Authority, at their discretion, may place conditions on a development permit including stipulating exterior finish colour and type of material, new roof material, colour and type, and orientation of building on parcel.

(13) As a condition of approval the Development Authority, at their discretion, may place other conditions on a development permit including the requirement that the developer provide landscaping, fencing, address drainage issues, or other such matters it considers necessary if, in his or its opinion, they would serve to improve the quality or compatibility of any proposed development.

(14) The building and the land upon which it is to be located shall be subject to all conditions and regulations specified for the particular land use district set out in the Land Use Bylaw.

(15) The Development Authority may require a security deposit of a minimum $5000.00 to a maximum value of up to 50 percent of the assessed value of the building to ensure the conditions of the development permit are met.

(16) Return of the posted bond or irrevocable letter of credit is contingent on the Development Authority verifying to its satisfaction, the completion of all the conditions of this section and the development permit.

(17) Conditions for single detached dwelling, Manufactured Home 1 shall generally correspond with typical conditions for a single-detached dwelling, site built.

SUITABILITY

(18) Notwithstanding that a moved-in dwelling may be listed as a permitted or discretionary use in any land use district, the Development Authority may refuse to approve a permit for such a use if it is determined at the discretion of the Development Authority, the dwelling is in such a state of poor condition that it is unsuitable, unlikely to be able to be brought up to a standard to meet bylaw or safety code requirements, is incompatible with existing dwellings in the vicinity, or may negatively affect or impact neighbouring land uses.

23. MIXED-USE DEVELOPMENTS (BUILDINGS OR PARCELS OF LAND)

Mixed-use developments shall be subject to the following:

(1) As part of the development proposal review the applicant must submit a concept plan.

(2) To serve its purposes, the mixed-use development should be sited at the edges of a residential neighbourhood, at a collector and arterial street intersection or a collector and local street intersection, at the entrance to a neighbourhood, at the entrance to a commercial-hub area, or in conjunction with a park, school, civic use, or public space.

(3) Open space shall constitute at least:

(a) 20 percent of net land area for mixed-use projects in which residential uses constitute greater than 80 percent of gross floor area; or

(b) 10 percent of net land area for commercial and institutional uses, and for mixed-use projects which include office, eating and entertainment, and/or retail sales and service uses that constitute 10 percent or more of gross floor area.

(4) Parking requirements will be based on the following:

(a) Space for parking should be balanced between a project's mix of uses and may be developed as joint use parking areas.

(b) No more than 50 percent of the parking spaces required for a building or use may be supplied by parking facilities required for any other building or use.

(c) Flexible parking regulations based on peak parking hours may be considered by the Development authority based on the consideration of:

(i) providing sufficient parking, balancing the parking needs of different land use types based on hours of operation; and

(ii) where parking demands peak during different times of the day, parking may be shared if the Development Authority is of the opinion that there will be minimal impacts to adjacent land uses.

(d) Parking and vehicle driveways should be located away from building entrances and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance.

(e) For buildings with mixed residential/commercial uses, the residential component should have the required minimum off-street parking requirements which are not shared with business uses. The additional off-street parking spaces shall be provided for the business component in consideration of the parking standards outlined in Section (d) above and in Part 3 – General Land Use Provisions, Sections 6 – 10 (Off-street Parking Requirements).

BUILDINGS WITH RESIDENTIAL/COMMERCIAL UNITS (MIXED)

(5) A building may be occupied by a combination of one or more of the uses listed for a district and each use shall be considered a separate use and each use shall obtain a development permit.

(6) The Development Authority may require that each use has its own separate utility servicing lines and infrastructure provided.

(7) The minimum size of a dwelling unit shall be 65.03 m^2 (700 sq. ft.).

(8) The non-residential portion of residential/commercial units shall be limited to the permitted and discretionary uses in the appropriate land use district.

(9) The business/commercial component of a residential/commercial unit must be a minimum of 25 percent of the Gross Floor Area.

(10) The dwelling unit shall be part of and contiguous with the building that contains the principal commercial land use.

(11) Separate entrances shall be provided for the commercial and residential uses. Each entrance shall have direct or indirect (via a hallway) access to a public street.

(12) The building must be able to comply with all applicable provincial Safety Code requirements.

PARCELS WITH MIXED-USE

In addition to Sections (1) through (4) of this section, parcels of land which propose mixed-use development, either residential/commercial or commercial with business, commercial, industrial, or institutional mixes through the development of a number of separate buildings or uses on the parcel, are also subject to the following requirements:

(13) A building or use may be a combination of one or more of the uses listed for a district and each use shall be considered a separate use and each use shall obtain its own development permit.

(14) Building separation setbacks are required when an abutting property or site with an existing building has windows facing to the side. In such circumstances, any new development or addition shall provide at least ten feet of separation between the existing and new building, or other separation as required or may be applicable in compliance to the provincial Safety Code.

(15) The building must be able to comply with all applicable provincial Safety Code requirements.

(16) Comprehensive parcel/site landscaping and storage/screening provisions may be required in consideration of Part 3 – General Land Use Provisions, Section 25 (Landscaping and Screening Requirements).

(17) The development of the land is subject to *Lethbridge County Engineering Guidelines and Minimum Servicing Standards*, and must provide acceptable road access, storm water management, fire suppression, and utility and servicing requirements that are acceptable to the municipality.

24. MOTOCROSS TRACKS/ MOTOR SPORTS FACILITIES

The following minimum separation distances shall be required between recreational motocross tracks and land uses that would be sensitive to engine noise and dust activity:

(1) Setbacks for **outdoor motocross/ motor sport tracks** are:

(a) 2.4 kilometres (1.5 miles) from schools, residences, campgrounds, hospitals, parks, playgrounds, churches and other institutions, recreational trails, shopping centres and known habitat of rare, threatened or endangered animal species;

(b) 1.6 kilometres (1.0 mile) from national wildlife refuges, migratory bird sanctuaries, protected natural areas designated under legislation, deer wintering areas, and industrial areas.

(2) In deciding on an application, including establishing any conditions of approval, the Development Authority shall have regard to the potential impact on existing and proposed uses in the vicinity of the proposed site.

(3) The Development Authority shall consider the site, natural features, and the quality of the land on which the development is proposed as such uses shall be discouraged on good quality agricultural land and in environmentally sensitive or significant areas.

(4) Motocross or motor sport facilities may include associated accessory uses that cater to the public which may include public washrooms, food sales, parking and viewing areas, which shall be reviewed and considered at the discretion of the Development Authority on site specific basis.

25. MOVED-IN BUILDINGS (NON-RESIDENTIAL)

(1) Before considering any application for a moved-in building, the Development Authority shall require:

(a) recent colour photographs of all elevations including additions;

(b) may require a personal inspection by the municipality to determine the unit's suitability;

(c) accurate site plan for the location to which the building is to be placed or moved;

(d) floor plan and specifications of the structure of the building;

(e) photo of the serial number plate, if applicable; and

(f) application fee as established by Council.

(2) In deciding on an application, including establishing any conditions of approval, the Development Authority shall have regard to the potential impact on existing and proposed uses in the vicinity of the proposed site.

(3) As a condition of approval the Development Authority, at their discretion, may place conditions on a development permit including stipulating exterior finish colour and type of material, new roof material, colour and type, and orientation of building on parcel.

(4) As a condition of approval the Development Authority, at their discretion, may place other conditions on a development permit including the requirement that the developer provide landscaping, fencing, address drainage issues, or other such matters it considers necessary if, in his or its opinion, they would serve to improve the quality or compatibility of any proposed development.

(5) The building and the land upon which it is to be located shall be subject to all conditions and regulations specified for the particular land use district set out in the Land Use Bylaw.

(6) The Development Authority may require a security deposit of a minimum $5000.00 to a maximum value of up to 50 percent of the assessed value of the building to ensure the conditions of the development permit are met.

(7) Return of the posted bond or irrevocable letter of credit is contingent on the Development Authority verifying the completion of all the conditions of this section and the development permit.

26. PAINTBALL RECREATIONAL USES

(1) Before considering any application for a paintball recreational development, the Development Authority shall require from the applicant:

(a) an accurate site plan for the location of the paintball recreation zone and any structures, buildings, or topography to be used as part of the use, access, setbacks to public roadways, parking areas, and any environmentally sensitive features present on the land, including the location of creeks, streams or canals;

(b) information on the type and proximity of adjacent land uses, including the identification of all residential dwellings located within a 1.6 kilometre (1 mile) radius;

(c) a narrative describing the operation, whether it is seasonal or year-round, proposed days and hours of business.

(2) A recreational paintball operation shall not be located closer than 300 metres (984 ft.) to an adjacent residential dwelling. The separation distance being measured from the edge of the dwelling to the nearest edge of the planned active recreational paintball use area.

(3) A recreational paintball operation shall not be permitted within 500 metres (1,640 ft.) of a multi-lot or designated grouped country residential subdivision, hamlet or urban centre. The separation distance shall be measured from the nearest property line of the multi-lot subdivision the nearest edge of the planned active recreational paintball use area.

(4) Prior to making a decision on a development permit application for a paintball recreational development the Development Authority shall notify all landowners within a 1.6 kilometre (1 mile) radius.

(5) If approving a development permit for a paintball recreational development, the Development Authority may place conditions on the approval limiting the business hours and days of the week the development may operate.

27. RESOURCE EXTRACTION (GRAVEL AND SAND PITS OR STONE QUARRIES)

(1) Both Class 1 and Class 2 pits as defined in the provincial *Code of Practice for Pits* shall require a development permit approved by the municipality to operate.

(2) The Development Authority on shall solicit and consider the comments of:

(a) Alberta Environment and Sustainable Resource Development; and

(b) any landowners within 804 metres (½-mile) of the lot proposed for a natural resource extractive use;

before approving a development application for a pit or natural resource extractive use.

(3) A sand, clay and gravel pit or a stone quarry may be considered for approval provided that:

(a) if it is **less than 5 hectares (12.5 acres)** in size, a reclamation plan must be provided to the satisfaction of the municipality; or

(b) if it is **5 hectares (12.5 acres) or greater,** a reclamation plan must be filed with Alberta Environment and Sustainable Resource Development that complies with its regulations and the recommendations of its Land Reclamation division, and a copy provided to the municipality.

(4) Topsoil must be stockpiled and used to reclaim the worked-out site.

(5) Pursuant to the Municipal Development Plan, pits in close proximity to recreation areas should be discouraged.

(6) The working area (defined as the area used for excavation, stockpiling and crushing) of a sand, clay and gravel pit or a stone quarry operation shall not be located closer than 300 metres (984 ft.) to a residential dwelling, the separation distance being measured from the edge of the dwelling to the nearest edge of the planned working area of the sand and gravel extraction operation.

(7) Sand and gravel extraction may be permitted within 300 metres (984 ft.) of an individual residence where provision is made regarding site-specific mitigation of noise, dust, visual, traffic, lighting and other effects of the sand and gravel operation as agreed to by the resident in writing.

(8) Sand and gravel extraction shall not be permitted within 400 metres (1,312 ft.) of a multi-lot or grouped country residential subdivision, hamlet or urban centre. The separation distance shall be measured from the nearest property line of the multi-lot subdivision to the nearest edge of the planned working area of the sand and gravel extraction operation.

(9) In respect of Section 27(8), a redesignation of land for residential multi-lot or grouped country residential purposes should not be permitted within 400 metres (1,312 ft.) of the boundary of the working area of the sand and gravel extraction operation.

(10) In addition to the above requirements, the following shall be submitted with a development permit application for surface mineral excavation:

(a) submission of operation plans;

(b) details of roads, haul routes, access points and traffic volumes;

(c) surface access agreement with the landowner;

(d) location and phasing of vegetation clearance and stripping of topsoil;

(e) identification of areas to be left undisturbed; and

(f) reclamation performance guarantees in the form of security or bonds.

(11) New surface workings should not be opened, nor should existing workings be extended if unmitigated damage may occur to nearby land having high recreation, wildlife, scientific or archaeological value.

(12) The Development Authority shall consider the effects of visual intrusion, dust, noise, traffic, and air and water pollution and how it may impact adjacent land uses when evaluating applications for these types of development permits.

(13) The Development Authority may require that the developer enter into a Road Use Management Agreement with the County in order control traffic on county roads and manage dust control and/or maintenance issues.

(14) The Development Authority may place conditions on an approved development permit that pertain, but are not limited to, regulating days and hours of operation, imposing setbacks, control or mitigate dust and noise, require berming or screening, or monitor ambient air quality.

(15) The Development Authority shall take into consideration Part 3, Section 41, River Valleys and Shorelands when deciding on development permit applications for resource extraction uses in such areas, where applicable.

(16) The Development Authority shall take into consideration the *Cottonwood Report: Environmentally Significant Areas in the Oldman River Region* in making a decision on an application for a resource extraction use and may deem a development application to be unsuitable in accordance with that report, or may request additional information be provided by the applicant to ensure any matters outlined in Part 3, Section 41 are addressed to the satisfaction of the Development Authority.

28. RECREATIONAL VEHICLE (RV) STORAGE

(1) The maximum number of recreational vehicle units permitted on the site shall be as determined by the Development Authority. Generally, there should not be permitted more than 60 units per acre of land.

(2) Storage shall be carried out as required under the Alberta Fire Code pertaining to water for fire suppression, fencing and access.

(3) Vehicle entrances and exits, as well as internal vehicle routes shall be designed in a manner that provides a safe and clearly defined circulation pattern.

(4) All on-site roadways shall have a durable hard surface of gravel or similar material and the same shall be drained and developed to the satisfaction of the Development Authority and the County Public Works Department.

(5) Where on-site parking or storage is illuminated, all lighting shall be positioned in such a manner that lighting falling onto abutting properties is minimized.

(6) Any developed portion of the site must be graded, contoured and seeded and shall provide for a satisfactory disposal of surface water by grading and drainage in such a manner that no surface water shall drain onto public roadway or other neighbouring property.

(7) There shall be no storage of hazardous materials or goods on-site.

(8) No day use or over-night accommodation shall be allowed on-site.

(9) The storage of recreational vehicles shall not include storage for the salvage of, or for derelict recreational vehicles.

(10) The recreational vehicle compound may be fenced with a minimum 1.83 metres (6.0 ft) high chain link fence around the periphery of the storage area, or as otherwise required by the Development Authority.

(11) Any proposed sanitation dump shall be in accordance with the Alberta Safety Code.

(12) At the discretion of the Development Authority, a landscape plan may be required as part of the submission for a development permit and the plan must be prepared by a certified landscape architect, an arborist, or a person qualified to perform such work.

(13) Landscaping, if required by the Development Authority, shall be as follows:

(a) on sites smaller than 1.5 ha (3.0 acres) a minimum of 10 percent, or as otherwise required by the Development Authority, of the site shall be landscaped;

(b) on sites larger than 1.5 ha (3.0 acres) a minimum of 50 percent, of the required front and side yard setbacks of the site shall be landscaped or as required by the Development Authority;

(c) any or all landscaping standards as outlined in Part 3, Section 25 may be required by the Development Authority.

29. SANDBLASTING, WELDING AND FABRICATION FACILITIES

(1) Where the proposed use is located within 150 metres (492 ft.) of a existing residential use or residential, park, conservation or institutional land use district, all welding, fabrication, sandblasting and similar potentially obnoxious uses and operations shall be fully contained within a building or other suitable structure designed to contain noise, odours, and dust.

(2) In all instances, the building or structure containing any approved sandblasting, welding, or fabrication operation shall be located no closer than 90 metres (295 ft.) to an adjacent residential dwelling.

(3) Required yards, buffers and landscaped areas shall not be used for storage, parking, loading, unloading or similar uses.

(4) The operator is prohibited from disposing of any shop wastes into a storm drain, septic tank, onto the ground or into surface water.

(5) All materials must be stored in the proper containers with the correct label in accordance with any provincial environmental regulations or procedures.

(6) The applicant may be required to store materials and wastes indoors or under cover whenever possible to prevent moisture from seeping into the container.

30. SATELLITE DISHES AND TELECOMMUNICATION ANTENNAS

(1) In all hamlet residential land use districts:

(a) satellite dishes greater than 1 metre (3 ft.) in diameter or radio or television antenna shall be classified as an accessory structure and shall be placed in the rear or side yard;

(b) satellite dishes greater than 1 metre (3 ft.) in diameter shall not be mounted or attached to the roof of any dwelling or accessory building and shall not be illuminated or contain advertising other than the manufacturer's trademark or logo.

(2) Radio and television antennas, which are not regulated by Industry Canada, are classified as an accessory structure.

31. SERVICE STATIONS AND GAS BARS

The following regulations apply:

(1) The minimum front yard shall be 12.19 metres (40 ft.) and no gasoline pumps shall be located closer than 6.10 metres (20 ft.) from the front property line.

(2) The side and rear yard shall be 6.10 metres (20 ft.) with no intervening pumps or accessories.

(3) Maximum site coverage shall be 30 percent.

(4) The location and installation of the fuel tanks shall be in accordance with the *Fire Protection Act* and Alberta Environment.

(5) The exits and entrances to the station site shall be clearly marked by curb cuts, painted markings, concrete abutments or any other means satisfactory to the Development Authority.

(6) An appropriate chain link fence not less than 0.91 metres (3 ft.) high may be required around the property to catch debris and trash.

(7) The stacking or queuing lanes must be in accordance with Part 3, Section 23 of this bylaw.

32. SHIPPING CONTAINERS (or C-Containers, Sea-Containers)

GENERAL STANDARDS

(1) Shipping containers shall only be allowed in the land use districts where they are listed as a permitted or discretionary use in Part 2 – Land Use Districts and Regulations.

(2) An application for a development permit for a proposed shipping container(s) must be completed and submitted to the Development Authority along with the appropriate application fee. At least two recent colour photographs of each container (one end view and one side view) must accompany the application.

(3) There shall be a primary use on the property where the shipping container is proposed, except as provided in section 32(14).

(4) All shipping containers must be located in the rear or side yards only, and the rear and side setback requirements shall be regulated by the Development Authority and the requirements of the appropriate land use district.

(5) The maximum number of shipping containers permitted on a lot shall be regulated by the Development Authority.

(6) Where multiple shipping containers are permitted on a lot they shall be stacked no more than two containers high.

(7) The Development Authority may require as a condition of approval that any shipping container must be painted to match the colour(s) of the principal building or be sandblasted and/or painted to the satisfaction of the Development Authority.

(8) The Development Authority may require as a condition of approval that any shipping container be screened from view or landscaped.

(9) The exterior of all shipping containers must be kept clean and regularly painted.

(10) Shipping containers shall not display advertising, company logos, names or other marketing without an approved sign permit.

(11) The Development Authority may regulate the time period for which a development permit is valid through the issuance of a temporary permit. The validity of a temporary permit shall not exceed one year.

(12) The Development Authority may require as a condition of approval the posting of a security deposit guaranteeing compliance with the conditions of the permit.

(13) A development that proposes to convert shipping containers to use as a building or structure for a different use may be considered by the Development Authority subject to the following:

(a) the use is a permitted or discretionary use in the applicable land use district in which the development is proposed;

(b) the shipping container conversion will be able to meet all applicable building and safety code requirements; and

(c) the Development Authority is satisfied that the design, character and appearance of the finished building is compatible with other buildings in the vicinity and that the design, character and appearance of the building is consistent with the purpose of the land use district in which the building is located.

(d) The Development Authority may require engineering reports, structural engineer's stamped schematic drawings, and building inspection reports in consideration of approving a development permit for a shipping container conversion.

TEMPORARY SHIPPING CONTAINERS

(14) A shipping container may be placed temporarily on a construction site, for the period of construction only, in any land use district without obtaining a development permit subject to the following provisions:

(a) the shipping container is needed in connection with construction of a development for which a development permit has been issued;

(b) the construction site is active (i.e. construction has commenced and is on-going or is about to commence within one week); placement of a shipping container on an inactive construction site is not permitted;

(c) no more than one shipping container is placed on the construction site (a development permit will be required for any additional shipping containers that are required);

(d) the exterior of the shipping container is kept clean and does not display any advertising other than the company logo or trademark;

(e) in hamlet land use designations, the shipping container shall be located a minimum of 3.05 metres (10 ft.) from the front property line and 1.52 metres (5 ft.) from the side and rear property lines. On corner lots, placement of the container shall also comply with the corner lot restrictions in Part 3, Section 6;

(f) in rural land use designations, the placement of the shipping container shall comply with public roadway setback requirements in Part 3, Section 13;

(g) the shipping container shall be removed immediately upon completion of construction or sooner as may be required by the Development Authority .

SHIPPING CONTAINERS ASSOCIATED WITH AGRICULTURE

(15) Within the Rural Agricultural – "RA", Lethbridge Urban Fringe – "LUF" and Rural Urban Fringe – "RUF" land use districts a maximum of two shipping containers are permitted without obtaining a development permit subject to the following provisions:

(a) the shipping containers are associated with agriculture;

(b) the lot upon which the containers are placed is 2.02 hectares (5 acres) or greater in size;

(c) the location of the containers comply with the public roadway setback requirements, of the land use district;

(d) the exterior of the shipping containers are kept clean and regularly painted;

(e) the shipping containers shall not display advertising, company logos, names or other marketing.

33. SHOOTING RANGE STANDARDS AND LOCATION CRITERIA

The following standards and criteria will apply for consideration of a development permit application for a shooting (firing) range, including rifle, pistol, shot guns for skeet shooting and archery:

APPLICATION INFORMATION

(1) An application must be accompanied by the following documentation:

(a) a comprehensive site plan illustrating the location of the range and any buildings on the parcel of land, accessory buildings or structures, access and egress to the parcel, parking areas, landscaping, utility easements or corridors. For outdoor ranges, the site plan, or supplementary plan, must illustrate or identify the adjacent land uses within the 1 kilometre setback distance prescribed in section (2) below;

(b) a surveyed site plan;

(c) information on the type of water and sewer servicing proposed;

(d) a report or evidence demonstrating compliance with any operating licences required by federal or provincial laws;

(e) evidence that the proposal will conform to the *Firearms Act*, *Shooting Clubs and Shooting Ranges Regulations* and the *R.C.M.P. Range Design and Construction Guidelines for Shooting Ranges.*

SETBACKS FROM OTHER USES

In addition to firing range standards administered by the province, the following minimum separation distances shall be required between firing ranges and land uses that would be sensitive to gunshot noise and range activity:

(2) Setbacks for **outdoor shooting (firing) ranges** are:

(a) 2.4 kilometres (1.5 miles) from schools, residences, campgrounds, hospitals, parks, playgrounds, churches and other institutions, recreational trails, shopping centres, and known habitat of rare, threatened or endangered animal species;

(b) 1.6 kilometres (1.0 mile) from national wildlife refuges, migratory bird sanctuaries, protected natural areas designated under legislation, deer wintering areas, and industrial areas.

(3) The above setbacks apply only to new ranges and not to firing ranges in existence at the time this bylaw came into effect.

(4) The direction of fire and orientation of ranges approved after this bylaw came into effect must not be toward a public highway, road, trail, developed area or public use area.

(5) For **outdoor archery ranges**, the applicable minimum land use district setbacks apply, however, the direction of fire and orientation of ranges approved must not be toward a public highway, road, trail, developed area or public use area.

(6) **Indoor shooting (firing) ranges** must be located no closer than 152.40 metres (500 ft.) to the nearest school, hospital or residence.

PARKING

(7) Parking requirements shall be calculated on the basis of the average number of shooters and visitors that would be at the range at any one time, plus staff.

ACCESS

(8) Outdoor shooting (firing) ranges must have access to a public all weather road. As a condition of a development permit approval, the applicant may be required to enter into a Development Agreement with Lethbridge County to construct or improve a public road to required acceptable municipal engineering standards, to provide suitable public access.

ACCESSORY BUILDINGS

(9) Accessory buildings may be permitted at a firing range provided they are used for purposes incidental to the firing range such as:

(a) firearm safety training;

(b) hunter education;

(c) fundraising and social activities that support the Shooting Club;

(d) grounds or building maintenance; and

(e) sale of items for the convenience of range users, such as snack foods.

PUBLIC CONSULTATION

(10) Public notification is required prior to the Development Authority rendering a decision on a development permit application, by the Development Authority sending a letter to adjacent landowners within a one kilometre distance of the site on which a firing range is being proposed (including the range safety area) and inviting them to respond back with any comments and concerns within 21 days of the notification being mailed.

(11) The Development Authority may, prior to rendering a decision, require the applicant to conduct a public consultation session with landowners within a one kilometre distance of the site by advertising and holding a public meeting. If this is required, then the applicant must subsequently submit to the Development Authority a report regarding the public response to the proposal and copies of all written submissions.

OTHER REQUIRED APPROVALS

(12) Notwithstanding that a development permit may be approved by the municipality, this in no way exempts an applicant from being responsible for obtaining all required federal or provincial licenses or approvals.

(13) As a condition on a development permit approval, the Development Authority may require that the applicant file copy of all federal or provincial licenses, approvals or refusals issued by federal or provincial authority with the municipality.

34. SIGNS

See Part 5 – Sign Regulations.

35. SURVEILLANCE / SECURITY SUITES

(1) A development permit for a surveillance/security suite will only be issued if the surveillance suite is clearly compatible with and subordinate to the principal use of the subject parcel. Moreover, in the opinion of the Development Authority, the placement of a surveillance suite shall be compatible with all existing, principal development/land uses on adjacent properties and shall not interfere with future principal development/land uses of adjacent properties.

(2) Where a surveillance / security suite is attached to the building on a site by a roof, an open or enclosed structure, floor or a foundation, it is to be considered a part of the principal building.

(3) The minimum and maximum floor area of any detached surveillance / security suite shall be 50 m^2 (538 sq. ft.) and 102 m^2 (1098 sq. ft.) respectively.

(4) Where a surveillance / security suite is a manufactured home unit, the following shall apply:

(a) the unit shall have a CSA certification or equivalent, proof of which shall accompany the development permit application;

(b) the unit shall be secured and skirted to the satisfaction of the Development Authority.

36. TELECOMMUNICATION ANTENNA SITING PROTOCOLS

Telecommunication, radio communication and broadcast antenna systems are regulated by Industry Canada. An applicant proposing to locate a telecommunication, radio communication or broadcast antenna system within the County, which does not meet the exclusion criteria in Appendix A shall be subject to the Siting Protocol process as stipulated in Appendix A. The Telecommunication Antenna Siting Protocol Application form and applicable fee must be submitted by the proponent to the Development Authority who will determine if the municipality will grant a letter of concurrence or non-concurrence.

(1) See Appendix A – Telecommunication, Radiocommunication and Broadcasting Antenna Systems (Antenna Systems) Siting Protocol.

37. TOURIST HOMES

A tourist home means a dwelling unit operated as a rental or lease accommodation unit, occupied by a guest or guests for a period not to exceed 30 days. The dwelling owner/operator may or may not be residing in the dwelling during the period it is being occupied by guests.

(1) The operation of a tourist home requires an approved development permit.

(2) Tourist homes are prohibited in residential districts except where they are expressly listed as a discretionary use.

(3) Development Permit applications for tourist homes shall be referred by the Development Authority to the regional Health Authority for comment, prior to making a decision on an application.

(4) Where approved, tourist homes shall be developed and operated in accordance with the following regulations in order to ensure that the impacts of this commercial use do not unduly affect the amenities of the residential neighbourhood in which they are located:

(a) The maximum number of bedrooms in a dwelling unit used for a tourist home shall be four (4), with maximum of eight (8) 'sleeping' guests at one time.

(b) No sleeping units shall contain kitchen facilities.

(c) Tourist homes require a development permit. The Development Authority may issue a Stop Order at any time if, in the opinion of a Development Authority, the operator has violated any provision of this bylaw or the conditions of a permit.

(d) Tourist homes shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood.

(e) Prior to making a decision on a development permit application for a tourist home, the Development Authority may require the applicant to submit a building inspection report to verify if the dwelling

meets Alberta Safety Code requirements or if deficient, if it may be brought into compliance to address any safety issues.

(5) The operator of the tourist home shall:

(a) not publicly advertise the tourist home unless in possession of a valid development permit at the time the advertisement is placed and displayed;

(b) keep and maintain, or have kept and maintained by a company or individual identified in the development permit application, a guest register that shall be reasonably available for inspection by Development Authority;

(c) provide one hard surfaced, on-site parking stall per bedroom. Parking stalls shall not be tandem;

(d) not display any form of advertising related to the tourist home except as provided for in this bylaw;

(e) ensure that the building conforms to the Alberta Safety Code and any other provincial regulations.

(6) Development Permit applications and approvals for tourist homes may include a maximum of 12 RV (recreational vehicle) sites for seasonal rental or lease as an accessory use to the tourist home, provided the Development Authority is satisfied that the site is suitable, effectively screened from neighbouring residences view, and potable water and septic disposal is adequate.

38. WAREHOUSING AND STORAGE

See Part 2 – Land Use Districts and Regulations (Rural Industrial – RI, Business Light Industrial – BLI and Rural Heavy Industrial – HI land use districts) and Part 3 – General Land Use Provisions, Section 25 (Landscaping and Screening).

39. WORK CAMPS

(1) Work camps shall only be allowed in the land use districts where they are listed as a discretionary use in Part 2 – Land Use Districts and Regulations.

(2) A concept plan shall be provided, to the satisfaction of the Development Authority that indicates the location, design standards and site requirements of any proposed:

(a) common accessory uses and services, such as washrooms, laundromats, recreational buildings, retail stores, food concessions, fire pits, fire wood storage;

(b) lighting;

(c) water supply;

(d) wastewater disposal facilities;

(e) solid waste collection facilities; and

(f) any other similar uses or services that may be associated or required for the development of a work camp.

(3) The following regulations shall be applied in designing the work camp site plan:

(a) the road system shall be properly signed for users and for emergency response vehicles, and shall to sensitive to the topography and environmental characteristics of the site;

(b) roads shall be surfaced to the satisfaction of the Development Authority;

(c) all utility services and all utility wires and conduits shall be provided as required by the Development Authority; and

(d) setbacks shall be in accordance with the regulation of the applicable land use district.

(4) All work camps shall be development in compliance with the Work Camps Regulation, *Public Health Act*, Alberta Regulation 218/2002 as amended.

40. PERSONAL WORKSHOP AND STORAGE (NON-COMMERCIAL)

(1) The following regulations shall be applied:

(a) the use and buildings are considered a discretionary use and an approval shall take into consideration the suitability of the land and compatibility with adjacent land uses;

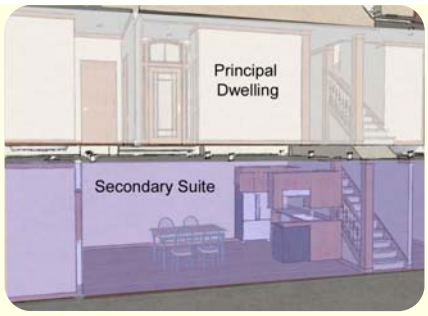
(b) the maximum size of buildings shall be 278.7 m² (3,000 sq. ft.) in the RUF and LUF land use districts and 464.5 m² (5,000 sq. ft.) in the RA land use district;

(c) the use shall be for personal use only and not associated with or part of a commercial use or business; and

(d) setbacks shall be in accordance with the regulation of the applicable land use district.

41. SECONDARY SUITES

SECONDARY SUITES (CONTAINED WITHIN A SINGLE-DETACHED DWELLING)



Example of basement suite

Secondary Suite means a development consisting of an ancillary dwelling unit located within, and accessory to, a structure in which the principal use is a single detached dwelling or in conjunction with an approved detached garage.

Secondary Suite General Standards

(1) A secondary suite shall have cooking facilities, food preparation area, sleeping and sanitary facilities, which are physically separate from those of the principal dwelling within the structure. A Secondary Suite shall also have an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure.

(2) A secondary suite shall be restricted to a lot occupied by a single-detached dwelling. A secondary suite is prohibited from being constructed within or in conjunction with a duplex, semi-detached dwelling, multi-attached or multi-unit dwelling or apartment housing.

(3) All secondary suites developed after December 31, 2006, shall comply with all Alberta Building Code requirements, including separate heating/ventilation systems for each dwelling unit. Pre-existing suites developed prior to December 31, 2006, must meet the requirements of the Alberta Fire Code.

Secondary suites shall comply with the following regulations:

(4) The maximum floor area of the secondary suite shall be as follows:

(a) in the case of secondary suite located completely below the first storey of a single detached dwelling (other than stairways or a common landing), the floor area (excluding the area covered by stairways) shall not exceed the floor area of the first storey of the associated principal dwelling;

(b) in the case of a secondary suite developed completely or partially above grade, the floor area (excluding the area covered by stairways) shall not exceed 40 percent of the total floor area above grade of the building containing the associated principal dwelling.

(5) A secondary suite (contained with a single-detached dwelling) shall remain accessory to and subordinate to the single-detached dwelling and shall not exceed the floor area of the principal dwelling and shall have a minimum floor area not less than 30 m^2 (322.93 sq. ft.).

(6) A secondary suite shall be developed in such a manner that the exterior of the principal building containing the secondary suite shall appear as a single dwelling.

(7) In Hamlet Residential land use districts, only one secondary suite may be developed in conjunction with a principal single-detached dwelling, and it may not be developed within a multi-unit dwelling (e.g. duplex, semi-detached or fourplex unit).

(8) A secondary suite shall not be developed within the same principal dwelling containing a Home Occupation, unless it is proven to the satisfaction of the Development Authority that the amount of traffic generated is limited and adequate parking is available without adversely affecting the neighbourhood.

(9) The secondary suite shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

(10) The secondary suite shall have full utility services through service connections from the principal dwelling unit.

(11) Development of a secondary suite shall adhere to the Alberta Building Code and Alberta Fire Code as a condition of approval.

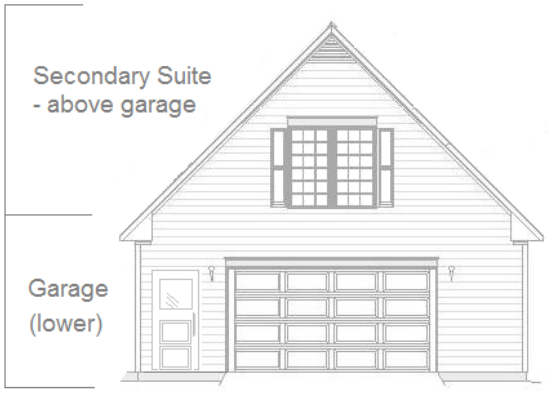
(12) Parking must be able to be adequately provided on site for the additional suite in consideration of bylaw requirements. In Hamlet Residential land use districts requirements: one (1) off-street parking stall per secondary suite (in addition to regular residential requirements).

SECONDARY SUITES (DETACHED GARAGE) STANDARDS

(13) The maximum height to roof peak of the garage shall not exceed 9.1 metres (30 ft.)

(14) A secondary suite (detached garage) shall have an entrance separate from the entrance to the garage, either from a common indoor landing or from the exterior of the structure.

(15) One on-site parking space shall be provided for each secondary suite.



(16) A secondary suite (detached garage) shall remain accessory to and subordinate to the single-detached dwelling and shall:

(a) have a minimum floor area of 29.73 m^2 (320 sq. ft.), and

(b) not exceed 112 m^2 (1205 sq. ft.) in all land use districts.

Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the secondary suite.

(17) The maximum lot coverage of a secondary suite (detached garage) shall be limited to the area as stipulated for an accessory building for the applicable land use district.

(18) A secondary suite in conjunction with a detached garage shall be located a minimum of:

(a) 3.05 metres (10 ft.) from the principal dwelling unit, and

(b) 6.1 metres (20 ft.) from a side or rear property line.

(19) A secondary suite (detached garage) shall be located on the upper floor of the garage and the main (grade) floor shall be restricted for garage/accessory use. In all land use districts, the building must be utilized as a functional garage/accessory building for purposes incidental to the single unit dwelling with a functional overhead garage door installed and cannot be used for additional living space. In all other land use districts, the applicable district and whether secondary dwellings are permitted or not shall regulate the type of secondary suite (detached garage) building that may be built and whether the functional garage component is required.

(20) On lots or parcels where sewage treatment is managed individually on-site, the soils and private septic treatment system must be designed and sized to manage the additional effluent produced for the additional dwelling suite on the parcel of land.

(21) An applicant is responsible to ensure that a secondary suite (detached garage) must be able to be constructed on a foundation of strip footings and concrete walls, concrete piers set below frost level, or other suitable foundation in accordance with the Alberta Building Code, unless otherwise permitted under the code.

(22) In Hamlet Residential land use districts, only one secondary suite may be developed in conjunction with a principal dwelling. (A secondary suite (detached garage) is not permitted in the Hamlet Residential land use districts).

(23) An applicant is responsible for obtaining all required building permits and the development of a secondary suite (detached garage) shall adhere to the Alberta Building Code and Alberta Fire Code as a condition of approval.

42. CANNABIS NURSERY, CANNABIS CULTIVATION AND CANNABIS PROCESSING

The requirements of this section apply to cannabis nursery, cannabis cultivation and cannabis processing facilities as defined by the Land Use Bylaw and are in addition to any federal regulations required by the Government of Canada.

(1) The owner or applicant must provide, as a condition of development approval, a copy of the current license for all activities associated with a cannabis facility as issued by Health Canada.

(2) The owner or applicant must obtain any other approval, permit, authorization, consent, or license that may be required to ensure compliance with applicable federal, provincial, or municipal legislation.

(3) The development must be done in a manner where all of the processes and functions are fully enclosed within a stand-alone building including all loading stalls and docks, and garbage containers and waste material.

(4) The development shall not operate in conjunction with another approved use.

(5) The development shall not include an outdoor area for storage of goods, materials or supplies.

(6) The development must include equipment designed and intended to remove odours and particulates from the air where it is discharged from the building as part of a ventilation system.

(7) A cannabis production facility shall not be located on a parcel of land that is adjacent to or within 450 metres of a parcel used for a school, day care or similar use associated with the caring or congregation of children or minors.

(8) The Development Authority may require, as a condition of a development permit, a public utility waste management plan, completed by a qualified professional that includes detail on:

(a) the incineration of waste products and airborne emissions, including smell;

(b) the quantity and characteristics of liquid and waste material discharged by the facility; and

(c) the method and location of collection and disposal of liquid and waste material.

43. RETAIL CANNABIS STORES

Application Requirements

(1) In addition to the development application requirements as stipulated in Part 1, Section 24, items (2) through (4) of the 'Administrative' part of the Land Use Bylaw, the following additional requirements for an application for a development permit for a Retail Cannabis Store must also be provided when requested by the Development Authority:

(a) prior to applying for a municipal development permit for a Retail Cannabis Store, the applicant is required to apply to the Alberta Gaming and Liquor Commission (AGLC) for a determination of eligibility to obtain a licence, and submit verification of the AGLC eligibility as part of the development application;

(b) details of the proposed store location and a detailed listing and site plan of surrounding businesses and uses, both on adjacent (contiguous) parcels and those identified as sensitive sites (as outlined in Section 43(5) below) within 300 m (drawn on a high quality and clearly legible site plan with text descriptions.

Criteria and Standards

(2) All Retail Cannabis Stores approved for a development permit must obtain a Retail Cannabis Store license from the AGLC and failure to secure an AGLC license will make the local development permit approval null and void. Proof of provincial license (for a Retail Cannabis Store) shall be required as a condition of a development permit approval.

(3) A Retail Cannabis Store must be a separate use from any other business activities (i.e. non-Cannabis store) unless it is an activity or use expressly authorized by the AGLC.

(4) A Retail Cannabis Store shall not be approved for a development permit if the premises is located within a 300 metre separation distance of:

(a) the boundary of a parcel of land on which a provincial health care facility is located; or

(b) the boundary of a parcel of land containing a school (public or private) facility; or

(c) the boundary of a parcel of land containing an approved child or daycare facility; or

(d) the boundary of a parcel of land that is designated as school reserve or municipal and school reserve under the *Municipal Government Act*; or

(e) the boundary of a parcel of land containing a municipal park or playground facility, if the land is not designated as school reserve or municipal and school reserve under the *Municipal Government Act*; or

(f) the boundary of the parcel of land which contains a church, community centre, library or recreation facility where persons under 18 years of age may attend or congregate.

(5) Additionally, a Retail Cannabis Store shall not be approved for a development permit if the premises is located within the distance of (as measured wall to wall of the buildings) 100 metres of a building containing a separate Retail Cannabis Store that has been approved (in the absence of any provincial set of rules regarding how closely the standalone stores will be allowed to operate to one another, otherwise the provincial rules apply).

(6) The specified separation distances applicable to Retail Cannabis Stores are not eligible to be varied or waived by the Development Authority, or on an appeal by the Subdivision and Development Appeal Board.

(7) The specified separation distances are reciprocal and apply to those described sensitive uses (i.e. school, park, childcare facility, recreation facility, etc.) applying for a development permit locating in proximity of established Retail Cannabis Stores.

(8) All signage, including the contents, must comply with the Land Use Bylaw Part 5, Sign Regulations, and municipal development permit approval is required. The applicant/developer is also responsible to ensure any signage and its message contents comply with all federal and provincial requirements, including AGLC policies.

(9) All parking requirements shall be provided in accordance with Part 3, General Land Use Provisions, Section 30 of the bylaw, and shall be deemed to be similar to other 'retail store' uses for determining the number and size of the required parking spaces.

(10) If an approved Retail Cannabis Store's existing AGLC license expires, the business must provide verification to the municipality that a new license has been obtained within 12 months of the expiry date, otherwise, the use will be deemed to have been discontinued and any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued.

(11) The Development Authority may, as a condition of approval on a development permit, specify a time limit on the development permit in regards to its validity, which may be considered a temporary use. At the time of expiry, the applicant/developer must reapply to the municipality for a development permit approval to continue the use.

(12) A developer/operator of a Retail Cannabis Store is responsible for meeting and adhering to all provincial requirements for the physical security for the premises.

(13) The design and construction of a Retail Cannabis Store must meet all provincial building code requirements.

PART 5

SIGN REGULATIONS

PART 5

SIGN REGULATIONS

This Part prescribes requirements for signs, and sign owner responsibilities. It also contains regulations pertaining to safety of the signs installation and requirements for specific types of signs. The intent of this Part is to ensure that safe, well-designed and aesthetically pleasing signs are located around the County.

1. DEFINITIONS

In addition to the definitions in Part 8 of this bylaw, the following definitions apply to this Part:

Abandoned Sign means a sign which advertises or identifies an activity, business, owner, product, lessee or service which no longer exists or a sign for which no legal owner can be found.

Animated Sign means a sign which uses movement or change of lighting to depict action or to create a special effect or scene, but does not include a changeable copy sign.

Awning means an adjustable or temporary roof-like covering fitted over windows and doors and used for either shelter, advertising or decoration.

Banner Sign means a temporary sign that is made of lightweight material intended to be secured to the flat surface of a building or structure, at the top and the bottom on all corners, excluding official flags and emblems.

Balloon Sign means any inflatable device, used or employed as a sign that is anchored to the ground or to a building.

Billboard means a large freestanding structure to provide a medium for advertising where the copy can be periodically replaced and is a sign greater than 3.0 m^2 (32.3 sq. ft.) that may or may not contain advertising related to the development within the parcel upon which the billboard sign is located. This does not include an identification sign.

Canopy Sign means a sign placed on a permanent projection from the exterior wall of a building and is typically mounted, printed, painted or otherwise attached to an awning, canopy or marquee, and where the projection or canopy has been primarily designed to provide shelter to pedestrians or vehicles.

Changeable Copy Sign means a sign where the content changes automatically through electronic and/or mechanical means and may include typical features such as an electronic message centre, or time and temperature unit.

Construction Sign means a temporary sign erected on a site where construction is taking place to identify the construction project and those parties having a role or interest in the construction.

Copy means the message on a sign in either permanent or removable form.

Copy Area means the entire area within a single straight line geometric figure or a combination of squares or rectangles that will enclose the extreme limits of the advertising message or announcement including decorations related to the specific nature of the advertising message or announcement.

Community Signs means any sign advertising a local community organization.

Directional and Information Sign means a sign, the message of which is limited to providing direction guidance, distance, facility or similar information and which may contain a name or logo.

Facade means the entire front of a building including the parapet.

Fascia Sign means a sign attached across the face of a building, located approximately parallel thereto, in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, which does not project more than 0.30 metre (1 ft.) from the building or structure supporting said sign.

Freestanding Sign means any sign supported by a freestanding column(s) or structure placed in or on the ground and not attached to any building or other structure.

Home occupation Sign means a sign advertising a home occupation approved under the provisions of the Land Use Bylaw.

Incidental Sign means a small sign, decal or emblem advertising goods, facilities, business hours or services available on the premises.

Identification Sign means a sign which typically relays information pertaining to the identification of a site or development, the address, or where the copy contains only the following information:

(a) the name and/or address of a building, use or person; and/or

(b) the activity carried out by that person, or at that location; or

(c) directions to the business or development.

Lawn Sign means a sign where the base of the sign structure is located on the ground or a maximum of 0.3 metre (1 ft.) above the adjacent grade and the width of the base and the top of the sign structure are approximately equal.

Merchandising Aid means a device, such as statues, inflatables, and tethered balloons intended to call attention to a business and which may contain a name, logo, advertising message or announcement.

Multiple Listing or Multi-tenant Sign means a sign that contains within one structural frame two or more smaller signs, each of which identifies or advertises a different business, organization or facility.

Off-premises Sign means any sign that may contain sign content that advertises or otherwise identifies a service, product or activity conducted, sold or offered at a location other than the premises on which the sign is located.

Parapet means the extension of a false front wall above a roof line.

Portable Sign means a sign that is not permanently affixed to a building, structure or the ground and is supported on a structure or trailer allowing it to be readily moved from one location to another with the sign area not exceeding 4.46 m^2 (48 sq. ft.).

Projecting Sign means a sign other than a canopy sign or fascia sign which is attached to and projects, more than 0.3 metre (1 ft.) horizontally from a structure or building face. Shingle signs may be considered a type of projecting sign.

Real Estate Sign means a sign pertaining to the sale or lease of the premises or a portion of the premises on which the sign is located.

Resident Identification Sign means a sign located on the premises, limited to providing the address and/or name of the owner or occupant of a building or premises.

Roof Sign means a sign that is placed on, above or is incorporated as part of the roof of a building or a sign where more than 50 percent of the copy face projects above the roof of a building.

Shingle Sign means a small sign which is suspended from a mounting attached directly to the building wall. Shingle signs are generally placed perpendicular to the face of a building.

Sidewalk or A-board Sign means a portable sign which is set on the ground, built of two similar pieces of material and attached at the top by a hinge(s) so as to be self supporting when the bottom edges are separated from each other and designed and built to be easily carried by one person.

Sign means a development or location of any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, relay information, direct or attract attention to an object, person, institution, organization, business, product, service, belief, event or location by any means, including words, letters, figures, design, symbols, fixtures, colours, illumination or projected images.

Sign Area means the entire face of a sign including the advertising surface and any framing, trim or moulding, but not including the supporting structure, with the sign area of individual letter signs being the sum total of the area of the smallest straight line geometric figure that encloses the individual letters or figures of the sign.

Sign area = length of A x length of B
Sign content area = length of C x length of D

Sign Content Area means the entire area within a single straight line geometric figure or a combination of squares or rectangles that will enclose the extreme limits of the advertising message or announcement including decorations related to the specific nature of the advertising message or announcement.

Sign Band means a prominent exterior display surface located horizontally between storefront windows and the cornice or roofline.

Sign Clutter Area means any area of Lethbridge County that Council has declared by resolution to appear cluttered by an excessive amount of signs, and therefore warranting special restrictions in order to limit the sign clutter.

Sign Height means the vertical distance measured from the highest point of the sign or sign structure to the finished grade.

Sign Illumination means the lighting or exposure of a sign to artificial lighting either by lights on or in the sign or directed toward the sign.

Sign Projection Style means the method by which the sign content is conveyed to the viewer (e.g. lettering/logo, animation, changeable content, movement/motion).

Sign Type means the type of structure of a sign (e.g. billboard, freestanding, portable, etc.) used to convey sign content.

Temporary Sign means a sign other than a portable sign which is not permanently attached to a supporting structure or building and designed or intended to be displayed for a short period of time, typically in place for less than 12 weeks.

Theme Sign means any sign that is part of a series or group of signs incorporating a distinctive theme, design or logo.

Third Party Sign means any permanent off-premises sign advertising a commercial activity not located on the same lot or parcel of land as the sign.

Wall Sign means a sign fastened to or painted on the wall of a building.

Window Sign means a sign painted on, attached to or installed on a window intended to be viewed from outside the premises.

Vehicle Sign means a sign mounted, painted, placed on, attached or affixed to a trailer, watercraft, truck, automobile, or other form of motor vehicle so parked or placed so that the sign is discernible from a public street or right-of-way as a means of communication or advertising.

2. GENERAL RULES AND CRITERIA

All signs within Lethbridge County shall comply with the following:

(1) No one shall erect, place, alter, or relocate a sign without having first obtained a development permit from the Development Authority, excepting signs that do not require a development permit in Section 3 of this Part.

(2) In addition to information submitted with any development permit application, the Development Authority may require additional details including:

(a) the location of all existing and proposed signs on the lot or premises;

(b) all size, height, and other dimensions of the proposed signs and any supporting structures, including mounting details if the sign is proposed to be mounted to a building;

(c) the exact message content of the proposed sign face, the finish proposed for the sign(s) and the type of illumination or animation, if any; and

(d) photos and/or drawings at a suitable scale.

(3) A sign shall not be erected on any property or building unless permission is granted in writing from the registered property owner.

(4) The owner of the sign shall be considered the registered owner of the property on which the sign is placed.

(5) The owner of a sign shall at all times maintain the sign in a proper, safe and tidy state of repair and shall not permit the sign to become dilapidated or unsightly, to the satisfaction of the Development Authority.

(6) The Development Authority may, by notice in writing:

(a) direct the owner to correct the condition of any sign or remove any sign within thirty (30) days of receipt of the notice where, in the opinion of the Development Authority, the condition of the sign constitutes a violation of this Bylaw or any permit hereunder and/or has become unsightly or is unsafe;

(b) order the owner to stop work on a sign if it is proceeding in contravention of this Bylaw or if a sign permit has not been issued.

(7) All sign structures shall be securely built, constructed and erected to conform to the standards set forth in this bylaw and the current Alberta Safety Codes, as applicable.

(8) No person shall erect, construct or maintain a sign or a display structure so as to create a hazard for pedestrian or vehicular traffic by blocking sight lines between pedestrian and vehicular traffic or distracting a driver or pedestrian, as determined by the Development Authority.

(9) No sign shall be placed or projected within a public roadway, or be attached to any object in a public roadway except as may be authorized by Alberta Transportation or Lethbridge County.

(10) No sign shall be located within 38.1 metres (125 ft.) of the centre line of any municipal public roadway unless a variance has been granted by the Development Authority. This distance may be reduced by the Development Authority for parcels within designated hamlets, designated commercial or industrial parcels, or business parks.

(11) No person shall erect a sign within 304.8 metres (1,000 ft.) of a highway, or 800 metres (0.5 miles) of a highway intersection, unless the prior approval of Alberta Transportation has been obtained. On privately held land adjacent to provincial highways the applicant shall contact Alberta Transportation to ensure the proposed signage is in compliance with the Alberta Highway Development Control Regulations.

(12) Signs shall be located so as not to become a visual obstruction or other traffic hazard.

ILLUMINATED OR ANIMATED SIGNS

(13) No sign shall be illuminated unless the source of light is steady and suitably shielded, unless it is otherwise permitted with a specific sign type.

(14) Illuminated, moving or animated signs, digital and electronic message boards (changeable copy) that are distracting to vehicle users on highways shall not be allowed.

(15) Any sign that is illuminated, animated, or a digital and electronic message board (changeable copy) located within 304.8 metres (1,000 ft.) of a provincial highway right-of- way or within 800 metres (2,625 ft.) of the centreline of a highway and a public road intersection must be approved by Alberta Transportation.

(16) Animated signs, digital and electronic message boards (changeable copy) are only permitted at the sole discretion of the Development Authority in accordance with the sign type where it is allowed and on parcels containing approved commercial or industrial uses, or on parcels designated for such use. Animated signs, digital and electronic message boards (changeable copy) are strictly prohibited in any residential land use district.

(17) Permitted sign type - Only fascia, freestanding and portable signs may be considered for projection using animation, digital or electronic message board changeable copy.

(18) Not more than one (1) animated, digital or electronic message board sign is permitted on the premises.

(19) Signs using animation, digital or electronic message board (changeable copy) must not directly face or be visible from nearby dwellings or residential districts within 300 metres (984 ft.)

(20) There shall be a minimum 400 metres (1,312 ft.) separation distance between all signs using animation, digital or electronic message board (changeable copy).

(21) Where buildings abut a highway or municipal road allowance, signs facing and visible from that roadway may be considered for approval by the Development Authority with animated, digital and electronic message boards (changeable copy) if they comply with the following principles:

(a) one (1) sign per visible frontage (building façade). The maximum dimension of such sign should not exceed 3.0 metres (9.8 ft.) by 3.0 metres (9.8 ft.) in size and not exceed a depth of 0.3 metres (1.0 ft.);

(b) the sign shall comply with the setback standards to residential uses in Section (18) above; and

(c) signs within the prescribed distances referred to in Section (15) above must be approved by Alberta Transportation.

(22) As a condition of approval, the Development Authority may regulate the size, location, materials and design of the sign to ensure that the quality of the sign is suitable in its proposed location.

(23) Variances may be considered by the Development Authority in exceptional circumstances if warranted by the merits of the case, in accordance with Part 1, Section 30 of this bylaw.

(24) The applicant shall be responsible for obtaining any other necessary municipal, provincial or federal permits.

(25) When a sign cannot be clearly categorized as one of the sign types as defined in this bylaw, the Development Authority shall determine the sign type and any and all applicable standards.

(26) No illuminated signage shall be permitted in developments where they might, in the opinion of the Development Authority, affect residents in adjacent housing or residential area.

3. SIGNS NOT REQUIRING A PERMIT

(1) **No development permit is required** for the following types of signs, provided they meet the requirements of this bylaw:

(a) construction company signs, provided such signs are removed within 14 days of the completion of construction;

(b) signs erected for any public building or use;

(c) political posters/election signs that comply with the standards in Section 4(8) through (15) of this Part, provided all such signs are removed within 14 days after the completion of the relevant election or plebiscite;

(d) real estate, rental or for lease signs, provided all such signs are removed within 30 days after the sale or lease of the premises upon which the sign is located;

(e) municipal address/residency identification signs, provided the sign is no greater than 0.2 m^2 (2 sq. ft.) in area;

(f) garage sale signs, provided the owner of the property upon which the sign is located has approved its placement and that the sign is removed immediately upon the conclusion of the sale;

(g) on-premises directional and informational signs and incidental signs 0.4 m^2 (4 sq. ft.) or less in area;

(h) any traffic or directional and informational signs erected by Lethbridge County or the provincial or federal government;

(i) any community service bulletin board erected by Lethbridge County and any notices posted on the bulletin board;

(j) any balloon sign subject to the standards in Section 4(2) of this Part;

(k) any window sign posted on the interior of the premises, in accordance with Section 4(19-20) window signs;

(l) any sign approved in conjunction with a home occupation permit;

(m) sidewalk or A-board signs provided they are not located within the public right-of-way and are located in a manner so as not to hinder pedestrian traffic;

(n) any sign appearing on street furniture, such as benches or garbage containers, that are located on private property;

(o) any sign appearing on street furniture, such as benches or garbage containers, that are located on public land if an agreement to locate the street furniture has been reached with Council;

(p) any banner sign appearing on a commercial, industrial or public/institutional building, structure or property provided such signs are:

(i) located on private property;

(ii) are displayed for a period not to exceed 60 days;

(iii) are not located within 304.8 metres (1,000 ft.) of a highway, or 800 metres (0.5 miles) of a highway intersection, unless the prior approval of Alberta Transportation has been obtained; and,

(v) are not attached to shipping containers, or attached to licensed or un-licensed vehicles or trailers;

(q) signs 3.0 m^2 (32.3 sq. ft.) or less, painted or erected on extensive agricultural parcels, farm buildings and structures promoting or identifying agricultural pursuits or on-site farm products for sale;

(r) maintenance of a lawful sign that does not alter its location, height, dimensions, structural framework;

(s) change in copy of a lawful sign provided all such signs are suitably maintained to the satisfaction of the Development Authority; or

(t) portable signs that otherwise conform to the standards of the bylaw.

(2) Permits may be required for all the above sign uses (Section 3(1)) if the land is contained within the Airport Protection Area – See Part 4 – Use Specific Provisions, Section2 (Airport Area Restrictions).

4. SPECIFIC SIGN TYPE STANDARDS

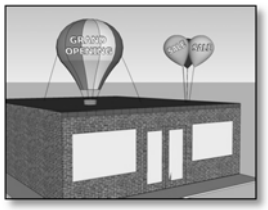
OFF-PREMISES SIGNS

(1) Off-premises signs shall only identify businesses or services that operate in Lethbridge County, charitable organizations, service clubs, or public and institutional uses. The standards applied to off-premises signs shall be in accordance with the type of sign proposed to relay the message or advertisement, and whether the sign type is allowed in the applicable land use district.

TYPE 1 SIGNS

BALLOON SIGNS

(2) Notwithstanding that no permit is required in accordance with Section 3 of this Part, a balloon sign shall:



(a) not be permitted in any residential land use district;

(b) be securely anchored or fastened to wind resistant ground structures or building fasteners; and

(c) not be located within the public right-of-way, and not hinder or obstruct pedestrian or vehicle traffic.

DIRECTIONAL AND INFORMATIONAL SIGNS

(3) Directional and informational signs that are either off-premises and/or greater than 0.4 m^2 (4 sq. ft.) in size require a development permit.

(4) The Development Authority may limit the number and size of directional signs in commercial, business or industrial parks to ensure the signs are coordinated with the design of the building and site in terms of locations, scale, materials, finishes and colours. Gateway features should be designed and constructed at strategic locations identified in the development site plan.

HOME OCCUPATION SIGNS

(5) In all Hamlet Residential land use districts, a sign associated with a home occupation shall:

(a) be limited to one fascia sign, wall sign, shingle type projecting sign or window sign on the premises of an approved home occupation use;

(b) not exceed 0.4 m^2 (4 sq. ft.) in area; or

(c) not cover more than 50 percent of the surface area of the window.

(6) In all land use districts, except the Hamlet Residential land use district, a sign associated with a home occupation shall:

(a) be limited to one fascia sign, wall sign, shingle type projecting sign, window sign or freestanding sign on the premises of an approved home occupation use;

(b) not exceed 1.5 m^2 (16 sq. ft.) in area;

(c) not exceed a total height of 1.5 metres (4.9 ft.) from the ground (as measured from grade); and

(d) for a window sign, not cover more than 50 percent of the surface area of the window.

(7) The standards for home occupation signs may also be applied by the Development Authority to other similar uses, such as Bed and Breakfasts, Tourist homes, Day homes, Day-cares, and Group homes.

POLITICAL / ELECTION SIGNS

Political / Election Signs, notwithstanding that no permit is required in accordance with Section 3 of this Part, are subject to the following standards:

(8) Election signs may be placed on private or public property (with the authorization of the property owner).

(9) No encroachment of an election sign from private property onto public property will be permitted unless it is at a designated location authorized by the municipality.

(10) Election signs must be located at least 2.0 metres (6.6 ft.) from the edge of the travelling surface of a public roadway.

(11) Election signs on public property may not exceed 1.5 m^2 (16.0 sq. ft.) in size nor 3.6 metres (11.8 ft.) in height.

(12) Candidates shall remove their election signs from public and private property within 14 days after the close of the voting stations on election day.

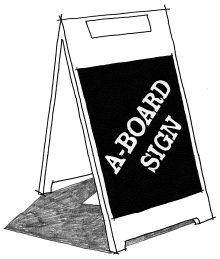
(13) If a candidate fails to remove his or her election signs within 14 days after the voting stations close on Election Day, the County may remove them and the candidate shall be liable for the cost of removal.

(14) When an election sign interferes with work being carried out by County work crews or contractors doing work on behalf of the County, the crews may remove and dispose of such signs.

(15) The County may remove any election signs which have been erected, affixed, posted or placed on any County property in contravention of this bylaw or which become unsightly or defaced.

SIDEWALK OR A-BOARD SIGNS

Notwithstanding that no permit is required in accordance with Section 3 of this Part, sidewalk signs are subject to the following standards:



(16) The location of any sidewalk sign shall be such that it does not become a visual obstruction to vehicle traffic, is not located within the public right-of-way, and is located in a manner so as not to hinder pedestrian traffic.

(17) The maximum height of any lawn sign shall not exceed 1.0 metre (3.28 ft.).

(18) Not more than two signs shall be permitted on the premises.

WINDOW SIGNS

Window signs, notwithstanding that no permit is required in accordance with Section 3 of this Part, are subject to the following standards:

(19) Window signs shall not be illuminated in any residential land use district;

(20) Window signs shall not cover more than 50 percent of the surface area of the window.

SUBDIVISION IDENTIFICATION SIGNS

(21) A temporary subdivision identification sign, depicting the layout and lots available for purchase, is allowed without a development permit as per a development agreement, and shall meet the following standards:

(a) it must be professionally designed and maintained;

(b) it must be located on private property adjacent to the entry of the subdivision;

(c) it must not exceed 12.0 m^2 (129.2 sq. ft.) in area unless the sign is located more than 10.0 metres (328.1 ft.) from a roadway;

(d) not more than one sign for each entrance to the subdivision shall be installed; and

(e) the temporary subdivision identification and sales sign must be removed after five years or upon sale of all the lots, whichever event occurs first.

(22) Permanent subdivision name signs (e.g. “Mountain Meadows Estates”) require a development permit and are subject to the following standards:

(a) it must be professionally designed and maintained;

(b) the sign and structure must be made of durable, low or maintenance free materials that can withstand seasonal weather;

(c) it must be located on private property adjacent to the entry of the subdivision;

(c) it must meet any applicable setbacks from roadways;

(d) it shall not be located over any registered utility easement(s) or right(s)-of-way unless agree to by the County;

(e) the Development Authority may stipulate design and types of materials to apply to permanent subdivision name signage, including but not limited to, mounting and base type, signboard finish, lighting, copy, and size of letters. As part of a development permit application for such signage, the applicant may be required to submit a professionally designed and drawn to scale sketch of the sign.

PORTABLE SIGNS

(23) A portable sign shall only be located on the premises for a period of no longer than 60 days.

(24) After the stipulated period of time has expired the sign shall be removed at the owner's expense.

(25) Copy area of a portable sign shall not exceed 3.7 m^2 (40 sq. ft.).

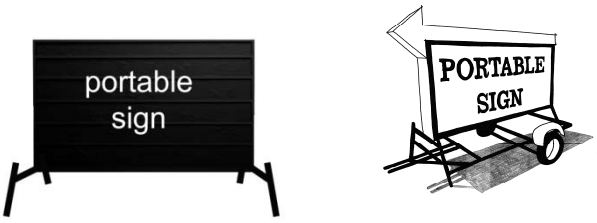
(26) The physical size of the sign shall not exceed 4.46 m^2 (48 sq. ft.).

(27) Portable signs shall not be projected using animation, digital or electronic changeable copy unless it is located on a parcel designated or associated with commercial or industrial land use, and approved for such at the discretion of the Development Authority.

(28) No sign shall be located in such a way as to create traffic hazards.

(29) The same or similar portable sign, portraying the same or similar message or copy, shall not be located or placed on the same parcel of land or site for a period of 30 days from the 60-day expiration of a previous sign installation.

(30) For a portable sign not complying with the standards as stipulated, the Development Authority may undertake any enforcement measure necessary to ensure compliance with the bylaw.



Portable sign examples

TYPE 2 SIGNS

CANOPY AND PROJECTING SIGNS

(31) No part of a canopy sign or projecting sign shall project more than 1.2 metres (4 ft.) over a public sidewalk or within 1.0 metre (3.3 ft.) of a curb adjoining a public roadway.

(32) A canopy sign or projecting sign shall be mounted no less than 2.4 metres (8 ft.) above grade.

(33) A canopy sign or any physical supports for the sign shall not extend beyond the lateral or vertical dimensions of the canopy or its apron.

(34) A canopy sign shall be clad with textile material (fabric, cloth, vinyl, PVC, canvas) and not be clad with wood, metal, or solid fibre glass.

(35) Approval of any canopy sign or projecting sign overhanging public land under this sign Part is conditional upon the owners and/or occupiers of the premises upon which said sign is located entering into an encroachment and hold harmless agreement with Lethbridge County. The agreement may be registered on title.

Fascia sign example

Lawn sign example

Freestanding sign example

FASCIA SIGNS

(36) Not more than two signs shall be permitted on the building. Buildings with two frontages are allowed to have one on each side for a maximum of two in total.

(37) No fascia sign shall be in excess of 11.1 m^2 (120 sq. ft.) in area, but the two permitted signs may be combined if total fascia area does not exceed 22.2 m^2 (240 sq. ft.).

(38) Whenever there is a band of several fascia signs, they should be of a consistent size and located near the same level as other similar signage on the premises and adjacent buildings.

(39) A fascia sign shall only be permitted either in a non-residential land use district or in conjunction with an approved home occupation subject to Section 4(5) of this Part.

(40) Multi-fascia signs for cluster, multi-tenant or comprehensive mall-like developments may be permitted if warranted by the merits of the case, or as approved in a comprehensive site plan.

(41) Fascia signs projected using animation, digital or electronic changeable copy shall be at the discretion of the Development Authority, and only on parcels designated or approved for commercial or industrial land use. Any sign projected using animation, digital or electronic changeable copy shall also be subject to Section 2(13-26) provisions.

(42) Fascia signs projected using animation, digital or electronic changeable copy, shall be strictly prohibited in any residential land use district.

LAWN AND FREESTANDING SIGNS

(43) The location of any lawn sign shall be such that it does not become a visual obstruction to traffic.

(44) The maximum height of any lawn sign shall not exceed 1.5 metres (4.9 ft.).

(45) Only one sign in total of either lawn or freestanding type are allowed on the premises.

(46) The maximum height of any freestanding sign shall not exceed 10 metres (33 ft.).

(47) The maximum sign area for each face of a freestanding sign shall not exceed 11.1 m^2 (120 sq. ft.) in area.

(48) The bottom of any freestanding sign shall not be less than 1.8 metres (5.9 ft.) from ground (average grade) level.

(49) Freestanding signs pertaining to cluster, comprehensive mall-like developments may be required to group business signage onto single freestanding signs (multi-tenant signs) which may warrant a variance on the size restriction by the Development Authority.

(50) Freestanding signs using animation, digital or electronic changeable copy, shall be at the discretion of the Development Authority, and only on parcels designated or approved for commercial or industrial land use. Any sign projected using animation, digital or electronic changeable copy shall also be subject to Section 2(14-26) provisions.

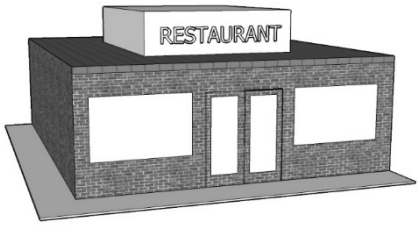
ROOF SIGNS

(51) No more than one roof sign per building shall be permitted.

(52) A roof sign shall not project more than 3.0 metres (10 ft.) above the highest point of the roof.

(53) The sign shall not be placed on the sloped portion of a roof.

(54) The display surface of a roof sign shall not exceed 8.4 m^2 (90 sq. ft.).



(55) Where the roof sign display surfaces are back-to-back in a common structure, it shall be construed to be a single sign.

(56) Every roof sign shall be erected in such a manner that the support structure, guy wires, braces, and all other secondary supports are not visible, so that the roof sign appears to be an architectural component of the building, unless otherwise directed by the Development Authority.

(57) No roof sign shall extend beyond the ends or sides of the building.

(58) Multi-tenant roof signs may be considered by the Development Authority, provided the advertising is located on one roof sign only.

TYPE 3 SIGNS

Any Type 2 sign that also includes digital, illuminated or animated copy shall be categorized as a Type 3 Sign.

(59) Type 3 signs shall only be permitted in the land use districts as specified.

(60) Type 3 signs that are illuminated, moving or animated are subject to the standards as outlined in subsections 13 through 26 of section 2 (Illuminated or Animated Signs) of this Part 5.

(61) In respect of Section 2, General rules and Criteria, Illuminated and Animated signs, no illuminated signage shall be permitted in developments where they might, in the opinion of the Development Authority, affect residents in adjacent housing or residential area.

5. PROHIBITED SIGNS

All signs that are not in accordance with the definitions for signs under Section 1 or deemed to be similar to by the Development Authority shall be prohibited from development. Specific types of signs prohibited include, but are not limited to, the following:

(1) signs attached to or painted on Shipping Containers (C-containers/sea-containers) which are located on parcels of land for the purpose of communicating a message or advertising;

(2) signs attached to or painted on licensed or un-licensed vehicles or trailers which are parked for the purpose of communicating a message or advertising;

(3) flashing or animated signs that are moving or contain digital or electronic message boards, unless approved on commercial or industrial parcels in conjunction with Section 2(13-25) of this Part of the bylaw;

(4) billboard or similar type signs, as defined in the definitions of this bylaw, whose main purpose is off-premise or third party commercial advertising.

Billboard sign example

Trailer/vehicle sign example

PART 6

ALTERNATIVE / RENEWABLE ENERGY DEVELOPMENTS

PART 6

ALTERNATIVE / RENEWABLE ENERGY DEVELOPMENTS

1. DEFINITIONS

In addition to the definitions in Part 8 of this bylaw, the following definitions apply to this Part:

Alternative/Renewable Energy, Commercial / Industrial means a use that produces energy (and in some cases other marketable by-products depending on the process utilized) fuelled in ways that do not use up natural resources or harm the environment. Energy may be derived from natural and/or non-traditional sources (e.g. geothermal, solar, water, wind, tides, waste, etc.) and once produced is sold and distributed off-site (commercially) to the marketplace.

Alternative/Renewable Energy, Individual means a use that produces energy that is generated from an alternative or renewable source and that is generally derived from natural and/or non-traditional sources (e.g. geothermal, solar, water, wind, tides, waste, etc.) and is primarily utilized on-site for the sole consumption of the landowner, resident or occupant.

Anaerobic Digester means a facility or system designed to process animal manure, organic or septic waste, and typically converts what used to be waste, into biogas. The biogas can be used to heat water or create electricity, and may also provide a source of organic fertilizer.

Biodiesel means a clean burning alternative fuel, produced from domestic, renewable resources, such as soy oil and other feedstocks. Biodiesel is made through a chemical process called transesterification whereby the glycerin is separated from the fat or vegetable oil.

Bioenergy means the energy stored in organic matter to generate electricity. This organic matter can include agricultural residues, animal manure, waste wood, wood chips and bark. Bioenergy can be generated in a variety of ways such as Thermal treatment, Anaerobic digestion, Biofuel or Landfill gas.

Biofuel means a fuel derived from biological raw materials or biomass (recently living organisms or their metabolic by-products, such as manure from cows). It is a renewable energy source and typically, it is considered a fuel with an 80% minimum content by volume of materials derived from living organisms harvested within ten years preceding its manufacture.

Blade means an element of a wind energy system rotor, which acts as a single airfoil, thereby extracting kinetic energy directly from the wind.

Blade Clearance means, in reference to a horizontal axis rotor, the distance from grade to the bottom of the rotor's arc.

Geothermal Energy means thermal energy that is generated and stored in the Earth.

Horizontal Axis Rotor means a wind energy conversion system, typical of conventional or traditional windmills, where the rotor is mounted on an axis horizontal to the earth's surface.

Meteorological (MET) Tower is a free-standing tower or a removed mast, which carries measuring instruments with meteorological instruments such as thermometers and wind anemometer. Typically, for wind farms these mount anemometers at a range of heights up to the hub height of the proposed wind turbines (up to heights of 80 meters) and they log the wind speed data at frequent intervals (e.g. every ten minutes) for at least one year and often for two or more.

Micro-hydro means a type of hydroelectric power that typically produces up to 100 kW of electricity using the natural flow of water. These installations can provide power to an isolated home or small community, or are sometimes connected to electric power networks.

Over Speed Control means a device which prevents excessive rotor speed.

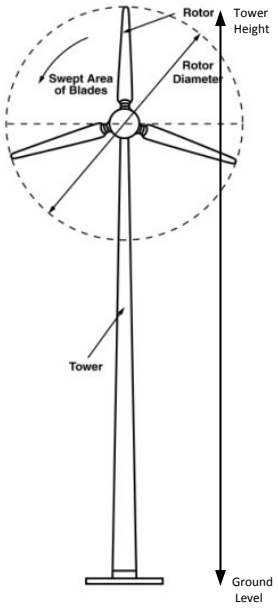
Rotor's Arc means the largest circumferential path travelled by a blade.

Small Wind Energy Conversion System (SWECS) means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity that does not exceed the allowable rated capacity of 10 kW and which will be used primarily to reduce onsite consumption of utility power:

Type A Small Wind Energy Conversion System: This use is defined as a Small Wind Energy Conversion System that is either roof mounted or has a tower which does not exceed 12.19 metres (40 ft.) in height.

Type B Small Wind Energy Conversion System: This use is defined as a Small Wind Energy Conversion System that has a tower which is greater than 12.19 metres (40 ft.) in height but does not exceed 24.38 metres (80 ft.) in height.

Solar Collector means a device or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy.



Solar Collection Facility/Commercial (utility-scale) means a grouping of multiple (more than 5) devices, panels or structures and the substation that are capable of collecting and distributing solar energy at one megawatt or greater for the purpose of transforming it into thermal, chemical or electrical energy, and typically will tie-in and feed or sell power to the provincial electrical grid transmission or distribution system. The use includes any associated solar panels, solar modules, supports or racks, inverters, electrical transformer or substations required for the operation.

Total Height means the height from grade to the highest vertical extension of a SWECS. In the case of a SWECS with a horizontal axis rotor, total height includes the distance from grade to the top of the tower, plus the distance from the top of the tower to the highest point of the rotor's arc.

Tower means the structure which supports the rotor above grade (average ground level).

Vertical Axis Rotor means a wind energy conversion system where the rotor is mounted on an axis perpendicular to the earth's surface.

Wind Energy Conversion System (WECS) means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity that is greater than 10kW, the purpose of which is to produce wind energy for the commercial market. These are typically referred to as commercial or industrial wind farms.

2. SOLAR COLLECTORS

(1) A solar collector attached to a wall or roof of a building may be permitted in any land use district as an accessory structure, without the requirement for a development permit (see Part 1 – Administrative, Section 13 (Development Not requiring A Development Permit), subject to the following:

(a) A solar collector mounted on a roof:

(i) may project a maximum of 1.22 metres (4 ft.) from the surface of the roof and shall not exceed the maximum height requirements of the applicable land use district; and

(ii) must not extend beyond the outermost edge of the roof.

(b) A solar collector mounted to a wall:

(i) must be located such that it does not create undue glare on neighbouring property or public roadways;

(ii) must be located a minimum of 2.44 metres (8 ft.) above grade;

(iii) may project a maximum of 1.52 metres (5 ft.) from the surface of the wall, when the wall faces the rear property line, subject to the setback requirements of the applicable land use district; and

(iv) may project a maximum of 0.61 metres (2 ft.) from the surface of the wall when the wall faces the front, secondary front or side property line, subject to the setback requirements of the applicable land use district.

(2) A free-standing solar collector or a solar collector mounted to any structure other than a roof or wall of a building shall be classified as an accessory use and processed subject to the applicable land use district (including meeting all required setbacks to roadways and property lines) and the following additional standards:

(a) A free-standing solar collector or a solar collector mounted to any structure other than a roof or wall of a building:

(i) must be located such that it does not create undue glare on neighbouring property or public roadways; and

(ii) must not exceed 4.5 m (15 ft.) in height above existing grade when oriented at maximum tilt, in the GCR and HR land use districts; and

(iii) must not exceed 6.1 m (20 ft.) in height above existing grade when oriented at maximum tilt, in all other land use districts where the use is allowed.

(b) In addition to the above two standards (2)(a)(i) and (ii), a free-standing solar collector or a solar collector mounted to any structure other than a roof or wall of a building in any hamlet residential land use district must not be located in the front, secondary front, or side yard.

(3) In the Rural Agriculture land use district, roof mount, wall mount, or a grouping of five or less free-standing solar collectors are exempt from the requirements of obtaining a development permit, provided the standards of the bylaw are met and the solar collector is primarily for private use (see Part 1 – Administrative, Section 13 (Development Not requiring A Development Permit).

(4) Free-standing solar collectors which primarily produce or feed power into the provincial power grid or transmit to other properties, or a grouping of five (5) or less adjacent free-standing solar collector panels on the same parcel, shall apply for a development permit and are deemed to be a discretionary use (i.e. Alternative/Renewable Energy, Individual).

(5) The use of multiple free-standing solar collectors where the primary purpose and intent of the project is to collect, convert, and feed energy back into the provincial power/electrical grid for the commercial sale and distribution off-site to the marketplace, shall be redesignated to Direct Control and shall be required to obtain a development permit and comply with the following subsection 6.

SOLAR COLLECTOR FARMS / COMMERCIAL

(6) Development permit applications for solar collector farm commercial (utility-scale) installations shall be accompanied by the following additional information:

(a) a site suitability analysis including but not limited to: topography; soil characteristics; environmental features and issues; accessibility to a road; compatibility with surrounding land uses; potential impacts to agricultural land and irrigation operations; potential visual impacts, storm water management; and consistency with the policies of the Municipal Development Plan and Land Use Bylaw. If applicable; depending on the type of proposal, availability of water supply, sewage disposal system and solid waste disposal may also need to be provided;

(b information regarding setbacks from public roads, property lines and the proximity to structures or uses on the site and adjacent parcels of land;

(c) detailed information about the system type, number of structures, height of structures, and the energy process and rated output, and details on the estimated reflection produced from the solar panels;

(d) preliminary grading/drainage plan, including a site construction/grading plan with details on proposed management practices for any soil stripping and erosion control;

(e) access to and any potential impacts to public roads;

(f) the location of overhead utilities on or abutting the subject parcel and identification of any sensitive, environmental or topographical features which may be present on the parcel;

(g) decommissioning plan;

(h) plans and methods of weed control;

(i) information regarding setbacks to structures or uses on the site from neighbouring residential dwellings on adjacent parcels of land and the identification (with setbacks) of any clustered or grouped county residential developments located within 2.0 km (1.2 mile);

(j) any information regarding general public safety and security measures; and

(k) if required by the Development Authority, an Environmental Assessment Review prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation.

CONDITIONS OF APPROVAL

(7) As a condition of a development permit approval for a Solar Collection Facility/Commercial (utility scale) development for land designated to Direct Control, Council may impose or instruct the Development Authority to apply, in addition to any other conditions either stipulated or as authorized in other sections of the Land Use Bylaw, the following specific conditions:

(a) require the applicant/developer to enter into a road use agreement with the municipality;

(b) place restrictions on the location, height and type of fencing used for the site;

(c) require the application of approved weed control measures;

(d) stipulate grading, stockpiling and soil erosion control measures; and

(e) require the provision of financial security in an amount and type acceptable to the municipality, to ensure conditions are met.

3. SMALL WIND ENERGY CONVERSION SYSTEMS (SWECS)

This section establishes standards development for small wind energy conversion systems for use by individual households, agricultural operators or individual business or industry. This section is intended to implement the necessary requirements while protecting the scenic and natural resources of Lethbridge County and the safety and welfare of its residents.

PERMIT REQUIREMENTS

(1) In the Rural Agriculture land use district a development permit is not required for Type A or B SWECS provided it meets the requirements of this Part.

(2) In all other land use districts other than the Rural Agriculture district, a development permit shall be required for both Type A or B SWECS, unless otherwise stipulated in the bylaw.

INFORMATION REQUIREMENTS

(3) Applications for SWECS shall include the following information where applicable:

(a) all proposed SWECS shall be commercially manufactured and applications shall include the manufacturers make and model number;

(b) the manufacturer's specifications indicating:

(i) the SWECS rated output in kilowatts;

(ii) safety features and sound characteristics;

(iii) type of material used in tower, blade, and/or rotor construction;

(iv) blade diameter and rotor clearance;

(c) tower height;

(d) potential for electromagnetic interference;

(e) nature and function of over speed controls which are provided;

(f) specifications on the foundations and/or anchor design, including location and anchoring of any guy wires;

(g) information demonstrating that the system will be used primarily to reduce on-site consumption of electricity;

(h) specifications on the foundation and/or anchor design, including the location and anchoring of any guy wires;

(i) engineered plans, prepared by a professional engineer, for SWECS that are mounted or attached to any building demonstrating that the building can structurally support the SWECS;

(j) a site plan acceptable to the Development Authority indicating:

(i) the exact location of the SWECS on the parcel and all buildings and structures, registered easements or right-of-way, and any overhead utilities, dimensioned to the property lines and drawn to a satisfactory scale;

(ii) and, if located on a non-agricultural designated parcel, existing and proposed parking and loading areas, driveways, abutting streets, avenues and lanes, and surface drainage patterns.

REFERRALS

(4) Prior to making a decision on a development application for a SWECS, the Development Authority may refer the application and consider the input of the following agencies and departments:

(a) Alberta Utilities Commission,

(b) Transport Canada,

(c) NavCanada,

(d) Alberta Transportation (within prescribed distances to provincial roadways),

(e) any other federal or provincial agencies or departments deemed necessary.

SETBACKS

(5) A SWECS shall comply with all the setbacks that govern the principal use in the district in which it is located or the setbacks stipulated in Section (6) below, whichever is greater. Greater setbacks may be imposed in conjunction with Sections (8-26), Development Standards, as outlined below.

(6) The system's tower shall be set back a minimum distance equal to the height of the tower from all property lines and a minimum distance of 3.05 metres (10 ft.) from any other structure on the parcel on which the system is located. On parcels 4.05 hectares (10 acres) or more, the parcel line setback may be reduced if the applicant demonstrates that because of topography, strict adherence to the setback requirement would result in greater visibility of the system's tower than a reduced setback.

(7) No part of the wind system structure, including guy wire anchors, may extend closer than 3.05 metres (10 ft.) to the property boundaries of the installation site.

DEVELOPMENT STANDARDS

Small Wind Energy Conversion Systems shall comply with the following standards:

(8) There shall be a limit of one (1) SWECS per parcel.

(9) The system's tower shall not exceed a maximum height of 12.19 metres (40 ft.) on a parcel of less than 0.40 hectare (1 acre), a maximum of 19.81 metres (65 ft.) on a parcel of 0.40 hectare (1 acre) to less than 2.02 hectares (5 acres), and maximum height of 24.38 metres (80 ft.) on a parcel 2.02 hectares (5 acres) or more.

(10) The system's tower should be located and screened by landforms, natural vegetation or other means to minimize visual impacts on neighbouring residences and public roads, public trails and other public areas.

(11) The system's tower and supporting structures shall be painted a single, neutral, non-reflective, non-glossy (for example, earth-tones, grey, black) that, to the extent possible, visually blends the system with the surrounding natural and built environments.

(12) The SWECS shall not be artificially illuminated except as required by a federal or provincial agency or department.

(13) The system shall be equipped with manual and automatic over speed controls. The conformance of rotor and over speed control design and fabrication to good engineering practices shall be certified by a licensed mechanical, structural or civil engineer.

(14) The system's tower-climbing apparatus and blade tips shall be no closer than 4.57 metres (15 ft.) from ground level unless the system is enclosed by a 1.83 metre (6 ft.) high fence.

(15) The system's utility lines shall be underground where economically practical.

(16) The system shall be operated such that no electro-magnetic interference is caused.

(17) The system's maximum power shall not exceed 10 kW.

(18) Except for on parcels designated as Rural Agriculture, the system shall be located in the rear yard. Special considerations to relax this location standard may be made by the Development Authority for commercial or industrial parcels, based on parcel size, specific site planning issues, and location factors which include consideration for the type of land uses adjacent to the proposal.

(19) Small wind turbines shall not exceed 60 dB(A), or in excess of 6 dB(A) above the background noise, whichever is greater. The level, however, may be exceeded during short-term events including utility outages and severe windstorms.

(20) Brand names or advertising associated with the system or the system's installation shall not be visible from any public place.

(21) Prior to the installation of a SWECS the applicant and/or landowner shall obtain:

(a) all relevant federal and provincial permits and permissions;

(b) an electrical permit, and if applicable, a building permit;

(c) wire service provider approval for SWECS with a rated output of less than 10 kW that are proposed to be connected to the grid.

(22) All components of the SWECS, including any electrical components, shall comply with the Canadian National Standards and shall bear the appropriate certification marks.

(23) Roof mounted SWECS shall comply with all Alberta Building Code requirements and the applicant and/or landowner shall be responsible for ensuring the roof and support structure is reinforced, braced, or constructed to handle extreme wind conditions and the weight and vibrations of the roof wind turbine unit.

(24) As a condition on a development permit, the Development Authority may require that the installation of the roof mounted SWEC be reviewed by a structural engineer to verify mounting and structural safety.

(25) The SWECS system must be installed by a certified electrical contractor prior to operation.

(26) Upon abandonment or termination of the system's use, the entire facility, including the system's tower, turbine, supporting structures and all equipment, shall be removed and the site shall be restored to its pre-construction condition (refer to Section 27).

DECOMMISSIONING

(27) Where the SWECS has been inactive for more than 12 consecutive months the applicant and/or landowner is required to decommission and remove the system at their expense. If the SWECS is not decommissioned and removed after 12 months of inactivity, the County may undertake enforcement action.

(28) Prior to removal of the SWECS the applicant and/or landowner shall submit documentation to the Development Authority demonstrating that the system has been disconnected from any electrical utilities.

(29) All refuse associated with the decommissioning and dismantling of the SWECS shall be removed from the property and disposed of appropriately.

(30) Upon removal of the SWECS the property shall be restored to its pre-construction condition to the satisfaction of the Development Authority.

METEOROLOGICAL (MET) TOWERS

(31) Towers that are not regulated through Transport Canada may be required by the Development Authority to be marked with aviation paint (e.g. banding in orange and white or otherwise conspicuous colour combination) and marker balls (in solid orange) installed on the top of guy wires. This may be stipulated as a condition on a development permit approval.

(32) A MET tower not regulated through Transport Canada shall comply with the following setbacks:

(a) the tower shall be set back a minimum distance equal to the total height of the tower from all property lines;

(b) the tower's guy wire anchors may extend no closer than 3.05 metres (10 ft.) to the property boundaries of the installation site;

(c) the tower shall comply with all required setbacks to municipal roads or provincial highways, unless a variance has been approved by the Development Authority or Alberta Transportation.

4. WIND ENERGY CONVERSION SYSTEMS (WECS) – COMMERCIAL/INDUSTRIAL

This section establishes standards for the development of alternative energy projects for the purpose of producing wind energy for the commercial market. These are typically referred to as commercial or industrial wind farms.

INFORMATION REQUIREMENTS

(1) For the purposes of a development permit application, WECS will be classified into two categories:

Category 1 – Total output of WECS proposed is less than 1 megawatt

Category 2 – Total output of WECS proposed is more than 1 megawatt

(2) All development applications for a WECS, depending upon category, may be required to be accompanied by the following if determined necessary by the Development Authority:

	Category 1	Category 2
(a) an accurate site plan showing and labeling the information outlined in this section (with GIS coordinates), the location of any existing turbines, and the location of overhead utilities on or abutting the subject lot or parcel;	✓	✓
(b) an analysis of the visual impact of the project, especially with respect to the scenic qualities of the County landscape. The analysis will include the cumulative impact if other WECS are in the area and the impact of overhead transmission lines and photos from residences;		✓
(c) scale elevations or photographs of the proposed WECS showing total height, tower height, rotor diameter, and colour;	✓	✓
(d) the manufacturer's specifications indicating: • the WECS rated output in megawatts; • safety features and sound characteristics; • type of material used in tower, blade, and/or rotor construction;	✓	✓

		Category 1	Category 2
(e)	an analysis of the potential for noise, both at the site of the installation and at the boundary of the property containing the development – Provincial Noise Standards must be met (see AUC rule 12);	✓	✓
(f)	specifications on the foundations and/or anchor design, including location and anchoring of any guy wires;	✓	✓
(g)	the results of any public consultation process;		✓
(h)	the status of the applicant's circulation to NavCanada, Transport Canada, Alberta Utilities Commission and any other government departments required for provincial approval;		✓
(i)	any information regarding general public safety;	✓	✓
(j)	any impacts to the local road system including required approaches from public roads having regard to Lethbridge County standard;		✓
(k)	a plan outlining how the site will be decommissioned and reclaimed after the development has ceased.		✓

(3) The Development Authority may also request that a post-construction reclamation plan be provided for either a Category 1 or 2, to ensure any new roadways or ditches required for the site are cleaned-up.

(4) As a condition of approval, Lethbridge County may require a bond or irrevocable letter of credit to ensure the reclamation/decommissioning plan is implemented. The condition may include a periodic review of the bond or letter of credit to ensure the amount is sufficient to implement the reclamation/decommissioning plan.

(5) As a precursor to decommissioning, the County may request that the developer provide a status report on the defunct operation.

(6) If an application requires the provision of a plan outlining how the site will be decommissioned and reclaimed to the state prior to the development, the plan should include information relating to:

(a) treatment of footings,

(b) reclamation of roads and other disturbances,

(c) notice to land owners and the municipality,

(d) containment of hazardous materials,

(e) site security,

(f) discussion of the timetable for the submission of a final decommissioning plan.

REFERRALS

(7) Prior to making a decision on a development application for a WECS, the Development Authority should refer and consider the input of the following agencies and departments:

(a) Alberta Utilities Commission,

(b) Transport Canada,

(c) NavCanada,

(d) Alberta Culture and Community Spirit,

(e) Alberta Environment and Sustainable Resources,

(f) AESO (Alberta Energy Systems Operator),

(g) Sustainable Resource Development,

(h) STARS (air ambulance),

(i) Alberta Transportation (within prescribed distances to provincial roadways),

(j) any other federal or provincial agencies or departments deemed necessary.

(8) The Development Authority shall also refer a development application for a WECS to:

(a) an adjacent municipal jurisdiction if the boundaries of the municipal jurisdiction are within 1.6 km (1 mile) of the proposed WECS, or other distance as specified in any applicable Intermunicipal Development Plan;

(b) landowners within 2 km (1.2 miles) of the proposed WECS.

SETBACKS

(9) A WECS shall comply with all the setbacks that govern the principal use in the district in which it is located or the setbacks stipulated in Section (11) below, whichever is greater. The distance shall be measured to the outside of the rotor arc. However, in the case of where a single project wind farm is to be located on land owned by the same land owner, but on separate titles or quarter sections, the required setbacks to adjacent property lines involved in the development proposal may be exempted. Similarly, if a single project involved different landowners' titles, those landowners may grant consent whereas the Development Authority may relax the required setback to adjacent property lines involved in the development proposal.

(10) Where, in the opinion of the Development Authority the setbacks referred to in Section (9) above are not sufficient to reduce the impact of a WECS from a public roadway or a primary highway, the Development Authority may increase the required setback.

(11) A WECS shall be located so that the horizontal distance measured at grade from the tower to any property boundary is at least the total height of the WECS plus 10%.

(12) In the case of multiple WECS, setbacks can be increased from the minimum setback requirements of Section (11) above or as stipulated in the applicable land use district depending upon the number of WECS in a group and the prominence of the location.

(13) Meteorological (MET) towers shall comply with the following setbacks:

(a) the tower shall be set back a minimum distance equal to the total height of the tower from all property lines;

(b) the tower's guy wire anchors may extend no closer than 3.05 metres (10 ft.) to the property boundaries of the installation site;

(c) the tower shall comply with all required setbacks to municipal roads or provincial highways, unless a variance has been approved by the Development Authority or Alberta Transportation; and

(d) the tower may be required to be marked with aviation paint (e.g. banding in orange and white or otherwise conspicuous colour combination) and marker balls (in solid orange) installed on the top of guy wires, in accordance with Transport Canada requirements or guidelines.

(14) Bat or bird monitoring towers are considered to be similar use as meteorological towers and development application permits may be processed and approved in a similar manner by the Development Authority. The setbacks listed in above section (13)(a) through (d) shall also apply.

MINIMUM BLADE CLEARANCE

(15) The minimum vertical blade clearance from grade shall be 7.50 metres (24.6 ft.) for a WECS employing a horizontal axis rotor unless otherwise required by the Development Authority.

TOWER ACCESS AND SAFETY

(16) To ensure public safety, the Development Authority may require that:

(a) a security fence with a lockable gate shall surround a WECS tower not less than 1.80 metres (5.9 ft.) in height if the tower is climbable or subject to vandalism that could threaten tower integrity;

(b) no ladder or permanent tower access device shall be located less than 3.66 metres (12 ft.) from grade;

(c) a locked device shall be installed on the tower to preclude access to the top of the tower;

(d) all of the above be provided or such additional safety mechanisms or procedures be provided as the Development Authority considers reasonable and appropriate;

(e) the use of tubular towers, with locked door access, will preclude the above requirements.

TRANSMISSION LINES

(17) All powerlines on the site of the approval to the substation or grid shall be underground except where the Development Authority approves overhead installation in case specific purposes.

COLOUR AND FINISH

(18) Unless otherwise required by the Development Authority, a WECS shall be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of a WECS to the satisfaction of the Development Authority.

(19) No lettering or advertising shall appear on the towers or blades. In other parts of the WECS, the only lettering permitted will be the manufacturer's identification or municipal symbol.

NUMBER OF WECS

(20) Two or more WECS on a parcel or lot will be considered a multiple WECS for the purposes of this bylaw.

(21) The Development Authority may approve multiple WECS on a case-by-case basis having regard for:

(a) proximity to other immediate land uses,

(b) density of WECS,

(c) underlying utilities,

(d) information received through the circulation process and at a public meeting if one is required in accordance with Section (22) below.

PUBLIC CONSULTATION

(22) An application for a Category 2 WECS shall be subject to the following requirements:

(a) Prior to a decision being made by the Development Authority, a developer of a WECS must conduct a public consultation program, at the complete expense of the developer, which provides all

landowners and residents within 2 km (1.2 miles) of the property or parcel subject to a WECS proposal information regarding the proposal.

(b) The public consultation program shall include one (1) public meeting prior to the application for a WECS being submitted to the County.

(c) The notice for the public meeting may be made either by mail our or newspaper advertising.

(d) The applicant shall prepare a report or summary of the comments or feedback received from the public in regards to the proposal, with a copy of the report submitted to the Development Authority.

(23) The Development Authority may require a public consultation process, as stipulated in Section (22)(a) above, for any proposal for a Category 1 WECS if warranted by the location of the land, adjacent land uses, and any natural, scenic or ecological features of the landscape.

DEVELOPMENT COMMENCEMENT

(24) Due to the complexity of large projects and the level of provincial approvals that are typically associated with commercial WECS, the commencement and construction time requirements may be relaxed from the bylaw's required 12 months from the date of issuance of the permit; and, if it is demonstrated that the project is being carried out with reasonable diligence in the opinion of the Development Authority, the permit validity may be considered for up to 48 months. Reasonable diligence may include demonstrating to the satisfaction of the Development Authority the securing of finances related to the project, detailed engineering and site design work being undertaken, applications made to the AUC, system access approvals from the AESO, etc.

5. OTHER ALTERNATIVE OR RENEWABLE ENERGY COMMERCIAL / INDUSTRIAL DEVELOPMENT PROJECTS

All alternative or renewable energy commercial or industrial developments, such as but not limited to, geothermal, micro-hydro, solar photovoltaic, solar thermal, geo-exchange, anaerobic digesters, waste-to-energy, biodiesel, biofuel or fuel cells, require a development permit. This section is specific and applicable to those commercial/industrial development projects whose primary intent and purpose is to process, sell and/or export energy (or any other by-product of a particular process) off-site.

INFORMATION REQUIREMENTS

(1) A development permit application shall be accompanied by the following information:

(a) an accurate site plan showing and labelling the proposed development and the location of overhead utilities on or abutting the subject lot or parcel, and identification of any sensitive, environmental or topographical features which may be present on the parcel, including canals, streams or water wells;

(b) detailed information on the type of facility, structure or system and the energy process involved;

(c) the manufacturer's specifications indicating (if applicable):
- the rated output in megawatts,
- safety features and sound characteristics;

(d) any information regarding general public safety;

(e) identification of any impacts to the local road system including required approaches from public roads having regard to Lethbridge County standards;

(f) information regarding setbacks from property lines and the proximity to structures or uses on both the site and adjacent parcels of land;

(g) information or verification of the proposed source of water if required for the type of facility such as an ethanol plant; and

(h) a plan outlining how the site will be decommissioned and reclaimed if the use is discontinued.

(2) Large commercial/industrial facilities shall submit studies identifying noise, odour and pollutant impacts and how these impacts will be addressed.

SETBACKS

(3) The buildings or structures of a commercial or private energy project shall comply with all the property line and public roadway setbacks as established in the district in which it is located.

(4) In addition to the requirements of Section (3) above, structures or facilities related to anaerobic digesters, biodiesel, or biofuels developments shall not be located within:

(a) 250.0 metres (820 ft.) of any neighbouring residential dwelling or public use facility or building;

(b) 120.0 metres (394 ft.) of the boundary or right-of-way a nearby irrigation district canal, creek, stream, river, lake shore or water body.

(c) The parts of the project related to the transmission lines and associated structures and to the roads, culverts, etc. associated with the facility may be allowed within 30.48 metres (100 ft.) of a water body.

(5) The Development Authority may require a larger setback than required in the applicable land use district having regard for the location of the development, adjacent land uses and natural, scenic or ecologically features of the landscape.

DEVELOPMENT APPLICATION REFERRALS

(6) Prior to making a decision on a development application for an alternative or renewable energy commercial project, the Development Authority may refer and consider the input of the following agencies and departments:

(a) Alberta Utilities Commission,

(b) Transport Canada,

(c) NavCanada,

(d) Alberta Culture and Community Spirit,

(e) Alberta Environment,

(f) AESO (Alberta Energy Systems Operator),

(g) Sustainable Resource Development,

(h) STARS (air ambulance),

(i) Alberta Transportation (within prescribed distances to provincial roadways),

(j) any other federal or provincial agencies or departments deemed necessary.

DEVELOPMENT STANDARDS

Depending on the type of alternative or renewable energy project proposed, the Development Authority may require that the applicant comply with any or all of the following standards or requirements:

(7) All surface drainage must be contained on site and any adjacent water bodies must be adequately protected from run-off.

(8) The applicant is responsible for preparing at their own expense an engineered surface drainage management plan and submitting an application for approval to Alberta Environment, if applicable.

(9) Any biodiesel waste or water contaminated with biodiesel, is prohibited to be discharged directly into any sewers or surface waters.

(10) All feedstock and materials are to be stored and contained within buildings, and no outside storage is permitted.

(11) That the semi-truck traffic used for the hauling and shipment of raw material or feedstock and finished/processed goods associated with the development shall be limited to a designated truck haul route as agreed to or specified by Lethbridge County.

(12) The preferred location of alternative or renewable energy commercial or industrial developments is on parcels designated for heavy industry land use and located in proximity to highways or railway corridors. The Development Authority may require a parcel redesignation to the applicable industrial land use district be approved prior to accepting a development application.

(13) The applicant is responsible to apply for any Alberta Environment, AUC, ERCB or other applicable provincial approvals or permits that may be required, and must provide the municipality with a copy to be kept on file.

(14) All energy transmission lines on the site of the energy generating facility to the substation or grid shall be underground unless otherwise approved by the Development Authority.

(15) The Development Authority may apply to any energy generating facility any other standards that are provided for in the Land Use Bylaw, including:

(a) a condition to enter into a road use agreement with the County to address road maintenance and repairs that may arise from the development;

(b) a condition to post security with the County; and

(c) a condition to allow the developer to register the approved project in phases.

(16) The Development Authority may stipulate any or all of the Sections (7) through (15) criteria listed above to be addressed by the applicant as a condition of a development permit application approval.

(17) Any licence, permit, approval or other authorization granted by AUC or ERCB shall prevail over any Land Use Bylaw requirements or development permit decisions or conditions if there is a perceived conflict.

PART 7

SUBDIVISION CRITERIA

PART 7

SUBDIVISION CRITERIA

The following criteria in this schedule apply to the subdivision of land for various land uses:

1. GENERAL CRITERIA

These general criteria shall apply to all subdivision applications:

(1) Data provided to support a redesignation application may be required to be adopted by an area structure plan or approved design scheme. Area structure plans or design schemes may be requested where:

(a) more than one owner is involved;

(b) several pieces of fragmented land are adjacent to the proposal;

(c) three or more lots are to be created; and/or

(d) when internal public roads are required.

(2) In some areas of the County, statutory plans have been adopted and may contain certain standards or requirements that shall be complied with.

(3) Potable water:

(a) All subdivisions shall have a potable water supply suitable to Lethbridge County and Alberta Environment.

(b) In compliance with the *Water Act*:

(i) On subdivision applications that create or amount to six or more lots in a quarter section and propose to use a licenced source of water, a certified water report will not be required as part of the application. The application will be circulated to the Water Resources Administrator, Alberta Environment for comment. A report would be required if requested by Alberta Environment.

(ii) On subdivision applications that create or amount to six or more lots in a quarter section and propose to use an unlicensed water supply, a certified water report will be required with the application. The application and report will be circulated to the Water Resources Administrator, Alberta Environment for evaluation.

(iii) The approval authority should not consider the application for a decision until the comments are received.

(4) Soil and geotechnical reports:

(a) Subdivision applicants may be requested to provide at their expense, a professional soil test/analysis at any time the approval authority is of the opinion it is warranted, to determine the suitability of the land for private sewage septic systems in relation to the subdivision proposal.

(b) Professional engineered geotechnical reports or tests may be requested to be provided at the applicant's expense to ensure the site being subdivided is suitable in terms of topography, soil characteristics, slope stability, flooding subsidence, erosion and sanitary sewerage servicing.

(5) Municipal Engineering Standards: The County has adopted an *Engineering Guidelines and Minimum Servicing Standards* manual which is to be consulted and applied to any type of subdivision proposal on any lands. Developers will be responsible for complying with the requirements outlined in these standards and additional information may be requested by the County as deemed necessary. Conditions may be placed on a tentative subdivision approval to address any servicing standards issues.

(6) Applications for a redesignation to the Grouped Country Residential land use district shall be circulated for comment to:

(a) the Regional Health Authority,

(b) Alberta Agriculture, Food and Rural Development,

(c) Alberta Environment,

(d) applicable irrigation district,

(e) Alberta Transportation if the parcel is adjacent to or within 800 metres of a provincial highway, and

(f) any other provincial agency that may be affected by the proposal.

(7) All requirements of this bylaw must be met for the proposed parcel(s) and the residual parcel.

(8) In all cases, a proposed parcel and residual parcel shall have at least 0.8 ha (2.0 acres) of developable land, unless the parcel is located within a hamlet or sanitary sewer provisions allow for smaller parcels and the County has given the appropriate approval for this.

(9) The proposed lot to be subdivided and the residual lot must both have direct legal and physical access to a public roadway. The Subdivision Authority may at its discretion, consider allowing access to a proposed lot or residual lot by way of a registered easement or right-of-way in limited circumstances, such as when both direct legal and physical access is impossible due to a significant physical barrier (i.e. irrigation canal, river valley) which makes it impossible to obtain physical access to a public road. In such a circumstance, an easement or right-of-way plan may only be registered over one parcel (title) to grant legal access to the isolated parcel.

(10) The approval authority may only approve one subdivision on an unsubdivided quarter section. The approving authority may consider a quarter section to be unsubdivided if previous subdivisions were for the purpose of public or quasi-public use. (For subdivided quarter sections, the subdivision policies as outlined in Sections 5-10 of this Part will apply.)

(11) The subdivision of a proposed vacant parcel shall only be considered by the approval authority in conformity to the applicable policies including Section 3, Extensive Agricultural Uses; Section 6, Single Lot Vacant Bareland Country Residential; Section 12, Cut-off (Fragmented) Parcels; and Section 13, Property Realignment and Subdivision of Existing Small Titles.

(12) The criteria stipulated in sections 2 - 6, 9, 10(a) and (b), 11 - 13, apply to subdivisions on lands designated as *Rural Agriculture – RA, Urban Fringe – UF* and *Lethbridge Urban Fringe – LUF* land use districts unless otherwise indicated.

2. APPLYING MINIMUM DISTANCE SEPARATION CALCULATIONS TO SUBDIVISIONS

For the purpose of applying the minimum distance separation calculation to subdivision proposals, the following criteria shall be applied:

(1) The proposal must meet or exceed the minimum distance separation (MDS) requirements from an existing confined feeding operation (CFO), as established in the *Agricultural Operations Practices Act Standards and Administration Regulation*; and will be measured in the following manner:

(a) For existing farmsteads or yards with a dwelling present – measured from the closet point of the existing dwelling wall to the closest point of the CFO facility, including barns, pens, corrals or manure storage or composting areas.

(b) For vacant or bareland parcels – measured from the closet point of the existing or proposed new property line (whichever is closer) to the closest point of the CFO facility, including barns, pens, corrals or manure storage or composting areas.

(c) The MDS requirements shall apply to a CFO owner/operator who applies to subdivide their own dwelling from the quarter section or parcel, including if the residence is located on the same site/parcel that may contain their own livestock confined feeding operation.

(d) The MDS requirements do not apply to a subdivision for an Industrial use.

(e) The MDS requirements shall apply to a subdivision for the purpose of a school, food establishment, commercial and high-use recreational use.

(2) The resubdivision of an existing title of land that contains 8.1 ha (20 acres) or less of farmable land shall not be permitted if the parcel or existing dwelling lies within any applicable MDS from an existing CFO.

(3) An existing farmstead or country residential yard that was in existence prior to a separate adjacent or neighbouring CFO being established may, at the sole discretion of the Subdivision Authority, be granted a waiver of any MDS measurement that would normally be applied to a subdivision proposal if:

(a) it can be demonstrated to the satisfaction of the Subdivision Authority that the farmstead or county residential dwelling was in fact developed/established before a neighbouring CFO was either granted a permit or began operations; and

(b) it can be determined that the CFO is limited in expansion capabilities due to the presence and location of the existing dwelling; and

(c) it can be verified that the dwelling in which the MDS is being applied to existed prior to August 1998, the date in which the MDS regulation became a policy in County of Lethbridge Land Use Bylaw No.1170.

(d) The owner/operator of a CFO who has a farmstead or country residential yard containing a dwelling that was in existence prior to August 1998 and/or their own CFO being established, are not applicable for consideration a relaxation of the MDS to their own operation as afforded in section (3)(a) through (c) as described above.

3. EXTENSIVE AGRICULTURAL USES

For the purpose of subdividing or realigning areas or boundaries of agricultural titles, the following criteria shall apply:

(1) A previously unsubdivided quarter section of irrigated or dryland may be considered for subdivision approval into two 32.4 ha (80 acres) titles provided other standards and requirements of the bylaw are met, including provisions (2) through (7) of this section.

(2) No irrigated or dryland parcel will be less than 32.4 ha (80 acres) in size except as provided in subsection (3).

(3) Parcel sizes for extensive agricultural uses on irrigated or dryland parcels shall be:

(a) 32.4 ha (80 acres) having no registered exceptions from the title;

(b) 28.3 ha (70 acres) having a maximum of 4.0 ha (10 acres) of registered exceptions for rights-of-way or public uses.

(4) The approval authority may only approve one separately-titled subdivision on an unsubdivided quarter section. The approving authority may consider a quarter section to be unsubdivided if previous subdivisions were for the purpose of public or quasi-public use.

(5) If a quarter section has been subdivided into two 32.4 ha (80 acres) titles, the 32.4 ha (80 acres) titles are ineligible to be further subdivided to allow the creation of a separate title unless the land is designated to a land use district that permits additional subdivision, or subsection (6) below is applicable.

(6) The subdivision of an undeveloped or developed cut-off (fragmented) parcel may be considered for approval from both a 64.8 ha (160 acres) and a 32.4 ha (80 acres) parcel if it complies with the cut-off subdivision criteria of Section 12, subsection (1).

(7) Adjacent lands may be consolidated to achieve the minimum required parcel size.

4. CONFINED FEEDING OPERATIONS

The approval authority shall not approve an application for subdivision for a confined feeding operation as defined and established under the *Agricultural Operations Practices Act Standards and Administration Regulation*.

5. COUNTRY RESIDENTIAL USES

(1) A proposed subdivision for a single lot (isolated) country residential use for a developed residence may only be approved if:

(a) it is located on an unsubdivided quarter section or title containing 160 acres of land in consideration of parcel sizes outlined in section 3 above; and,

(b) the area of the proposed lot is as small as possible in order to conserve agricultural land but must contain a minimum 0.8 ha (2.0 acre) of developable land, with a **maximum flexible parcel** size of 1.2 to 4.05 ha (3.0 to 10 acres) based on the existing improvements; and

(i) the parcel size shall be limited by the location and extent of related buildings, structures and improvements, including septic systems, on the developed residence or farmstead site; and

(ii) by physical characteristics, well-established tree shelterbelts, vegetation and such other land as is required to provide for physical access to the proposed lot;

(c) the proposed lot on which the dwelling is located and the proposed residual lot both have direct legal and physical access to a public roadway;

(d) the size and location of the proposed lot will not significantly affect the irrigation system of the area;

(e) the dwelling unit located on the proposed country residential lot can meet or exceed the minimum distance separation (MDS) requirements from an existing confined feeding operation, as established in the *Agricultural Operations Practices Act Standards and Administration Regulation*.

(2) For determining the maximum parcel size the Subdivision Authority will consider if:

(a) the proposed parcel is further developed with accessory buildings, such as sheds, shops and garages, agricultural buildings such as quonsets and grain bins, structures such as storage compounds and/or

storage or areas used for farm machinery, produce and fertilizer, dugout and/or water well and septic system;

(b) the parcel is of a compact size and physically defined by topography, historic or well-established shelterbelts or other physical characteristics; and

(c) the parcel does not include any cultivated farmland, pasture land used for grazing of animals or lands suitable for agricultural production unless included within a shelterbelt and/or physically defined area. Fencing alone, along with corrals and animal shelters, shall not constitute a physically defined area if it encompasses agricultural land or hazard lands that are not necessary for the habitation of the proposed subdivision and that may be left with the larger agricultural parcel unless impractical to do so. Grain bins may also not constitute a physically defined area and may be excluded from the residential yard.

(3) For any proposal that exceeds the maximum parcel size, the Subdivision Authority may exclude any feature or improvement not necessary for the habitation of the proposed subdivision and that may be left with the larger agricultural parcel, such as fencing, grain bins, corrals and animal shelters.

(4) Applications for single lot (isolated) country residential uses shall have the residual parcel sizes outlined in Section 3 (1)(b) of this Part.

(5) In instances where a proposed subdivision may result in a remaining or remnant land area that would be less than 100 m (328 ft.) in width between the new property line being created and the adjacent quarter section or adjacent property line, the Subdivision Authority may approve the proposal on the condition that the parcel being subdivided is to be squared-off or extended to the closest quarter section or adjacent property line to eliminate the intermediary strip of land.

6. SINGLE LOT VACANT (BARELAND) COUNTRY RESIDENTIAL

(1) A subdivision which proposes to subdivide a farmstead without a habitable dwelling or create a single (isolated), vacant country residential lot as the first parcel out of a quarter section or title containing 160 acres of land may be approved provided that:

(a) the proposed lot to be created is a maximum of 1.2 ha (3 acres) in size; and

(b) the proposed single residential lot contains, in the opinion of the approval authority, a buildable site including a minimum 0.8 ha (2.0 acres) of developable land; and

(c) the proposed single residential lot can be serviced to the satisfaction of the approval authority, including the provision of potable water and septic; and

(d) the proposed lot and the residual parcel both have direct legal and physical access to a public roadway to the satisfaction of the Subdivision Authority; and

(e) the access is satisfactory to Alberta Transportation where the access is onto or in close proximity to a primary highway; and

(f) the size and location of the proposed lot will not significantly affect any irrigation system in the area; and

(g) the parcel boundary of the proposed vacant country residential lot can meet or exceed the minimum distance separation (MDS) requirements from an existing confined feeding operation, as established in the *Agricultural Operations Practices Act Standards and Administration Regulation*; and

(h) the development on the proposed single residential lot will not, in the opinion of the approval authority, inhibit public access to or otherwise have a detrimental effect on agriculture or the

recreational use of a river valley, water body, environmentally sensitive area or special scenic location; and

(i) the applicant has a professional soils tests/analysis done at their expense to ensure that the soil characteristics are capable of supporting a private septic system. Analyses of the test must be performed and approved by an engineer or approved agency under Alberta Municipal Affairs, with a copy of the report submitted to the Subdivision Authority as a condition of subdivision approval unless deemed necessary as part of the submitted application; and

(j) the subdivision application includes a tentative subdivision plan as prepared by a certified Alberta Land Surveyor which illustrates the location, area and dimensions of the parcel to be subdivided.

(2) Applications for single (isolated), vacant country residential uses shall have the residual parcel sizes outlined in Section 3 (1)(b) of this Part.

7. GROUPED COUNTRY RESIDENTIAL USES

(1) Lands defined as higher quality agricultural land should not be approved for grouped country residential uses; cut-off parcels may be considered for approval. Exceptions to prohibiting subdivision on higher quality agricultural land may be considered with regard to applicable Municipal Development Plan policies.

(2) No area shall be approved for grouped country residential use unless it is specifically designated for the use under the Land Use Bylaw.

(3) Grouped country residential development will be discouraged in areas shown in the Municipal Development Plan as being land where confined feeding operations are encouraged.

(4) Grouped country residential uses will be encouraged to locate within the areas shown in the Municipal Development Plan as being areas where confined feeding operations are restricted. In these areas, with an approved area structure plan, Council may redesignate parcels of land having consideration for:

(a) protection of high quality agricultural land,

(b) comments from affected persons,

(c) effects on the irrigation system,

(d) servicing capabilities or constraints,

(e) storm water drainage,

(f) other applicable policies of the Municipal Development Plan.

(5) Except where lands have been redesignated to the *Grouped Country Residential – GCR* district, the Subdivision Authority shall not approve any application for subdivision approval which would create more than three parcels per quarter section in the *Rural Agriculture – RA, Urban Fringe – UF* and *Lethbridge Urban Fringe – LUF* land use districts.

8. HAMLET RESIDENTIAL AND OTHER HAMLET USES

For subdivisions for various residential or other uses within designated hamlets, the applicable hamlet land use district minimum lot sizes and standards of development shall apply, which are dependent on the type of use proposed and the availability of servicing.

9. HORTICULTURAL USES

(1) A proposed subdivision for a horticultural use shall only be approved if located:

(a) where an existing horticultural use was functioning before the subdivision application was made and the application encompasses the existing operation only; or

(b) on an existing farmstead that complies with criteria outlined in the Land Use Bylaw; or

(c) the proposed parcel is a cut-off.

(2) The maximum parcel size for a proposed horticultural use shall be 4.05 ha (10 acres) in size, unless it meets the criteria as a cut-off parcel with no size restriction.

(3) Applications for isolated horticultural uses shall have the residual parcel sizes outlined in Section 3 (1)(b) of this Part.

(4) If considering a parcel size waiver request for an existing horticultural use, the Subdivision Authority shall limit the maximum parcel size by the location and extent of related buildings, structures and improvements they determine are relevant to the operation.

10. INDUSTRIAL / COMMERCIAL USES

(1) When approving an application for subdivision of proposed industrial or commercial parcels on vacant or bareland within the *Rural Agriculture – RA, Urban Fringe – UF* and *Lethbridge Urban Fringe – LUF* land use districts, the approval authority should be satisfied that the project will be constructed. Assurances may be submitted with the subdivision application and may include:

(a) feasibility studies,

(b) options to purchase,

(c) proof of substantial investment.

(2) The maximum parcel size for a proposed or existing industrial/commercial use shall be 4.05 ha (10 acres) in size.

(3) Applications for isolated industrial and commercial uses within the *Rural Agriculture – RA, Urban Fringe – UF* and *Lethbridge Urban Fringe – LUF* land use district shall have the residual parcel sizes outlined in Section 3 (1)(b) of this Part.

11. PUBLIC AND INSTITUTIONAL USES

(1) A subdivision application for public and institutional uses as defined by the Land Use Bylaw may be recommended for approval if:

(a) the Subdivision Authority is satisfied that suitable, existing alternative parcels are not reasonably available in an urban or rural area in the vicinity;

(b) for an existing public and institutional use, the parcel size is limited to the developed portion of the site only to encompass improvements;

(c) the legal and physical access, including access to the residual agricultural lot, satisfies Alberta Transportation in the case of a provincial highway or Lethbridge County in the case of municipal roads; and

(d) the Subdivision Authority is satisfied that the use is suitable, serviceable and will be developed as proposed.

(2) The maximum parcel size shall be as determined suitable at the discretion of the Subdivision Authority with consideration for the proposed use and the land area required to accommodate it.

(3) The minimum parcel size for public and institutional uses shall be 1.2 ha (3.0 acres) of developable land for private septic treatment systems or other such minimum as may be established under an adopted area structure plan or approved design scheme.

(4) A subdivision or existing certificate of title for a public use may be exempted from the maximum three titles per quarter section policy.

12. CUT-OFF (FRAGMENTED) PARCEL

(1) Subdivision of an undeveloped or developed cut-off (fragmented) parcel may be approved if:

(a) the proposed lot is separated from the residual by:

(i) a registered exception from the title (e.g. registered roadway, irrigation district canal, rail line);

(ii) a registered title that is owned by a public or quasi-public department or agency (e.g. municipal, provincial, irrigation district, rail company)

(iii) a feature that creates a significant physical barrier to use of both sides as a unit (this may include a coulee, embankment, river valley, rail line, developed public roadway, irrigation district reservoirs or canals for the conveyance and delivery of water, or a permanent waterbody — trees, shrubs, or tree shelter belts and private or landowner constructed ditches or canals shall not be considered as a feature that creates a significant physical barrier and shall not be eligible for subdivision as a cut-off parcel);

(b) the proposed lot and residual both have physical and legal access, or the Subdivision Authority is acceptable to access by a limited easement or right-of-way in accordance with policy 1(9);

(c) the results of a minimum distance separation (MDS) calculation from an existing confined feeding operation, as established in the *Agricultural Operations Practices Act Standards and Administration Regulation* shall be considered;

(d) neither the proposed lot or the residual parcel is occupied by a confined feeding operation.

(2) At the discretion of the Subdivision Authority, a registered title containing 160 acres or a quarter section which has been subdivided pursuant to the above cut-off subdivision policy or previous provincial policies (refer to Section 12(3) below) may be eligible for the subdivision of an existing farmstead from the greater half (area) of the cut-off (fragmented) quarter section provided that the proposal is consistent with the requirements established for single lot country residential parcels outlined in Section 5 of this Part, and the subdivision does not result in the creation of more than three titles per quarter section.

(3) In respect of Subdivision and Development Regulation 43/2002, a quarter section is considered unsubdivided if it is a parcel of land that has been created pursuant to section 86(2)(d) of the *Planning Act RSA 1980* on or before July 6, 1988, or pursuant to section 29.1 of the *Subdivision Regulation (AR 132/78)*, from a quarter section, lake lot, river lot or settlement lot if that parcel of land constitutes more than ½ of the area that was constituted by that quarter section, lake lot, river lot or settlement lot.

13. PROPERTY REALIGNMENT AND SUBDIVISION OF EXISTING SMALL TITLES

The subdivision of a parcel to accommodate a property or boundary realignment, or a parcel of poor quality land containing 8.1 ha (20 acres) or less of farmable land, may be approved subject to the following:

(1) In the case of enlargement, reduction or realignment of existing separate titles (parcels):

(a) the additional lands required are to accommodate existing or related improvements, or to rectify encroachment or access issues; or

(b) the proposal is to rectify or rationalize existing titles, occupancy, cultivation or settlement patterns; and

(c) no additional parcels are created over and above those presently in existence; and

(d) the proposed new lot and the proposed residual lot will continue to have direct legal and physical access to a public roadway, adequate development setbacks, and a suitable building site; and

(e) the size, location and configuration of the proposed lot will not significantly affect any irrigation or transportation system in the area nor the urban expansion strategies of neighbouring municipalities.

(2) An existing title of land that contains 8.1 ha (20 acres) or less of farmable land and considered by Council to be poor agricultural land may be divided into two parcels if:

(a) the required minimum distance separation (MDS) distance to any neighbouring CFOs is met, and

(b) both parcels have direct physical and legal access to a public road, and

(c) both parcels have a suitable developable building site with the required minimum area as defined by the Land Use Bylaw, and

(d) the minimum parcel size of each of the lots shall not be less than 0.8 ha (2.0 acres), and

(e) the subdivision does not result in the creation of more than three titles per quarter section, or result in the creation of three adjacent (contiguous) country residential lots.

(f) Any proposal that would create more than three titles per quarter section or would result in creating three adjacent (contiguous) country residential lots (including existing adjacent lots under separate title) would be required to provide the applicable conceptual design scheme or area structure plan and must apply for a redesignation of the land, prior to a subdivision application being considered.

(3) For the purpose of determining a "farmable or unfarmable area of land" as referenced in Section 13(2) above, the Subdivision Authority may at its discretion, consider:

(a) An "unfarmable area" to include registered irrigation rights-of-way, natural land features such as coulees, steep embankments, rivers, streams or seasonal creeks, wetlands, and land that is impractical or difficult to farm due to steep slopes, sloughs/swamps. Generally, the Subdivision Authority will not consider man made improvements, tree shelter belts, or agricultural lands that are fenced off to be included as an "unfarmable area";

(b) "farmable land" to specifically include any cultivated or uncultivated farmland, pasture land used for grazing of animals, lands suitable for agricultural or horticultural production, or land that may be incorporated or returned into agricultural production.

14. SUBDIVISION IN PROXIMITY TO THE CANAMEX FREEWAY

The subdivision of a parcel of land in proximity to the designated Canamex Freeway will be reviewed in consideration of **Part 3, General Land Use Provision, B. Servicing and Site Suitability, Section 46, Canamex Freeway Development and Siting Requirements.**

PART 8

DEFINITIONS

PART 8

DEFINITIONS

In this land use bylaw, words in the singular include the plural, and words using the masculine gender include the feminine gender.

A

Abattoir means the use of land or building in which animals are slaughtered and may include the packing, treating, storing and sale of the product.

Accessory Building/Structure means a building or structure that is incidental or subordinate to and customarily found in connection with a primary building, structure or use, does not precede the development of a primary structure or use, is located on the same lot as the principal building or use, but does not include a building or structure used for human habitation. (see Diagram 8.1)

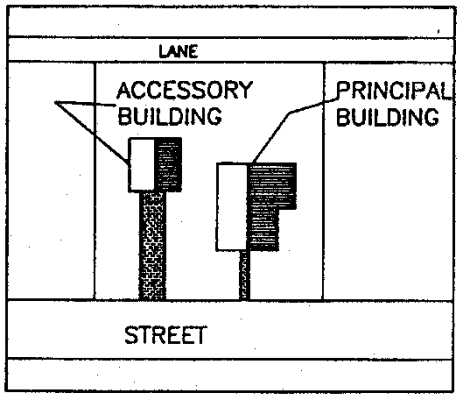


DIAGRAM 8.1

Accessory Use means a use of a building or land which is incidental to and subordinate to the principal use of the site on which it is located.

Act means the *Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26*, as amended.

Addition means any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

Adjacent Land or Adjacent means land that is contiguous to a parcel of land proposed for development, subdivision or redesignation and includes land that would be contiguous if not for a road, railway, walkway, watercourse, water body, utility lot, right-of-way, reserve land or other similar feature.

Aggregate Extraction/Processing – see "**Resource Extraction and Associated Works**"

Agricultural Buildings and Structures means a building or structure associated with and generally essential to an agricultural operation. Such structures or facilities may include, but are not limited to the following: machine sheds,

storage sheds, granaries, grain bins, silos, animal housing and/or feeding facilities, repair shops, corrals, pens, and other accessory farm structures.

Agricultural Land, Higher Quality means land contained in an irrigable unit or having a CLI classification of 1-4, comprising of 64.8 ha (160 acres) parcels of dryland or 32.4 ha (80 acres) parcels of irrigated land, or land having a CLI classification of 5-7 with permanent water rights. This does not include land considered as cut-off parcels or badly fragmented land as defined in the bylaw.

Agricultural Market means a use involving the sale of raw agricultural products but may include as an accessory to the principal use, the sale of factory-sealed or pre-packaged food products that normally do not require refrigeration.

Agricultural Operation(s) means an agricultural activity (either intensive or extensive) conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward, and includes:

(a) the cultivation of land;

(b) the raising of livestock, but excluding 'Confined Feeding Operations' as defined by the Agricultural Operations and Practices Act (AOPA);

(c) the production of agricultural field crops;

(d) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;

(e) the production of milk and eggs;

(f) the production of honey;

(g) the operation of agricultural machinery and equipment including irrigation pumps and the application of fertilizers, manure, insecticides, pesticides, fungicides and herbicides including application by ground and aerial spraying for agricultural purposes.

See also Extensive Agriculture and Intensive Horticulture Operations.

Agricultural Pursuit means gaining a livelihood for at least six months a year from employment associated with the primary production of crops, intensive or horticultural activities (such as market gardens, vegetable or fruit farms) or raising of livestock which includes ranching/grazing operations and operating or being employed with a confined feeding operation, but not including uses associated with servicing, processing, or transporting agricultural products. Hobby farms or operating or working at equestrian facilities for recreational purposes are also not included.

Agricultural Services means establishments primarily engaged in supplying and servicing materials and services for soil preparation, crop treating, landscaping, horticultural services or other animal services.

Agricultural Use means a use of land or buildings for the production of crops, vegetables or raising of livestock.

Agriculture means the primary production of food and fibre by either intensive or extensive methods. Management, financing or ownership is not considered.

Airport means the Lethbridge Airport (YQL) and includes any area, designed, prepared, equipped or set aside for the arrival, departure, movement or servicing of commercial and private aircraft; and includes any associated buildings, installations, open space, runways and equipment for landing/takeoff and flight control. This also includes aircraft and airport-related manufacturing services.

Airstrip means a structure, facility or use of land owned or operated by a corporation, association, person, or persons, to accommodate private airplane use.

Alternative Energy means renewable or sustainable energy that is generally derived from natural sources (for example, the earth, sun, wind, water).

Amenity Area means an area or areas within the boundaries of a development which provides active or passive recreation opportunities for the enjoyment of the occupants of a development and their guests. These may include such things as views, landscaped areas, patios, art, decks, swimming pools, tennis courts and other similar uses.

Anhydrous Ammonia Storage/Facility means a tank, structure or facility used for the storage and distribution of anhydrous ammonia used for fertilizer for agricultural crops and includes any development that meets the criteria described in the *"Guidelines for the Location of Stationary Bulk Ammonia Facilities"* prepared by Alberta Environment.

Antenna System(s) means a type of an electrical communications system or device that is a transducer that couples energy from one electronic system to another at some distant location and may be mast, tower, or other antenna supporting structure used for the purpose of telecommunication, radiocommunication or broadcasting (transmitting or receiving) and includes guy wires or other similar mechanisms used to support the antenna (e.g. support lines, cables, wires or braces).

Applicant means the registered owner of the land or his/her appointed representative or agent certified as such to act on their behalf.

Approved Use means a use of land and/or building for which a development permit has been issued by the Development Authority.

Architectural Controls means a set of development guidelines or standards that have been established by the developer and registered on a certificate of title for the purpose of creating and maintaining a higher quality of development/construction than is the norm for a particular subdivision and/or development project. Standards normally address design diversity, square footage, roof slopes and materials, siding, landscaping, garages, setbacks, driveway materials and other appealing neighbourhood aesthetics and may also address building lot restrictions, special setbacks and lot grading.

Area Redevelopment Plan means a statutory plan accepted or adopted by Council as an area redevelopment plan pursuant to the *Municipal Government Act*.

Area Structure Plan means a statutory plan in accordance with the *Municipal Government Act* and for the purpose of providing a framework for subsequent subdivision and development of an area of land in the municipality.

Asphalt Batch Plant means a use of land, building or structure which produces and/or recycles asphalt or similar material(s) and has equipment designed to heat and dry aggregate and to mix mineral aggregate with bitumen and/or tar, and includes the stockpiling and storage of bulk materials used in the process or finished product(s) manufactured on the premises and the storage and maintenance of equipment.

Attached Garage means a building or portion of a building that is used for the storage of motor vehicles, which is attached to the principal building by sharing a common wall with the dwelling, and usually contains an access doorway into the principal building. For the purpose of calculating setbacks and site coverage requirements, an attached garage is deemed to be part of the principal building.

Auction Market means a use of land or buildings for the auctioning or sale and related temporary storage of primarily livestock, but may also include household effects, personal goods and equipment, and vehicles. This use includes livestock sales yards but does not include on-site slaughtering such as an abattoir or one time on-site estate auction sales.

Auction Sales, Non-Livestock means the use of land or buildings for the auctioning and related temporary storage of goods and equipment which may include household effects, antiques, personal goods and equipment, and vehicles. This use does not include livestock auction markets or one-time on-site estate auction sales.

Auto Wrecker – see "**Salvage and Wrecking Yard**"

Automotive Detail/Paint Shop means a building where motor vehicle bodies are replaced or repaired and also where motor vehicle bodies and parts, and other metal machines, components, or objects may be painted. See also "Sandblasting facility".

Automotive Sales means a development or use of land or buildings for the retail sale, lease, and/or rental of new or used automobiles. The service of automobiles is considered a separate use, but may be combined with automotive sales if permitted in the district.

Automotive Service means a facility for the repair and servicing of motor vehicles including, but not limited to, mufflers, oil changes, transmissions, engine replacement services and glass repair. Such facilities do not include the sale of gasoline and petroleum products.

B

Balcony means a platform, attached to and projecting from the face of a principal building with or without a supporting structure above the first storey, normally surrounded by a baluster railing and used as an outdoor amenity area with access only from within the building.

Bar/Lounge means a development where the primary purpose of the facility is the sale of alcoholic beverages to the public, for consumption within the premises and typically includes neighbourhood pubs, bars, beverage rooms, and cocktail lounges. This use typically has a limited menu and minors are prohibited from patronizing the establishment during at least some portion of the hours of operation.

Basement means the lowest storey of a building, partly or wholly below grade and having its floor below grade by a distance greater than one-half the distance from floor to ceiling. (see Diagram 8.2)

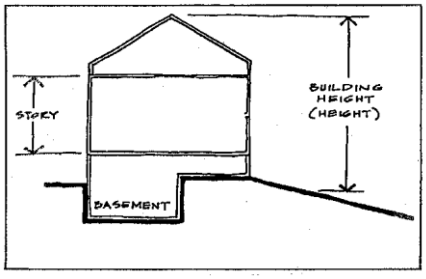


DIAGRAM 8.2

Bed and Breakfast means a home based development in a private owner-occupied dwelling where rooms are rented for short-term accommodation and a breakfast meal is prepared in the common kitchen of the principal residence by the owner and provided for registered guests.

Berm means a dyke-like land form used to separate incompatible areas or uses, or constructed to protect the site or district from road, rail or other noise or nuisance.

Big Box/Comprehensive Retail means a comprehensively-planned development consisting of a linear strip center or clustering/group of stand-alone retail stores (open air) or mall (enclosed) that is normally located on a single parcel, provides shared on-site parking, and is occupied primarily by retail, restaurant and personal service uses and managed/maintained as a single entity.

Blade means an element of a WECS rotor which acts as a single airfoil, thereby extracting kinetic energy directly from the wind.

Blade Clearance means, in reference to a horizontal axis rotor, the distance from grade to the bottom of the rotor's arc.

Boarding House means a building (other than a hotel or motel) containing not more than 15 sleeping rooms where meals and lodging for five or more persons are provided for compensation pursuant to a private agreement with the operator.

Boarding Stables or facility means an accessory building, barns or corrals having stalls or compartments where animals, typically horses, are sheltered, kept and fed and may include an arena or fenced area for exercising animals.

Boat Dock, Individual means a structure that is built over or floats upon the water and that serves one property owner/user for the launching, landing and mooring of watercrafts and which does not exceed 13.94 m^2 (150 sq. ft.).

Boat Dock, Public means a structure that is built over or floats upon the water and that serves the general public for the launching, landing and mooring of watercrafts and which does not exceed 27.87 m^2 (300 sq. ft.).

Breeding Facility means a commercial development primarily for the breeding of small animals, normally considered household pets such as dogs or cats, excluding livestock, and also includes the accessory boarding, caring and training of these small animals but excludes a veterinary clinic or a kennel.

Breezeway means a roofed often open passage connecting two buildings (such as a house and garage) or halves of a building that allows sheltered passage, and is an architectural feature similar to a hallway that allows the passage of a breeze between structures to accommodate high winds, allow aeration, or provide aesthetic design variation; sometimes it can be much more like a tunnel with windows on either side.

Buildable Area – see "**Developable Area**" and "**Building Envelope**"

Building has the same meaning as in the Act.

Building Envelope means that portion of a lot or parcel within which development may occur after all setbacks and separation distances and other standards of the district have been deducted.

Building Height means the vertical distance between the average natural grade of a lot, as determined by the Development Authority, and the highest point of a building, excluding an elevator housing, a roof stairway entrance, a ventilating fan, skylight, steeple, chimney, smoke stack, or other similar structure as determined by the Development Authority.

Building Inspector means the person or persons appointed or contacted by the municipality to be the chief building inspector(s) in and for Lethbridge County.

Building and Trade Contractor Service means the use of land or buildings for businesses engaged in activities commonly referred to as construction including plumbing, heating, dry walling, framing, electrical, renovating and related excavating and the interior storage of materials and storage related to the same and may include an office.

Bulk Fertilizer Storage and Sales means an establishment where fertilizer goods, most commonly for agricultural purposes, are received and stored for the purpose of distribution and sales.

Bulk Fuel Storage and Sales means an establishment where fuel is received and stored for the purpose of distribution and sales excluding cardlock operations and truck stops.

Bus Depot means any premises for the transient housing or parking of motor-driven buses, the loading and unloading of passengers and the accessory transportation of limited goods.

Business Support Service means an establishment primarily engaged in providing services for other business establishments such as advertising, building maintenance, clerical, printing, book keeping, financial services, employment services, professional advice, security and other similar services.

C

Campground, Private means, in addition to the definition of "Campground, public", the use of the facility is intended for private financial gain and/or admittance is limited to a specific membership, club or organization such as a church, Boy Scouts, youth organization, etc.

Campground, Public means a development designed with two or more distinct sites to be used by the general public for short-term camping purposes. The use of the land is intended for seasonal occupancy by camping-related equipment. The campground may also include supplementary facilities such as an administrative office, washrooms, cooking and eating shelters, convenience retail operations, laundry facilities and a living area for the owner/operator.

Cannabis means a plant Cannabis sativa, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, and any substance or mixture of substances that contains or has on it any part of such a plant; and any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained, but does not include a non-viable seed of a cannabis plant.

Cannabis Cultivation means the growing and harvesting of cannabis as licensed by Health Canada.

Cannabis Nursery means the growing and harvesting of cannabis for the purposes of a nursery as licensed by Health Canada.

Cannabis Processing means a development (micro or standard size), as licensed by Health Canada, where cannabis is grown, harvested, processed, tested, destroyed and/or stored on site, but does not include Cannabis Retail Store.

Carport means a partially-enclosed structure open on at least two sides intended for the shelter of one or more motor vehicles, and is typically attached to a dwelling along at least one side.

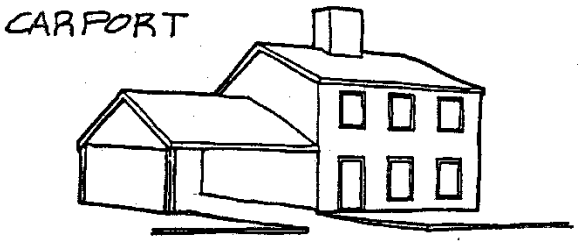


DIAGRAM 8.3

Cartage/Moving Services means the use of land or buildings by a commercial company to move by transport truck the possessions of a family or business from one site to another for the purpose of relocating people or businesses. Moving services include personalized services, packing and unpacking, general moving and transport, storage and specialty shipping.

Car/Truck Wash means the use of a building, structure or area providing for the washing and cleaning of motor vehicles including truck washes and may be a private or a commercial operation.

Cemetery means land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities.

Change of Use means the conversion of land or building or portion thereof from one land use activity to another in accordance with the Permitted or Discretionary Uses as listed in each land use district.

Chemical Processing and Storage means the use of land or buildings for the alteration, mixing and separation of chemical compounds in order to produce a new material and is typically considered as an intense industrial activity. Also includes the storage and distribution of related goods.

Church – see "**Place of Worship**"

Clear Vision Triangle means a triangular area on a corner lot formed by an imaginary line starting at the point of intersection of the two street property lines and extending 7.62 m (25 ft.) from their point of intersection.

Clubs and Fraternal Organizations means development used for the meeting, social or recreational activities of members of a normally non-profit philanthropic, social service, athletic, business or fraternal organization, without on-site residences. Clubs and fraternal organizations may include rooms for eating, drinking and assembly.

Clustered Development means a planning and development land use approach that concentrates buildings in close proximity together on a portion of the site, often sharing common yard space, to allow the remaining land to be used for recreation, open space, agriculture or preservation of historically or environmentally sensitive lands.

Code of Practice means the most recent *Code of Practice for the Safe and Economic Handling of Animal Manures* prepared by Alberta Agriculture, Food and Rural Development, as amended from time to time.

Commercial means the use of land and/or buildings for the purpose of public sale, display and storage of goods and/or services on the premises. Any on-premises manufacturing, processing or refining of materials shall be incidental to the sales operation.

Community or Civic Halls means a non-commercial typically public development or building established primarily for the benefit, use and service of the population of the community in which it is located.

Composting means processing organic waste in a controlled environment to produce a stable product by microbiologically degrading organic matter under aerobic conditions.

Comprehensive Development means a development approach which completely provides for the planned, detailed, orderly development of a parcel or group of parcels, and which has taken into account the effects of such development on the immediate and surrounding area and considers servicing (infrastructure) efficiencies or constraints.

Conceptual Design Scheme means a planning document consisting of a proposed subdivision plan and support information which is applied to smaller subdivision proposals involving four (4) or fewer adjacent lots and is usually not adopted by bylaw. The plan typically illustrates the number of parcels and minimum lot sizes, the location of roadways and access points, general indication of the parcel surface drainage or contour maps, and information or illustrations showing any existing utility, easements, rights-of-way or canals present. Information is also provided on the proposed potable water and sewer system, and the plan may be required to include engineered storm water plans or soils tests or other information that the Subdivision Authority may request which it feels is relevant to the land or proposal.

Conceptual Site Plan means a plan (to scale) showing uses and structures proposed for a parcel of land as required by the Subdivision or Development Authority. Its purpose is to show how the intended land use relates to the topography, landscape features, adjacent land uses and typically includes proposed lot lines, roads, building sites, reserved open space, buildings, landscape features – both natural and man-made, proposed utility lines, recreation areas, parking areas, and utilities.

Concrete Batch Plant means the use of land or buildings where concrete or concrete products used in building or construction are produced, and is described as a mixing plant where sand, gravel, cement, water, and other materials are turned into concrete, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sale of finished concrete products.

Condominium means a building or structure where there exists a type of ownership of individual units generally in a multi-unit development or project where the owner possesses an interest as a tenant in common with other owners.

Condominium Plan means a plan of survey prepared in accordance with the provisions of the *Condominium Act, Revised Statues of Alberta 2000, Chapter C-22*, as amended, and registered in the Land Titles Office.

Confined Feeding Operations has the same meaning as defined in the *Agricultural Operation Practices Act, RSA 2000, Chapter A-7*, as amended and means fenced or enclosed land or buildings where livestock are confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing and any other building or structure directly related to that purpose but does not include residences, livestock, seasonal feeding and bedding sites, equestrian stables, auction markets, race tracks or exhibition grounds.

Contractor Trade Shops means any building or premises used by a carpenter, mill worker, cabinet maker, plumber, electrician or similar trades persons for assembling materials or products or storing tools, materials, trailers or supplies related to the business, but does not involve any sales on the premises.

Convenience Store – see "**Retail, Convenience**"

Corner Lot means a lot located at the intersection or junction of two or more streets (not including lanes).

Corner Side means the lot line on a corner lot that has road frontage but is not the lot line from which primary access or development to the building is gained. (see Diagram 8.4) See – "Setback".

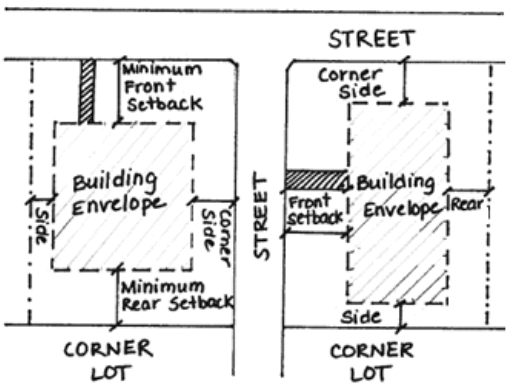


DIAGRAM 8.4

Corral means any enclosed area, pen, stable or coop intended to enclose animals at densities and numbers lower than those outlined by the Natural Resources Conservation Board (NRCB).

Council means the Council of Lethbridge County in the Province of Alberta.

Country Residential, Grouped means existing or proposed residential uses on more than two adjacent parcels of less than the minimum extensive agricultural parcel size.

Country Residential, Isolated means one or two existing or proposed country residential uses.

Country Residential Use means a use of land, the primary purpose of which is for a dwelling or the establishment of a dwelling in a rural area, whether the dwelling is occupied seasonally, for vacation purposes or otherwise, or permanently.

Crematorium means a development fitted with equipment for the purpose of the cremation of human remains and may include associated facilities for the preparation of the dead human body for internment or cremation.

Cultural Building and Facility means the use of land or buildings for the preservation or provision of cultural amenities to the public, such as but not limited to museums, historical sites and art galleries by a public or private, non-profit service provider.

Cut-off Parcel means a parcel separated by:

- a permanent irrigation canal right-of-way as defined by the irrigation district,
- a permanent watercourse normally containing water throughout the year,
- a railway,
- a graded public roadway or highway,
- an embankment, or
- some other physical feature,

which makes it impractical to farm or graze either independently or as part of a larger operation, including nearby land.

D

Day Care Centres means a building or portion thereof used for the provision of care, maintenance and supervision of seven or more children, by persons unrelated to the children by blood or marriage, for periods not exceeding 24 consecutive hours and includes all day-care centres, nurseries and after-school or baby-sitting programs which meet the conditions of this definition or are required to be licensed by the provincial government.

Day Home means a private residence where care, development and supervision are provided for a maximum of six children clients between the ages of 0-12 years, by persons unrelated to the children by blood or marriage, including children under the age of 12 who reside in the home, for periods not exceeding 24 consecutive hours.

Deck means a wooden, or other similar hard-surfaced platform, with or without a roof, walls or railings intended for outdoor living space or amenity area and which is generally attached to a building.

> **Ground Level Deck** means an unenclosed (no roof or walls) amenity area of wood, or other similar material, that is constructed less than 0.6 m (2 ft.) above grade and is typically attached to a dwelling.
>
> **Ground Level Patio** means an unenclosed (no roof or walls) amenity area of concrete, brick, wood, or other material that is constructed at grade and may or may not be or attached to a dwelling.
>
> **Raised Deck** means a horizontal structure with a surface height 0.6 m (2 ft.) or greater above grade at any point, but generally no higher than the first storey floor level, and is intended for use as a private outdoor amenity space.

Demolition means any act or process that destroys or removes in part or in whole a building or structure.

Density means a measure of intensity and when used in reference to a residential or residential related development, refers to the number of dwellings on a site, expressed in dwelling units per hectare or acre.

Designated Officer means a person authorized by Council to act as a Development Authority pursuant to section 624(2) of the *Municipal Government Act* and in accordance with the municipality's Development Authority Bylaw.

Developable Area means an area of land in a title that can be developed or constructed upon for buildings, structures, driveways, septic fields, various utilities, and dugouts if required, and may not include land that is located within required road and property line setbacks, land that is too steep, situated within floodplain, or an area that has easements or rights-of-way registered over it in which buildings or structures cannot be placed over. See "Building envelope".

Development means:

(a) an excavation or stockpile and the creation of them;

(b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land;

(c) a change of use of land or a building or an act done in relation to land or a building that results in a change in the use of the land or building; or

(d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in, or is likely to result in, a change in the intensity of use of the land.

Development Agreement means an agreement between the developer and the municipality, pursuant to sections 648, 650, 654 and 655 of the *Municipal Government Act*, to:

(a) construct or pay for the construction of a road required to give access to the development;

(b) construct or pay for the construction of:

  (i) a pedestrian walkway system to serve the development, or

  (ii) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development, or both;

(c) install or pay for the installation of public utilities, other than telecommunication systems or works, that are necessary to serve the development;

(d) construct or pay for the construction of:

  (i) off-street or other parking facilities, and

  (ii) loading and unloading facilities;

(e) pay an off-site levy or redevelopment levy;

(f) give security to ensure that the terms of the agreement under this section are carried out.

Development Authority means the Municipal Planning Commission or the Designated Officer, including the Development Officer authorized to act as a Designated Officer, as provided for within this Bylaw and the Development Authority Bylaw of the County.

Development Hearing means a public meeting which is convened at the discretion of the Development Authority in accordance with the requirements of the Land Use Bylaw, to obtain comment and information on a proposed development prior to the Development Authority's issuance of a decision on a development permit application or other type of municipal approval such as an antenna systems siting proposal.

Development Permit means a permit issued pursuant to this Bylaw authorizing a development. A development permit does not constitute a building permit.

Discretionary Use – see "**Use, Discretionary**"

District means a defined area of the municipality as set out in Part 2 of this Bylaw and indicated on the Land Use District Maps in Part 9.

Dog Training Facility means any premises or building containing four or more dogs, which are five months or older, where these domestic animals are trained, exercised, and socialized, but are not kept or boarded over night, bred, sold, or let for hire.

Drive-in Restaurant means an establishment where food is prepared and served on the premises for sale to the public and includes car attendant and/or drive-through, pick-up service.

Driveway means a private drive on land individually or freehold simple titled providing vehicular access to a lot, parcel, parking area, garage, dwelling or other building, use or facility in conformance with the Land Use Bylaw, and may be utilized for the off-street parking of vehicles where designed to accommodate such.

Driving Ranges means an area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, and which may include a snack-bar and pro shop and other incidental activities pertaining to this activity.

Dryland means an existing title of agricultural land with no acreage classified by an irrigation district as "to be irrigated".

Dwelling means a self-contained premises or building designed for human habitation which includes provisions for cooking, sleeping and sanitary facilities, and is or has been constructed in compliance with all provincial building codes.

Duplex means a building constructed on the lot intended for occupancy containing two dwelling units with separate exterior access to each unit, connected by a common floor or ceiling, but not legally subdivided by a property line.

Manufactured Home means a residential building containing one dwelling unit built in a factory and designed to be transported in one or more section~~s~~ to a suitable site. The home is typically transported to a site on its own chassis and wheel system or on a flatbed truck. New manufactured homes shall be constructed to either the CSA Z240 or CSA A277 standards and must be able to meet all applicable provincial building codes once completed. The homes are typically placed on foundation supports, skirted, installed to CSA Z240.10.1 standards, and connected to utilities.

Manufactured Home 1 means a manufactured home as defined by this Bylaw constructed within the past year of application for a development permit and not previously occupied, and may include modular homes, and in appearance, generally resembles site-built (stick-built) constructed homes.

Manufactured Home 2 means a manufactured home not constructed prior to 1985 has been either previously occupied or does not meet the definition or standards of Manufactured home 1. These are commonly or have previously been referred to as "Mobile homes" and may consist of "Double-wide", which means a manufactured home consisting of two sections, moved separately, that are joined together into one integrated dwelling unit on site, or "Single-wide" which means a manufactured home designed to stand alone as a single dwelling unit.

Moved-in means a previously occupied, conventional, site-built, dwelling unit which is physically removed from one site, transported and re-established on another site for use as a residence, but does not include modular dwellings, manufactured homes, or ready-to-move dwellings.

Multi-unit means a building other than a townhouse/row dwelling containing three or more separate dwelling units. (see Diagram 8.5)

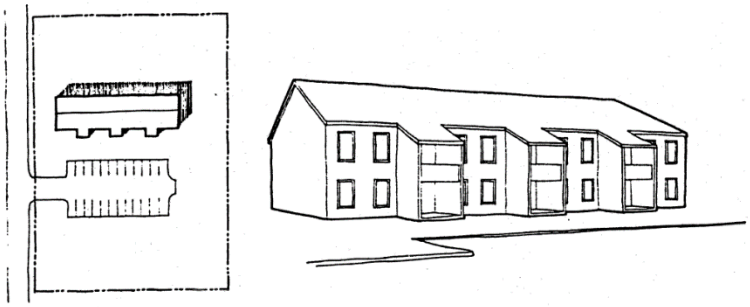


DIAGRAM 8.5

Ready-to-move (RTM) means a new dwelling unit not previously occupied that is site-built on a construction site, plant site, or building yard. The dwelling is then transported as one unit, delivered to the client's location, and installed on a basement or foundation.

Semi-detached means a building constructed on the lot intended for occupancy containing two separate dwelling units with separate exterior access to each unit, connected by a common (shared) wall between the two units, and may legally be subdivided by a property line. (see Diagram 8.6)

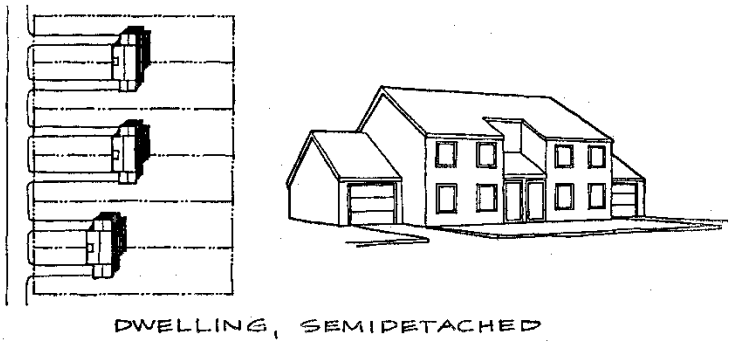


DIAGRAM 8.6

Second or Other Residence means a standalone additional dwelling unit on a lot which is not contained within the principal residence or an accessory building. A secondary dwelling unit may be a manufactured dwelling, ready-to-move dwelling, modular, moved-in dwelling or a site-built dwelling as permitted in accordance with the land use district it is proposed to be located within.

Single Detached means a residential building constructed and intended for occupancy containing a single dwelling unit which is not attached to any other dwelling by any means. For the purposes of this Bylaw, single detached dwelling may include site-built dwellings, manufactured homes, modular dwellings, or ready-to-move dwellings. (see Diagram 8.7)

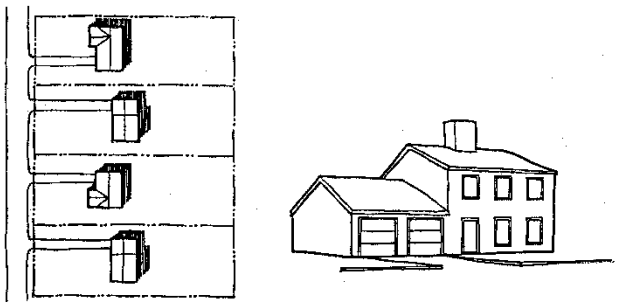


DIAGRAM 8.7

Site-built means a building that is constructed from individual parts and materials into a whole and complete formation on the site (lot) and does not include prefabricated parts other than floor joists and roof trusses.

Townhouse/Row means a building containing three or more separate dwelling units with each unit placed side by side and each having a separate front and rear entrance. (see Diagram 8.8)

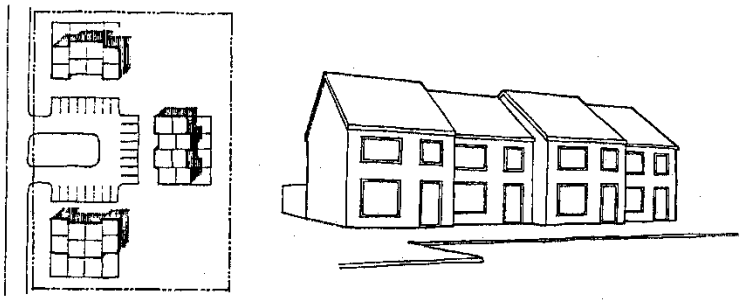


DIAGRAM 8.8

E

Easement means a right held by one party in land owned by another (a dominant and servient tenant), typically for access thereto or to accommodate a utility over the parcel, and is typically registered on title.

Educational Facility means a development or building used for the purposes of offering training, instruction, education, courses or studies to the public and may be public or privately operated or funded and may include such courses as adult education, advanced learning, English as a second language.

Emergency Service means the use of land or buildings for the provision of maintaining safe living conditions and responding to crisis situations such as, but not limited to, fire stations, police stations, and emergency medical and ambulance service.

Environmental Impact Assessment means a comprehensive report professionally prepared by a qualified professional (i.e. engineer, biologist) assessing the impacts a proposed development may have on the environment.

Equestrian Facility means a development or use of land involving buildings and structures to accommodate equestrian (horse) related activities and may consist of horse boarding stables, riding arenas, riding schools and academies, horse exhibition facilities and pack stations. This use may include barns, stables, corrals, arenas, fencing, animal shelters and paddocks which are accessory uses on-site to the principal use.

Established Grade – see "**Grade**"

Excavation means the clearing and removal of earth or soil from its natural position and includes a cavity or hole formed by or as if by cutting, digging, tunnelling or scooping the earth, typically to accommodate development, but excludes breaking up the earth, tilling or ploughing for agricultural purposes.

Exhibition Ground means a commercial facility used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.

Extensive Agriculture means the production of crops and/or livestock by the extensive cultivation or open grazing of existing titles or proposed parcels usually 64.8 ha (160 acres) on dryland or 32.4 ha (80 acres) on irrigated land.

F

Fabric Building means a structure, truss or tube-frame building system which is covered with fabric, generally of canvas, vinyl, plastic, or cotton material, which is typically used as an accessory building or for storage. For use purposes these may be considered as an **Accessory building**.

Farm Dwelling means a single-family dwelling that is located on and used in connection with a farm, with a farm generally being defined as an area of land and its buildings associated with the use of growing crops and rearing animals, typically under the control of one owner or manager.

Farm/Industrial Machinery Sales, Rental and Service means the use of land or buildings for the sale, service and/or rental of agricultural implements and/or vehicles over 5,900 kg (13,000 lbs.) tare weight and heavy machinery used in the operation, construction or maintenance of buildings, roadways, pipelines, oil fields, mining, or forestry operations, and in freight hauling operations. Cleaning, repairing and sale of parts and accessories may be allowed as part of the principal use.

Farm Stands means a building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs, or plants by individuals typically in their yard or at the farm gate. May also involve the accessory sales of other unprocessed foods, or home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts.

Farmer's Market means an occasional or periodic market held in an open area or in a building or structure where multiple sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.

Farmstead means the part of an agricultural parcel developed with a dwelling(s), structures, shelter belts, dugouts, storage areas for farm equipment, produce and fertilizer, etc. necessary to the extensive cultivation and/or grazing use of the major portion of land.

Feed Mills/Grain Terminals means a facility for the collection, grading, processing, storage, and shipping and receiving of grain crops.

Fence means a structure usually made of wood, rails, bricks or wire used as an enclosure, to mark parcel boundaries or for screening purposes for all or part of a parcel or lot.

Fertilizer Storage and Sales means a development used to store bulk fertilizer for wholesale distribution.

Financial Institution means a development primarily for providing the service of banking, financial investments or lending money, such as a bank, savings and loan institution, or credit union.

Fire Hall – see "**Emergency Service**"

Firing Range – see "**Shooting Range**"

Flea Market means an occasional or periodic market where goods are offered for sale to the general public by individual sellers. Typical goods for sale include art, jewellery, household goods, souvenirs, textiles, and homemade or artisan crafts.

Flood Fringe means that portion of the flood plain that lies outside of the flood way and is susceptible to inundation by flood waters characterized by relatively low velocity flows, shallow depths and/or standing water.

Flood Hazard Area means the area including and adjacent to a watercourse that is subject to both regular, intermittent or 1:100 year flooding, or any area officially designated as such by government departments or identified in government studies, legislation, or mapping, and includes but is not limited to the flood plain.

Flood Plain means the areas adjacent to a watercourse that are susceptible to inundation by flood waters and includes both the flood way and the flood fringe.

Flood Way means that portion of the flood plain, normally lying adjacent to the channel of a watercourse, which is susceptible to regular inundation by flood waters characterized by high velocity flows, extensive depths and/or standing water.

Floor Area means the sum of the gross horizontal area of the several floors and passageways of a building, but not including cellars, attached garages and open porches. All dimensions shall be outside dimensions. Basement floor areas shall be included only where the building contains a basement suite.

Floor Area, Gross means the total floor area of a building contained within the outside surface of exterior walls and basements.

Floor Area, Net means the gross floor area of building excluding walls, partitions, mechanical rooms, washrooms, stairways, elevators and internal garbage storage areas.

Food Processing means a development for the preparation, processing, or canning and packaging of food products and the wholesale distribution of the same.

Foundation means the supporting base structure of a building which has been designed and engineered to support the associated weight of the building or structure.

Fragmented Parcel – see "**Cut-off Parcel**"

Front Yard means a yard extending across the full width of a lot and situated between the front lot line and the nearest portion of the principal building.

Frontage means the front lot line or that side of a lot abutting a public roadway, but does not include any side abutting a lane, unless said lane is the only means of physical access to a lot.

Funeral Home means a development used for the arrangement of funerals, the preparation of the deceased for burial or cremation, the holding of funeral services and the carrying out of cremation. A crematorium may be operated in conjunction with a funeral home but for the purposes of this bylaw is defined separately.

G

Garage (residential) means an accessory building designed and used for storage of motor vehicles.

Garden Centre means a development for the commercial retail sales of vegetable plants, flowers, shrubs, trees or other plants for transplanting or sale and includes retail uses accessory to the use, such as tools, hardware, fertilizer, and may include the in-ground growing of plants or trees on the premises.

Garden Suite means a supplementary temporary dwelling unit that is a small, portable, self-contained, manufactured housing unit which is located on the same lot or parcel as a principal dwelling unit and where the supplementary dwelling is used to temporarily accommodate no more than two individuals that are dependent or associated with the residents in the principal dwelling, or where circumstance warrants, it may be used to temporarily house individuals providing care to the resident(s) of the principal building.

General Utility Structure means a structure used for the support or conveyance of utilities.

Golf Course means a tract of land developed for the purpose of playing golf, improved with tees, greens, fairways, hazards, water features, club houses, shelters and accessory buildings. This use may also include driving ranges.

Government Service means a development providing municipal, provincial or federal government services directly to the public or the community at large.

Grade or Established Grade means with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of such building, and when used with reference to a structure, shall mean the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the municipality or Development Authority.

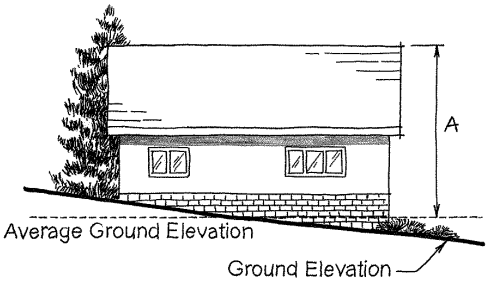


DIAGRAM 8.9

Grading means the stripping, cutting or filling of earth or land for the purpose of establishing a new grade but does not include excavation that forms a cavity or hole or the stripping of top soil for commercial purposes.

Grain Terminal – See "**Feed Mill/Grain Terminal**"

Gravel and Sand Pits – See "**Resource Extraction and Associated Works**"

Greenhouse means an indoor (i.e. within a building or covered structure) horticultural operation used in the year-round cultivation of herbs, vegetables and plants and does not include retail sales from the greenhouse site. Any associated retail sales is considered a secondary use. See "Garden Centre". This use does not include Cannabis Production Facility which is a separate use.

Grocery Store means a retail establishment with a gross floor area in excess of 278.7 m^2 (3,000 ft^2) primarily selling pre-packaged and perishable food for household consumption as well as other convenience and household goods.

Group Care Facility means a development which provides residential accommodation and rehabilitative services to persons who are handicapped, aged, disabled or undergoing rehabilitation and are provided care to meet their needs. Persons are typically referred to a group care facility by hospitals, government agencies or recognized social service agencies or health professionals but may also voluntarily request care or accommodation. This use includes supervised uses such as seniors long-term care facility, but a group care facility shall not include a group home, hospital, sanatorium, jail, prison, reformatory or hostel.

Group Home Facility means supervised residential dwelling units, licensed or approved by the Province, for the accommodation of persons, excluding staff, and in which supervisory, educational, developmental, daily living and/or personal care services are provided or made available for more than three persons typically referred by hospitals, courts, government agencies or recognized social service agencies or health professionals. A group home shall not include a hospital, sanatorium, seniors long-term care facility, jail, prison, reformatory or hostel.

H

Hay Plant means a development for the processing and storage of hay and the wholesale distribution of the same.

Hazardous Industry means a use or development involving or used for manufacturing, fabricating, processing, assembly, storage, production or packaging of goods, materials, or products where:

(a) the use may be detrimental to public health, safety or welfare beyond the boundaries of the site or parcel upon which it is situated; or

(b) the use may involve the manufacturing or processing of substances or products that involve significant risks to the safety, health or welfare of persons and may include explosives, radioactive materials, poisons, pesticides, herbicides, or toxic gases or fumes; or

(c) the use may be incompatible with residential or other development because of toxic gases, smells, wastes, noise, dust or smoke emission which are not confined to the site or parcel upon which the use is situated. This use includes:

  (i) abattoirs, slaughterhouses and rendering plants; or

  (ii) alfalfa processing plants; or

  (iii) anhydrous ammonia storage facilities; or

  (iv) explosives storage or manufacturing facilities; or

  (v) fertilizer manufacturing plants; or

  (vi) gas processing plants; or

  (vii) petrochemical industries or refineries; or

  (viii) metal industries, which are involved in the concentration, refining, smelting, or re-smelting of ores or metals; or

  (ix) warehousing, storage and wholesale distribution facilities associated with the above shall be treated as part of this use. “Waste disposal facility” and “Wastewater treatment plants” are separate uses; and

  (x) such other uses as established by the Development Authority to be similar to the above or to the intent of this definition.

Heavy Industrial Processing and Manufacturing means a development for manufacturing, assembling or fabricating activities on a large scale, where there may be external effects from the activity such as smoke, noise or odour or other similar nuisances. Also includes administrative offices and warehousing and wholesale distribution uses which are accessory uses to the above.

Heliport means an area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

Highway Commercial means a use which provides goods and/or services essential to the motoring public such as, but not necessarily limited to, service stations, cafes, restaurants, motor hotels, public roadside rest stops and campgrounds, recreation vehicle sani-dumps and commercial recreational development.

Hobby Farm means a development or use of land or buildings and structures related to a small agricultural holding or small scale farm that is maintained without expectation of being a primary source of income. They may be managed as working farms for sideline income, or are even run at an ongoing loss as a lifestyle choice by people with the means to do so, functioning more like a country home than a business. Typically they are merely to provide some recreational land to accommodate a few horses or specialty animals (goats, rabbits, llamas) for hobby or recreational purposes.

Home Occupation means any occupation, trade, profession or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building, and which does not change the character thereof. No offensive noise, vibration, smoke, dust, odours, heat, or glare should be produced by the use. For all Home occupation categories, a Home occupation shall not be allowed if the use would be more appropriately located in a Commercial or Industrial district or if it is deemed incompatible with the residential character of the district.

> **Home Occupation 1** means a home occupation where no traffic will be generated as a result of the operation, no outside storage, and no related vehicles or trailers. Typical such uses may include an in home office for business administration or book keeping, computer or internet based business, direct sales from home, etc.
>
> **Home Occupation 2** means a home occupation that may generate limited business-related visits. Up to two non-resident employees may be employed for this type of home occupation and up to two related vehicles or trailers may be used.
>
> **Home Occupation 3** means a home occupation that will generate daily or weekly business-related visits. Up to four non-resident employees may be employed for this type of home occupation and up to three related vehicles or trailers may be used. Limited outside storage may be allowed as part of this type of home occupation.

Horizontal Axis Rotor means a wind energy conversion system, typical of conventional or traditional windmills, where the rotor is mounted on a downward 5 percent angle to the earth's surface.

Horticulture means the use of land or buildings for an agricultural operation concerned with intensively cultivated plants produced on site, typically utilizing smaller areas of land than extensive agricultural practices, high yield production or specialty crops and are either used for food, for medicinal, environmental, aesthetic purposes or sold. These uses may include plant nurseries, greenhouses, market gardens, hydroponic, tree farms, wood lots, mushroom farms, sod farms, specialty crops, or experimental crops. All woodlot operations shall comply and adhere to the Woodlot Management Guidelines of Alberta. This use does not include Cannabis Production Facility which is a separate use.

Hospital means a building providing medical treatment on both an in-patient and an out-patient basis and may include provision for outdoor amenity areas, laundry facilities, maintenance buildings and air transport facilities. See "Emergency service".

Hotel/Motel means a building used primarily for sleeping accommodation and accessory services provided in rooms or suites of rooms that may contain bar/kitchen facilities. The building may also contain commercial or other uses and may offer such additional services as parking facilities, restaurant or dining room, room service or public convention facilities.

I

Illumination means the lighting of a building, structure, landscaping, or sign by artificial means.

Indoor Storage means the enclosed storage of goods, merchandise, materials or equipment within a building.

Industrial means the use of land and/or buildings for the purpose of manufacturing, processing, refining, storing, and/or distributing materials or products for sale or application elsewhere. Any on-premises sales shall be incidental to the operation of the industry.

Industrial, Grouped means a proposed or existing industrial use which is located on a parcel less than the minimum extensive agricultural parcel size and adjacent to one or more other parcels, either designated or proposed for industrial use or with an existing industrial use.

Industrial, Isolated Single Lot means industrial uses, located or proposed to be located on parcels of land not adjacent to other proposed or existing industrial uses. This use does not include Cannabis production facility which is a separate use.

Industrial Supplies and Sales means a development or use of building for the purpose of sales and distribution of commercial industrial products associated with plumbing, heating, mechanical and fastener products, with typical products including plumbing fixtures, tools, pipes, valves, fittings, electrical tools, fasteners, cutting tools, hand tools, pressure washing equipment, bolts, screws, clamps, etc.

Institutional means a use by or for an organization or society for public or social purposes and, without restricting the generality of the term, includes senior citizen housing, nursing homes, day care centres, places of worship, museums, libraries, schools, service and fraternal organizations, and government buildings.

Institutional Workshop / Specialty Manufacturing means a development that is associated with a public, non-profit or community institutional use on a parcel and which may include facilities to process or package specialty agricultural related products, horticultural related products, related various artisan and craftsman production (e.g. glass, art, textile, pottery and sculpture studios), luthiers, cabinetry and wood working, specialty furniture production, decorative or home furnishing making, and small product assembly, that is manufactured or produced for the primary purpose of providing employment and skill training opportunities or supplementary income/funding for the institution or its client patrons. The use may include areas devoted to retail sales, display and storage.

Interior Lot means any lot other than a corner lot as defined in this Bylaw. See Lot, Interior.

Irrigated Land means:

(a) an existing title or a proposed parcel that contains some acreage classified by an irrigation district as “to be irrigated”;

(b) land that contains some acreage with rights to pump from a river.

Isolated Commercial Recreation means the recreational use of land or a building on a single lot for financial gain where the public is admitted only on the payment of a fee or where admission is limited to members of a club, organization or association. Examples include go-cart tracks, riding stables or academies, golf driving ranges.

K

Kennel means a facility where dogs or cats or other domestic pets are maintained, boarded, trained or cared for or kept for the purposes of sale but excludes a veterinary clinic or a breeding facility.

L

Land-locked Parcel means that a parcel does not have a means of physical access.

Landscaped Area means that portion of the site that is required to be landscaped.

Landscaping means the modification, beautification and enhancement of a site or development through the use of the following elements:

(a) natural landscaping consisting of vegetation such as trees, shrubs, hedges, grass, flowers and other ground cover materials;

(b) hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile and wood; and

(c) innovative landscaping materials such as sculptures, ornamental ponds, benches, lighting and other structures and materials used in landscape architecture.

Lane means a public roadway which provides a secondary means of access to a lot.

Legal Access means access by any vehicular way which is an existing provincial or county roadway or which is shown on a plan, such as a subdivision or road plan, or legal agreement, such as an easement, registered in the Land Titles Office and includes the land between the street lines, whether improved or unimproved.

Libraries means a public facility for the use or loaning, but not sale, of literary, musical, artistic, or reference materials.

Licensed Premises – see "**Liquor Establishment**"

Light Industrial Processing and Manufacturing means a development for manufacturing, assembling or fabricating activities on a small or large scale, as well as administrative offices and warehousing and wholesale distribution uses which are accessory uses to the above, provided that the use does not generate any detrimental impact, potential health or safety hazard or any nuisance beyond the boundaries of the site or lot upon which it is situated.

Lighting Restriction Area means an irregular shaped zone that borders the south side of the Oldman river Valley and within which special luminaire mounting height restrictions may be required in accordance with the Urban Star Park Overlay district.

Liquor Establishment means a commercial establishment licensed and regulated pursuant to provincial legislation where alcoholic beverages are served for consumption on the premises, and typically includes a bar, pub, tap-house, lounge or restaurant.

Liquor Store means a retail establishment licensed and regulated under provincial authority for the sale of any or all of beer, wine or spirits for consumption off-premises.

Loading Space means an unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials, and merchandise on a lot.

Lodging House – see "**Boarding House**"

Lot means an area of land the boundaries of which are shown on a plan registered in a Land Titles Office, or are described in the certificate of title to the land, and that has not been divided into smaller areas by any plan or instrument registered in the Land Titles Office. The words **site** and **parcel** shall have the same meaning as the word **lot**.

Lot Area means the total area contained within the lot lines of a lot.

Lot, Corner means a lot located at the intersection or junction of two or more streets. (see Diagram 8.10)

Lot, Double Fronting means a lot which abuts two parallel or approximately parallel streets. (see Diagram 8.10)

Lot, Interior means a lot situated between two lots or another lot and a lane and having access to not more than one street. (see Diagram 8.10)

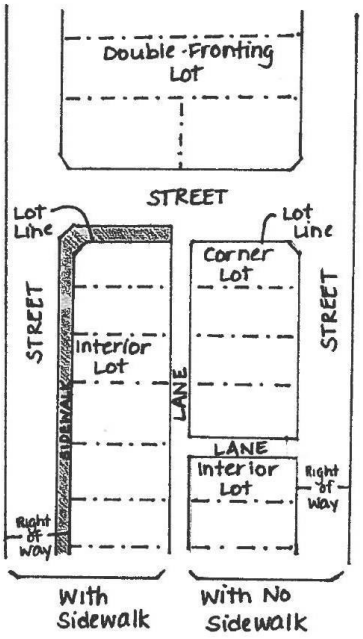


DIAGRAM 8.10

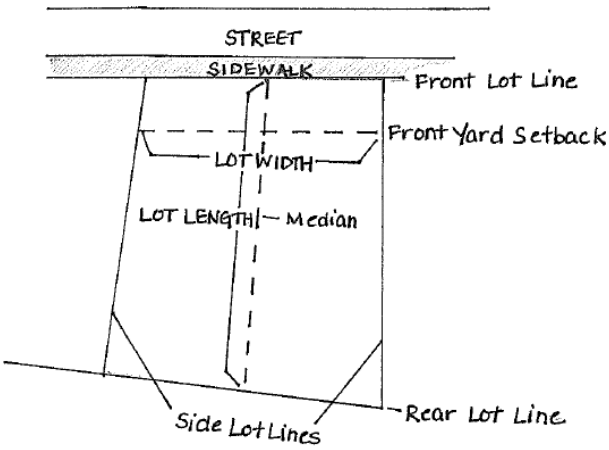


DIAGRAM 8.11

Lot Length means the distance between the front and rear lot lines measured along the median between the side property boundaries. (see Diagram 8.11)

Lot Line means the legally defined boundary of any lot. The term **property line** shall have the same meaning. (see Diagrams 8.10, 8.11)

Lot Width means the measurement between the side lot lines measured at the front setback line. (see Diagram 8.11)

Lumber Yard/Building Supply Store means a commercial retail store where lumber, building materials, hardware and household accessories and other related goods are stored, offered or kept for sale and may include outdoor storage but does not include the manufacturing or fabrication of lumber or similar products.

Lumen means a unit of luminous flux equal to the light emitted in a unit solid angle by a uniform point source of one candle intensity.

Lux means a unit of illumination equal to the direct illumination on a surface that is everywhere one meter from a uniform point source of one candle intensity or equal to one lumen per square meter.

M

Machinery and Equipment Services – see "**Farm/Industrial Machinery Sales, Rental and Service**"

Manufactured Home Park means a comprehensively planned development for the placement and occupancy of new or previously occupied manufactured dwellings as residences which is managed by an operator and may include amenity areas and accessory facilities for the use and maintenance of the residents. Manufactured home park does not include transient uses such as campgrounds.

Manufactured Home Sales and Service means development for the sale, rental or storage of new and used manufactured homes, and includes supplementary maintenance services and the sale of parts and accessories.

Marina means any facility for the mooring, berthing, storing, docking or securing of watercraft, but not including community piers and other non-commercial boat docking and storage facilities. A marina may include boat sales, boat fuel sales, boat construction, boat repair, marine equipment sales, or promotional events, boat and jet ski rental, and other uses clearly incidental to watercraft activities.

Market Gardening and Nurseries means a horticultural type of establishment for the growth, display, and/or sale of vegetables, fruits, plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building. This use includes a limited area for the display and sale of goods or produce grown or raised on site. For more comprehensive gardening associated retail sales (i.e. tools, pots, hoses, fertilizer, supplies, etc.) the use would be categorized as a "Garden centre". This use does not include Cannabis Production Facility which is a separate use.

May means, within the context of a policy, that a discretionary action is permitted.

Measurable Standard means a minimum dimensional standard stipulated in Part 2, 3 or 4 of the Land Use Bylaw, limited to minimum lot size, minimum setbacks, maximum lot coverage, maximum building height and driveway width.

Medical/Dental Office means development providing medical, health, or dental care on an outpatient basis. Dispensaries are considered a retail store for the purposes of this Bylaw.

Medical Cannabis means a substance used for medical and pharmaceutical purposes authorized by a license issued under the federal government and in accordance with the Government of Canada's Access to Cannabis for Medical Purposes Regulations (ACMPR) or any subsequent legislation which may be enacted in substitution.

Meteorological Tower means a structure used to facilitate the collection and analysis of wind, temperature, precipitation, air pressure or other atmospheric data and may include an anemometer, wind direction vane, temperature and pressure sensors and other measurement devices attached to it at various levels above the ground.

Mini Storage means a development which includes a series of enclosed storage bays or lockers, and may include outside storage sites for recreation vehicles, all of which are intended for rental or lease to the general public.

Mining – see "**Resource Extraction and Associated Works**"

Minor Building Additions or Renovations to Existing Residential Structures means changes to a structure or part thereof that the exterior, size, or appearance of a building and/or increases the net floor area of the building but are cosmetic, minor in nature, replace existing structures or do not generally exceed 15 percent of the net floor area.

Mixed-use Development means a tract of land or building with more than one type of use (such as a mix of office, retail, residential, entertainment, cultural, recreation, etc.), all of which are physically and functionally integrated and are mutually supporting and developed in a compact urban form.

Motel – see "**Hotel/Motel**"

Motocross/Motor Sports Park means a development or facility to allow a form of motorcycle racing held on enclosed off-road circuits or open courses consisting of trails, lanes, or racetracks, and also may consist of artificially made dirt tracks consisting of steep jumps and obstacles. Accessory uses to a motocross/motor sports park may include a pit/paddock, test track, mechanics area, concession or food sales, bleachers/viewing areas and public washroom facilities.

Moved-in Building means a conventional, pre-constructed, previously occupied building, which is physically removed from one site, transported and re-established on another site and does not include manufactured homes, modular homes, or ready-to-move homes. See "Dwelling, moved-in".

Municipal Development Plan means a statutory plan, formerly known as a general municipal plan, adopted by bylaw in accordance with section 632 of the *Municipal Government Act*.

Municipal Government Act (MGA) means the *Municipal Government Act, Statutes of Alberta, 2000, Chapter M-26*, as amended.

Municipal Historic Resource means a heritage resource, together with any land in or on which it is located, designated by Council as a Municipal Historic Resource by bylaw, whose preservation is considered to be in the public interest.

Municipal Reserve means the land specified to be municipal reserve by a subdivision approving authority pursuant to sections 664 and 666 of the *Municipal Government Act*.

Municipal Servicing Installations means the installation of municipal services such as, water and sewer, roads, storm water drainage facilities, parks, and fire protection.

Municipality means Lethbridge County in the Province of Alberta.

Mural means a graphic displayed on the exterior of a building generally for the purpose of decoration or artistic expression.

N

Natural Area means an area of land that is left in its natural and undeveloped state and is intended for use as active or passive recreation areas or for resource protection as a principal use.

Naturally Occurring Wetland – see **"Wetland, Naturally Occurring**"

Noise, Decibel (dB) means a unit used for measuring the magnitude of sound.

Noise Impact means the extent to which a level of noise interferes with the full utilization of a building or tract of land.

Non-conforming Building, in accordance with the *Municipal Government Act*, means a building:

(a) that is lawfully constructed or lawfully under construction at the date of a Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective; and

(b) that on the date of the Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw.

Non-conforming Use – see "**Use, non-conforming**"

Non-noxious or Non-hazardous Use means a use that is determined not to be detrimental to public health, safety and welfare because of the emission or discharge of toxic gases, noxious smells, wastes, noise, dust, smoke, or other detrimental substance.

Noxious or Hazardous Uses means a use or development, usually industrial or commercial in nature, where the use may be detrimental to public health, safety or welfare beyond the boundaries of the site or parcel upon which it is situated, often by reason of emissions (i.e., air, water or noise) created as a result of the use. The use may be incompatible with residential or other development because of toxic gases, noxious smells, wastes, noise, dust or

smoke emissions or other detrimental substance which are not confined to the site or parcel upon which the use is situated. This use typically includes types of manufacturing, fabricating, processing, assembly, storage, production or packaging of goods, materials, or products, such as abattoirs, slaughterhouses and rendering plants, alfalfa processing plants anhydrous ammonia storage facilities, fertilizer manufacturing plants, gas processing plants, petrochemical industries or refineries, and metal industries, which are involved in the concentration, refining, smelting, or re-smelting of ores or metals.

Nuisance means any use, prevailing condition or activity which adversely affects the use or enjoyment of property or endangers personal health or safety.

O

Occupancy Permit means a permit issued by the municipality or Safety Codes Officer that authorizes the right to occupy or use a building or structure for its intended use.

Office means development primarily for the provision of professional, managerial or consulting services; the administrative needs of architects, engineers, businesses, trades, contractors and other organizations; and service-related businesses such as travel agents and insurance brokers. This excludes government services, personal services, the servicing and repair of goods, and the manufacturing or handling of a product and may include the sale of related goods as an accessory use.

Off-street Parking means a lot or portion thereof, excluding a public roadway which is used or intended to be used as a parking area for motor vehicles.

Oilfield Contractor Services means a use of land or buildings for the service of equipment, parts, and supplies used in the operation, construction or maintenance of oilfield businesses and operations. Associated activities may include cleaning, repairing and sale of parts and accessories.

Oilfield/Pipe Equipment and Storage means a use of land or buildings for the use, storage, sale and rental of equipment, parts, pipes and supplies used in the operation, construction or maintenance of oilfield businesses and operations.

Open Space means land or water areas retained for use as passive or active recreation areas or for resource protection, visual relief, buffering, flood control, storm water retention, agricultural land protection, or a similar purpose and normally left in an essentially undeveloped state.

Orientation means the arranging or facing of a building or other structure with respect to the points of the compass.

Outdoor Storage means the open storage of goods, merchandise, materials or equipment outside a building on a parcel of land.

Over Speed Control means a device which prevents excessive rotor speed.

Owner means the Crown or the person(s) registered under the *Land Titles Act* as the owner(s) of the fee simple estate in the land.

P

Paint Ball Operations means an outdoor commercial recreation premises consisting of woodlands, water courses, structures, buildings and fields used for paintball activities and do not require modifying the existing setting.

Parcel – see "**Lot**"

Parent Parcel means the complete area contained within a certificate of title of the parcel of land that is proposed to be the subject of a development or subdivision proposal prior to the development or subdivision of that land occurring.

Park and Playground means land developed for public recreational activities that do not require major buildings or facilities, and includes picnic areas, playgrounds, benches, open green space, pedestrian and bicycle paths, outdoor courts, landscaped areas and associated public washrooms and may include equipment for play purposes usually for children and any associated structures and uses.

Park Model Recreation Vehicle means a transportable unit designed to be transported on its own wheels. The unit is intended to be moved to other sites infrequently, however, is approved for towing on public roadways and subject to highway safety standards. These units are occupied on a short-term or seasonal basis and are generally wider and longer than recreational vehicles. They are not considered full-time residential living units.

Park Model Trailer means a recreational vehicle that is either: (a) built on a single chassis mounted on wheels designed for infrequent towing by a heavy-duty tow vehicle but is restricted in size and weight so that it does not require a special highway movement permit and conforms to the CSA-Z-240 standard for recreational vehicles; or (b) a recreational vehicle intended for temporary residence or seasonal use built on a single chassis mounted on wheels, which may be removed and returned to the factory, requiring a special tow vehicle and highway permit to move on the road and conforms to the CSA-Z-241 standard for recreational vehicles. A park model trailer shall not be used as a permanent dwelling unless certified by a Safety Codes Officer and approved by the Development Authority.

Parking Facility means an area, space, or structure for the temporary storing of motor vehicles as defined below:

(a) **Parking Area** means a portion of land or a building set aside for and capable of providing spaces for the parking of multiple motor vehicles.

(b) **Parking Space** means a space set aside for and capable of being used for the parking of one motor vehicle.

(c) **Parking Structure** means a building or structure designed for parking motor vehicles in defined tiers on one or more levels either above or below ground.

Parking Lot means a site or a portion of a site, devoted to the off-street parking of vehicles, including parking space, aisles, access drives, and landscaped areas, and providing vehicular access to a public street. When identified as a specific use in a land use district, the use is contemplated as a principal use of a lot. In all other cases, it is accessory to a principal use.

Parking Stall means that portion of a parking lot that is delineated to accommodate a parked vehicle.

Patio – see "**Deck**" and "**Ground Level Patio**"

Permanent Foundation means a foundation installed to provide structural support for a building or structure for a period of at least 20 years and normally includes a concrete slab on grade, concrete strip footing, wood or concrete full basement and pile or pier footing.

Permitted Use – see "**Use, Permitted**"

Personal Service means a development used for the provision of services related to personal care and appearance or the cleaning and repair of personal effects and may include the retail sale of associated products. Typical uses include but are not limited to beauty salons, barber shops, health spas, tailors and dressmakers, dry cleaners, laundromats and shoe repair shops but excludes household equipment repair establishments and the provision of medical or health services.

Personal Workshop and Storage (Non-Commercial) means a building or use associated with a rural parcel, acreage or yard, which is to be used, or intended to be used, for the private non-commercial, non-industrial personal storage or shop use of the property owner. The primary purpose is to provide private shop or storage space to store personal belongings which typically may include equipment, tools, goods, antiques, furniture, artisan materials or crafts, private contractor materials, or vehicles of the property owner with the workshop space allowing for limited small-scale associated hobby work, crafting, repair, assembly, and personal auto care type uses that are non-commercial in nature.

Place of Worship means a building dedicated to the undertaking of religious practices and activities and includes churches, chapels, temples, parish halls, synagogues, convents, seminaries, monasteries, rectories, mosques and other similar uses and may include such accessory uses as offices for administration of the place of worship, a childcare facility and space for social recreational and community activities.

Plan of Subdivision means a plan of survey prepared by an Alberta Land Surveyor in accordance with the relevant provisions of the *Land Titles Act* for the purpose of effecting a subdivision.

Planning Advisor means the person or organization retained by Lethbridge County to provide planning-related advice and services.

Porch means a roofed, open structure projecting from the exterior wall of a building with walls which are open or screened to facilitate use as an outdoor living area. A porch shall be included in site coverage calculations.

Portable Storage Structure – see "**Fabric Building**"

Post Office – see "**Government Service**"

Power Generation Facilities means a facility that converts one or more energy sources, including but not limited to water power, fossil fuels, nuclear power, or solar power for the purposes of producing, generating, transmitting, delivering, or furnishing electricity for the production of power.

Pre-planned Development means a comprehensively pre-conceived plan for a tract of land typically involving two or more principal uses or structures on a single parcel, with the plan addressing the anticipated uses, lot or building envelope sizes, amount of open space, design standards, landscaping, servicing and any other information required by the Development Authority.

Primary Access means the location and manner of the principal means of access to a building or lot.

Principal Building or Use means the building or use of land or buildings that constitutes the dominant and primary structure, building or activity on the lot and in which all other uses are subordinate and incidental to said use.

Private Nursing Home means a private health facility or institutional-type residential building with multiple accommodation or dwelling units for the care, supervision or rehabilitation of senior-aged individuals, and containing overnight or long term accommodation.

Private Roadway or Private Road means an area of land that provides access to a parcel and is contained within common property forming part of a bare land condominium plan or bare land that is used for the purpose of accommodating a private roadway for access purposes in accordance with an easement agreement registered on it.

Professional Services means an occupation involving the dispensation of a service or advice that requires a specific skill or knowledge and/or registration with a professional administrative/regulatory body that awards a professional designation, for a profit (i.e. lawyers, accountants, engineers, financial planners, pharmacists, etc.), and which may include the accessory sale of goods.

Professionally Planned Report / Study Plan means a study or report that has been professionally prepared on a computer and signed by a registered/licensed professional in the respective field. This may include, but is not limited

to, drainage plans, grading plans, slope stability study, septic evaluation report, stormwater management plans. The requirement to be signed and stamped by a professional engineer for some plans may be waived by the Development Authority if it is deemed appropriate.

Provincial Land Use Policies means policies established by order of the Lieutenant Governor in Council pursuant to section 622 of the *Municipal Government Act*.

Public Day Use Area means an area open to the general public for temporary resting and relaxing and which typically consists of off-street parking areas, refuse containers, benches, picnic tables and public washrooms. It may also include an area for low impact recreational activities such as walking, hiking, overlooks and wildlife viewing points, swimming or fishing areas, but does not allow for camping or overnight stays on the premises.

Public/Institutional means public or quasi-public uses, areas or facilities such as, but not necessarily limited to: churches, schools, community halls, cemeteries, weigh scales, government agricultural research stations, public utility facilities and structures, designated federal, provincial or municipal parks, recreation and camping areas.

Public or Private Utility – see "**Utility**"

Public Roadway means:

(a) the right-of-way of all or any of the following:
  (i) a local road,
  (ii) a service road,
  (iii) a street,
  (iv) an avenue, or
  (v) a lane,
  that is or is intended for public use; or

(b) a road, street or highway pursuant to the *Public Highways Development Act*.

Q

Qualified Professional means a professional educated in their field of practice or study and whom can demonstrate appropriate knowledge, expertise and abilities and one who practices the principle of professional accountability (architect, landscape architect, land use planner, municipal planner, biologist, civil engineer, geotechnical engineer, municipal engineer, Alberta Land Surveyor, agrologist, geoscientist, hydrologist). A qualified professional can be described as an expert with specialized knowledge in field which one is practicing professionally and practices a high standard of professional ethics, behaviour and work activities while carrying out one's profession. See "Professional services".

Qualified Professional, Wetlands, means a person recognized and registered with the province as a Qualified Wetland Science Practitioner (QWSP) who is a person with experience and training in the applicable field. Typically a qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geology or related field, and a minimum of 2 years of related work experience.

Quarry – see "**Resource Extraction and Associated Works**"

Queing Aisle means an area of a lot designed to accommodate vehicles waiting in line at a vehicle-oriented facility.

Queing Space means the part of a queing aisle need to accommodate a single vehicle.

R

Railway and Railway Related Uses means the use of land, buildings or structures for purposes directly connected with rail transportation and may include such facilities as tracks, sidings, signal devices, shops and yards for storage and maintenance, loading platforms, and freight terminals.

Real Property Report (RPR) means a legal document that illustrates in detail the location of all relevant, visible public and private improvements relative to property boundaries and is prepared by an Alberta Land Surveyor.

Recreation, Minor means a recreation area, use, facility, structure or building that is passive, of low impact, or is isolated and smaller in scale with typically less potential for off-site impacts to adjacent land uses, and may include a scenic or natural view spot, public park, playground, sports field, small commercial recreational operation, historic or archaeological site or any similar facility or use of land or buildings and may be privately operated or owned and/or administered by any level of government. Typical facilities would include neighbourhood parks, swimming pools, spray parks, playground structures, tot-lots, athletics clubs, an indoor or outdoor rink, gymnasium, gymnastic or dance facilities, roller skating rinks, bowling alleys, designated fishing areas, boat moor/dock areas, sports field training facilities, mini-golf, paint ball facilities in rural areas, and racquet clubs. The facility could involve a fee for use and may also include eating and retail areas if suitable for the site and land use district.

Recreational Facilities means buildings or structures associated with accommodating recreational uses and used exclusively for those recreational pursuits which require physical alteration to the area in which they are performed, or those facilities used exclusively for the preparation, maintenance, and storage of equipment used in recreational activities. Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers, picnic tables, benches, barbecue stands, and similar equipment or structures, business operations and non-residential shelter facilities for persons engaged in said activities.

Recreational Vehicle (RV) means a vehicle or trailer built on a single chassis and designed to be self-propelled, mounted on, or towed by another vehicle, and which is not normally more than 2.6 m (8.5 ft.) in width and 37.16 m² (400 sq. ft.) in area, and conforms to the CSA Z240 standard for RVs. A recreational vehicle is not designed or intended for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, vacation or seasonal use and shall not be used as a permanent dwelling unless certified by a Safety Codes Officer and approved by the development authority. Examples include but are not limited to a travel trailer, camping trailer, truck camper, motor home, fifth-wheel trailer, or van.

Recreation Vehicle (RV) Park means a tract of land for intended for occupancy by RVs for a temporary period of time (i.e. seasonal) and which may include facilities such as washrooms, showers, sani-dumps, water stations and recreational amenities.

Recreational Vehicle (RV) Storage means the storage, outdoors or inside a permanent structure, of recreational vehicles as defined in this Bylaw, and other recreational or off-road vehicles including, but not limited to, boats, trikes, quads, personal watercraft, snowmobiles and trailers used to transport recreational vehicles.

Recycling Drop-off means the use of land or buildings for receiving and/or temporary storage of discarded and recyclable articles, such as paper, plastic, tin, glass and cardboard.

Recycling Facility means a development used for the buying, collection, sorting, temporary storage of and processing for the preparation of shipment discarded and recyclable articles where most of the storage is contained within an enclosed building but may include limited outdoor storage.

Regionally Significant Areas means a public park, designated historic or archaeological site, environmentally sensitive area, forest reserve or any similar facility owned and/or administered by any level of government which has some significance to a broad geographic area.

Registered Owner means:

(a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or

(b) in the case of any other land:

  (i) the purchase of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the Certificate of Title in the land, and any assigned of the purchaser's interest that is the subject of a caveat registered against the Certificate of Title; or

  (ii) in the absence of a person described in paragraph (i), the person registered under the *Land Titles Act* as the owner of the fee simple estate in the land.

Reserve Land means environmental reserve, municipal reserve, school reserve or municipal and school reserve pursuant to the *Municipal Government Act*.

Residential accommodation in conjunction with an approved commercial/industrial/recreational use means a residential unit that is physically part of or detached from, a commercial building so that the dwelling unit is supplementary use to that principal use. Typical uses include residential units on the second storey above a main floor commercial use or a caretakers dwelling at a manufactured home park, RV park, campground, or industrial complex requiring a resident on site for security.

Residual Lot means the portion of a lot which is not the primary objective of a subdivision and will be the remainder area of the original title once a subdivision has occurred. For example, if a 32.4 ha (80 acre) title was subdivided to provide for a 2.0 ha (5 acre) farmstead, the remaining 30.4 ha (75 acres) would be considered the residual lot.

Resource Extraction and Associated Works means a use involving on-site extraction of surface or subsurface mineral products or natural resources and the storage of the same. Typical uses are quarries, borrow pits, sand and gravel operation, mining, and soil mining.

Rest Stop means a place for vehicles to pull off a public roadway which may or may not include public restrooms and picnic areas but does not include campgrounds.

Restaurant means an establishment where food is prepared and served on the premises for sale to the public and may include supplementary alcoholic beverage service and supplementary on-or-off-premises catering services. This term includes restaurants, cafes, coffee shops, lunch and tea rooms, fast food establishments, sandwich shops, ice cream parlours, banquet facilities, drive-in or take-out restaurants and other uses similar in character and nature to any one of these.

Retail Cannabis Store means the use of a store, premises or a building for a commercial retail cannabis business, licensed by the Province of Alberta, where legal non-medical cannabis and cannabis accessories are sold to individuals who attend at the premises and the product sales or associated sales are expressly authorized by the Alberta Gaming and Liquor Commission (AGLC).

Retail, Convenience means a retail store that sells a limited line of groceries and household goods for the convenience of the neighbourhood and does not exceed 278.7 m^2 (3,000 sq. ft.) in gross floor area.

Retail, Large (5,000 sq. ft. or more) means a retail store in which the gross floor area of the building meets or exceeds 5,000 sq. ft.

Retail Sales or Use means a business use or activity involving the selling of goods, wares or merchandise directly to the consumer and typically may include clothing, food, household items, electronics, furniture, pharmaceuticals and hardware related goods. This use does not include Retail Cannabis Store which is a separate use.

Retail, Small (less than 5,000 sq. ft.) means a retail store in which the gross floor area of the building is less than 5,000 sq. ft.

Retail Store means a building where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail, and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such a store. This use does not include Retail Cannabis Store which is a separate use.

Retained Wetlands – see **"Wetlands, Retained"**

Riding Academies and Arenas means an establishment where horses are boarded and cared for and where instruction in riding, jumping and showing is offered and the general public may, for a fee, hire horses for riding.

Riding Arena (personal non-commercial use) means an establishment where horses are boarded and cared for, for the benefit of the homeowner only. This does not include instructions for riding, jumping, showing, or boarding horses for the general public.

Rifle, Pistol and Archery Ranges – see "**Shooting Range**"

Riparian Area means a vegetated buffer strip that provides a wildlife habitat that is located adjacent to and is strongly influenced by a watercourse.

Rodeo Grounds means an agricultural-recreation oriented facility for the exhibition or competition of an animal's bloodline, behaviour, quality or other trait and which may also include facilities (arena, chutes, grandstand, corrals, stables, concession booths, etc.) to carry out such a purpose.

Rotor's Arc means the largest circumferential path traveled by a WECS' blade.

Rowhouse – see "**Dwelling, Townhouse/Row**"

S

Safety Codes means a code, regulations, standard, or body of rules regulating things such as buildings, electrical systems, elevating devices, gas systems, plumbing or private sewage disposal systems, pressure equipment, fire protection systems and equipment, barrier free design and access, in accordance with the *Safety Codes Act, RSA 2000, Chapter S-1*, as amended.

Salvage and Wrecking Yard means the use of land or buildings for the receiving, dismantling, resale or transportation of inoperable motor vehicles, machinery, equipment, parts metals, construction material or other similar materials. Such uses include, but are not limited to, junkyards, auto wreckers, and salvage and scrap yards.

Sandblasting Facility means a development or buildings where the major source of activity involves the large scale sandblasting of agricultural, industrial, automotive or oilfield equipment. Sandblasting facilities may also include welding and painting facilities on-site.

Satellite Dishes and Radio or Television Antenna means a structure designed specifically to receive television and radio signals.

School means a place of instruction offering courses of education or study operated with public or private funds pursuant to the provincial *School Act.*

Screening means a visual barrier consisting of a fence, wall, berm hedge or similar feature used to visually separate areas or functions.

Secondary Suite means a development consisting of an ancillary dwelling unit located within, and accessory to, a structure in which the principal use is a single detached dwelling or in conjunction with an approved detached garage

and has cooking facilities, food preparation area, sleeping and sanitary facilities, which are physically separate from those of the principal dwelling within the structure.

Security Suite means a living area of less than 92.9 m^2 (1000 sq. ft.) that may contain office, kitchen, sleeping and washroom facilities, but is not intended for permanent occupation of multiple residents and is not a dwelling. The security suite is a secondary use to an approved use, therefore requiring the industrial or commercial use to be in operation while the suite is located.

Seed Processing Facility means a building or facility used for the storage, cleaning, bagging and preparation of seeds, for agricultural purposes.

Seniors Housing means development, including lodges, which is used as a residence for elderly individuals not requiring constant or intensive medical care and complies with the *Alberta Housing Act*, as amended and is sponsored and administered by any public agency or any non-profit organization, either of which obtains its financial assistance from Federal, Provincial, or Municipal Governments or agencies or public subscriptions or donation or any combinations thereof. Senior citizen accommodation may include lounge, dining, health care, and recreation facilities.

Service Station/Gas Bar means the use of land or buildings for the retail sale of motor vehicle accessories, gasoline or other fuels and the supply of minor repair services for motor vehicles.

Setback means the minimum distance required between property line of a lot and the nearest part of any building, structure, development, excavation or use on the lot and is measured at a right angle to the lot line. (see Diagram 8.12)

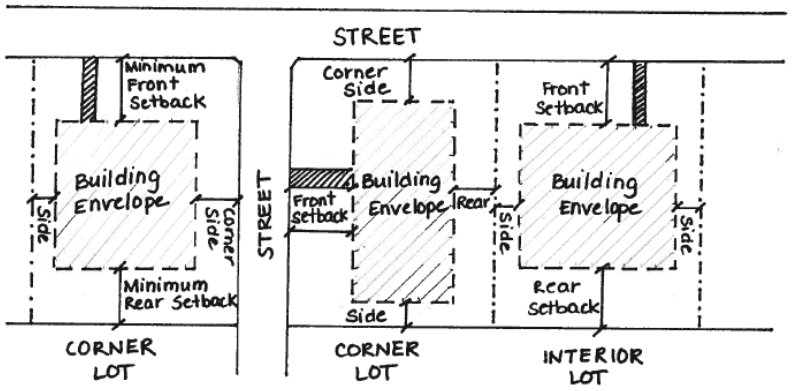


DIAGRAM 8.12

*Note: On a corner lot, the corner side setback is assigned to the frontage that does not provide the primary access to the building or development.

Shall means, within the context of a policy, that the action is mandatory.

Shipping Container (c-container or sea-container) means any container that was used for transport of goods by means of rail, truck or by sea, they may also be referred to as cargo containers, c-containers or sea-containers. These containers are rectangular in shape and are generally made of metal. When used for any purpose other than transporting freight, a shipping container shall be considered a building and subject to the standards and requirements of the Land Use Bylaw.

Shooting Club means a non-profit organization whose activities include target practice or target shooting competitions using firearms at an identified approved shooting range.

Shooting Range means an area, building or structure that is designed or intended for the safe discharge, on a regular and structured basis, of firearms including but not limited to rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm, for the purpose of sport shooting, target practice or shooting competitions.

Sign means any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for advertising or visual communication intended to attract the attention of the public and is visible to the public right-of-way or other properties.

Site – see "**Lot**"

Site Coverage means the percentage of the lot area which is covered by all buildings and structures on the lot.

Site Coverage, Accessory means the percentage of the lot area which is covered by the combined area of all accessory buildings and structures and includes uncovered decks.

Site Coverage, Principal means the percentage of the lot area which is covered by the principal building including any structure attached to the principal building by an open or enclosed roofed structure, including but not limited to attached garages, verandas, covered balconies, covered decks, and porches.

Site, Density means the average number of families, persons or dwelling units per unit of land.

Site Plan means a plan drawn to scale illustrating the proposed and existing development prepared in accordance with the requirements of this Bylaw.

Sky Glow Protection Region means a 1.5 kilometre setback radius that is centered on the Oldman River Observatory located in Popson Park in the City of Lethbridge where special lighting restrictions may apply.

Smart Growth means a collection of land use and development principles (summaries below) that aim to enhance quality of life, preserve the natural environment, and save money over time. The principles include:

(1) Using land resources more efficiently (i.e. compact building forms, infill development etc.)
(2) Locating non-residential land uses within walking distance of residential neighbourhoods
(3) Providing a variety of housing choices (i.e. varying size and varying affordability)
(4) Supporting transportation and design alternatives to the motor vehicle (i.e. walking, cycling etc.)
(5) Connecting infrastructure and development decisions (i.e. locating density where capacity exists)
(6) Improving the development review process to encourage developers to apply said principles

Solar Collector means a device or structure that is capable of collecting and distributing solar energy for the purpose of transforming it into thermal, chemical or electrical energy.

Solar Collection Facility/Commercial (utility-scale) means a grouping of multiple (more than 5) devices, panels or structures and the substation that are capable of collecting and distributing solar energy at one megawatt or greater for the purpose of transforming it into thermal, chemical or electrical energy, and typically will tie-in and feed or sell power to the provincial electrical grid transmission or distribution system. The use includes any associated solar panels, solar modules, supports or racks, inverters, electrical transformer or substations required for the operation.

Specialty Manufacturing / Cottage Industry means a development that involves the small-scale, on-site production of goods in a building not exceeding a gross floor area of 929 m^2 (10,000 sq. ft.), including areas devoted to retail sales, display and storage. This use includes, but is not limited to, bakeries and specialty food production facilities, various artisan and craftsman (e.g. glass, art, textile, pottery and sculpture studios), luthiers, tanners, taxidermists, wood working, specialty furniture makers, home furnishing makers, decorative, and small product assembly.

Sportsfields means a recreational use of land to accommodate passive or active type athletic, sport or recreational activities such as soccer, football, rugby, field hockey, and baseball and may include minor associated uses or structures such as benches, bleachers, washrooms, maintenance buildings.

Spur Line means a short railway line normally used for a single industrial development.

Statutory Plan means an Intermunicipal Development Plan, Municipal Development Plan, Area Structure Plan, or Area Redevelopment Plan adopted pursuant to the *Municipal Government Act.*

Stockpile means the temporary storage of materials on or off a hard surface including but not limited to soil, manure, forage or feed crops, or machinery.

Stop Order means an order issued by the development authority pursuant to section 645 of the *Municipal Government Act*.

Storage Display Area means a limited or defined area on a commercial or industrial lot which provides examples of equipment, products, vehicles or items sold by the business use and located on the subject site containing the display area, but not located within any required setback, or located on any required and approved landscaping area unless approved by the Development Authority.

Storey means that portion of a building included between the top of any floor and the top of the floor next above, or of the ceiling if there is no floor above it.

Street means a public thoroughfare affording the primary means of access to abutting parcels. It does not include lanes.

Stripping and Sale of Topsoil means the stripping of topsoil for commercial purposes but does not include excavation that forms a cavity or hole.

Structure means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, flagpoles, stairs and signs.

Subdivision means the division of a parcel of land by an instrument. **Subdivide** has a corresponding meaning.

Subdivision and Development Appeal Board means the tribunal established, by bylaw, to act as the municipal appeal body for subdivision and development.

Subdivision and Development Regulation means regulations established by order of the Lieutenant Governor in Council pursuant to section 694 of the *Municipal Government Act*.

Subdivision Authority means the municipal body established by bylaw to act as the subdivision authority in accordance with section 623 of the *Municipal Government Act*.

Subsidence means a localized downward settling or sinking of a land surface.

Such As means includes but is not limited to.

Surface, Hard means an asphalt or concrete surface or other similar surface approved by the development authority but excludes rocks, gravel and dirt.

T

Technology Centre/Hub means a facility that promotes the clustering of innovative, similar or associated, or start-up industries of technology, IT, computer science or telecommunication based businesses, such as those involved in the internet, Geomatics, or the information and communications technology sectors, with the centre focusing on sharing knowledge, skills, digital or fibre optics/electronic infrastructure, and which may provide low-cost computer access and/or training.

Telecommunication Antenna means a structure and any associated system, including all masts, towers and other antenna supporting structures that is used for the transmission, emission or reception of television, radio or telecommunications.

Telecommunication Facility means an antenna or tower, typically constructed of metal and used to convey telecommunications signals and includes any related accessory structures. It may also be a shortened tower or antennae on top of a structure.

Temporary Development means a use, building and/or structure maintained for a designated time period (i.e. not meant to be permanent) as specified in a temporary development permit and ceased and removed after that time.

Total Height (in relation to WECS) means the height from grade to the highest vertical extension of a WECS. In the case of a WECS with a horizontal axis rotor, total height includes the distance from grade to the top of the tower, plus the distance from the top of the tower to the highest point of the rotor's arc.

Tourist Accommodation means a building, or part thereof, containing either sleeping or dwelling units, or a combination of both, where accommodations are provided for transient paying guests, with or without meals, typically for a period of less than 28 days, which may also contain commercial uses and additional services such as restaurants, dining rooms, room service, convenience stores or conference related facilities.

Tourist Home means a residential dwelling unit operated as a rental or leased accommodation unit, occupied by a guest or guests for a period of less than 30 days, where the homeowner is absent from the premises during the period of the guests stay.

Tower means the structure which supports the rotor above grade.

Townhouse – see "**Dwelling, Townhouse/Row**"

Truck Stop means a commercial use of land or buildings in which or upon which a business, service or industry involved in the maintenance, servicing, temporary parking or storage, or report of commercial vehicles is conducted or rendered including the dispensing or fuel products, the sale of accessories and/or equipment for trucks and similar commercial vehicles. A truck stop may also include convenience stores, washrooms and restaurant facilities, and may include showers or overnight accommodation facilities solely for the use of truck crews.

Truck Transportation Dispatch/Depot means a facility for the purpose of storing and/or dispatching trucks, buses, fleet vehicles, and transport vehicles and may include towing operations. The use may also involve the transfer of goods primarily involving the loading and unloading of freight-carrying trucks.

U

Unsubdivided Quarter Section has the same meaning as the *Municipal Government Act*, *Subdivision and Development Regulation* definition and also means a single titled area containing 64.8 ha (160 acres) more or less,

but excluding registered right-of-way plans for public roadways, road widenings, irrigation canals, utilities, pipelines and previous subdivisions for government, quasi-public (e.g. irrigation districts) uses or school sites.

Use means the purposes for which land or a building is arranged or intended, or for which either land, a building or a structure is, or may be, occupied and maintained.

Use, Discretionary means those uses as prescribed in Part 2 of this Bylaw for which a development permit may be issued with or without conditions by the Development Authority at its discretion upon application having been made to the development authority if the proposed use conforms with this Bylaw.

Use, Non-conforming, in accordance with the *Municipal Government Act,* means a lawful specific use:

(a) being made of land or a building or intended to be made of a building lawfully under construction, at the date of a Land Use Bylaw or any amendment thereof, affecting the land or building, becomes effective; and

(b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not comply with the Land Use Bylaw.

Use, Permitted means those uses as prescribed in Part 2 of this Bylaw for which a development permit shall be issued with or without conditions by the Development Authority upon application having been made to the Development Authority if the proposed use conforms to this Bylaw.

Use, Principal means the main purpose or primary activity for which a site or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.

Use, Similar means a use of land or building(s) for a purpose that is not provided in any district designated in this Bylaw, but is deemed by the Development Authority to be similar in character and purpose to another use of land or buildings that is included within the list of uses prescribed for that district.

Utility means any one or more of the following:

(a) systems for the distribution of gas, whether artificial or natural;

(b) waterworks systems (facilities for the storage, transmission, treatment, distribution or supply of water);

(c) sewage systems (facilities for the collection, treatment, movement of disposal of sanitary sewage);

(d) storm sewage drainage facilities;

(e) telecommunications systems;

(f) systems for the distribution of artificial light or electric power;

(g) facilities used for the storage of telephone, cable, remote weather stations or internet infrastructure; and

(h) any other things prescribed by the Lieutenant Governor in Council by regulation;

but does not include those systems or facilities referred to in subclause (a) through (g) that are exempted by the Lieutenant Governor in Council by regulation.

Within the context of this definition, "**Public Utility**" means a utility that is owned or operated by some level of government, and "**Private Utility**" means the utility is owned or operated by a non-government entity, private company, publicly traded company or utility agency.

V

Valley Crest means the transition line between the valley bank where grades exceed 15 percent and the adjacent upland area where grades are less than 15 percent.

Variance – see "**Waiver**"

Vehicle has the same meaning as in the *Traffic Safety Act* and the regulations thereunder.

Veranda means a generally unenclosed, roofed structure adjoining a principal building or built as a structural part of it. A veranda shall be included in site coverage calculations.

Vertical Axis Rotor means a wind energy conversion system where the rotor is mounted on an axis perpendicular to the earth's surface.

Veterinary Clinic, Large Animal means a facility for the medical treatment of primarily large animals (e.g. typically horse, cows, hogs, etc.) but may treat animals of all sizes and can consist of inside and outside pens and may include associated office space and the supplementary sale of associated products.

Veterinary Clinic, Small Animal means a facility for the medical treatment of small animals (e.g. typically domestic household pets such as dogs, cats, rabbits, etc.) and includes the provision for their overnight accommodation within the building only, and may include associated office space, with no provision for outside pens or cages. This use may include off-site treatment of animals or livestock of any size and the supplementary sale of associated products.

W

Waiver means a whole or partial exemption or relaxation of the numerical standard(s) required of a development as established in the Land Use Bylaw and which has been allowed by the Development Authority authorized to grant it pursuant to this bylaw. A waiver cannot be granted for use.

Warehousing means the use of a building or portion thereof for the storage and distribution of materials, products, goods and merchandise but does not include a retail component. This use does not include Cannabis Production Facility which is a separate use.

Waste Management Facility, Major means a site used primarily for the storage, processing, treatment and disposal of solid and/or liquid wastes, which may have adverse environmental impact on adjacent sites by virtue of potential emissions and/or appearance. Typical uses include sanitary landfills, garbage transfer and compacting stations, incinerators, sewage lagoons, and similar uses.

Waste Management Facility, Minor means a site used for the storage, disposal and filling of clean clay, waste concrete and paving materials, non-noxious scrap building materials, and similar non-hazardous wastes which normally do not generate any environmental pollution to the site and surrounding lands. This includes a dry-waste site.

Water Ski Park means a constructed water structure or facility which consists of a narrow lake, river/canal diversion or man-made reservoir designed to accommodate outdoor recreational or professional water skiing or wake boarding use, typically with water diverted from an adjacent water source. The water ski park lake may include internal islands/buoys constructed in order to enable boats or motorized ski-pulls to turn around skiers and pull them in the other direction. The facility may be privately or commercially operated and may include associated docks, marinas, boat houses, picnic tables, benches, public restrooms, competition viewing areas, parking lots and club house uses on the premises.

Water Slide, Water Park means a structure or facility which consists of a type of slide or tube designed for outdoor warm-weather or indoor recreational use, typically with water pumped to its top and allowed to flow down its surface, although some may simply be wet. A water slide or water park may be considered as a type of amusement park that features waterplay areas, such as slides, splash pads, spraygrounds (water playgrounds), lazy rivers, or other recreational bathing environments. The facility may be privately or commercially operated and may include associated retail or restaurant uses on the premises.

Water Treatment Plants and Reservoirs means any facility used in the collection, treatment, testing, storage, pumping, or distribution of water for public water system.

Welding/Metal Fabrication means a commercial operation engaged in the fabrication, assembly or structural repair of machinery, equipment or vehicles by welding. Such a facility may include offices and a general area for the repair and servicing of machinery, equipment or vehicles and storage of parts and equipment related to the operations of the business.

Wetland means land saturated with water long enough to promote the formation of water altered soils, growth of water tolerant vegetation, and various kinds of biological activity that are adapted to the wet environment.

> **Wetland Classification** means the designation assigned to a wetland pursuant to various methodologies including the Stewart and Kantrud (1971) Wetland Classification Methodology.
>
> **Wetland Function** means a process or series of processes that take place within a wetland.
>
> **Wetland, Naturally Occurring** means a wetland where water has or does accumulate to the water elevations documented to have occurred under natural conditions.
>
> **Wetlands, Retained** means wetlands that will not be disturbed during development, which requires that any development be designed to maintain the pre-development wetland classification as set out in a municipal approved Wetland Report.
>
> **Wetland Value** means the importance of a wetland from an ecological and human perspective. It is assessed based on the relative abundance on the landscape and other key criteria such as biodiversity, water quality improvement, flood reduction, and human values, such as recreation, education, and cultural significance.

Wildlife Corridor means an area which provides or is designed to provide connectivity between patches of wildlife habitat. Wildlife corridors generally do not fulfill the requirements of wildlife habitat patches except for the physical security provided by vegetative cover or other buffers from development.

Wind Energy Conservation System (WECS) means a system consisting of subcomponents which convert wind energy to electrical energy and having major components being generator rotors, tower and a storage system.

Work Camp means a parcel used for the temporary accommodation of construction or resource industry workers. The site will typically include on-site buildings, trailers or other acceptable means of accommodation used to house and feed the workers and/or store project construction materials and/or provide office space for contractors and sub-contractors.

Workshop Institutional Use means a secondary or accessory use associated with an institution, which may include but is not limited to crafts, wood working, pottery, agricultural related products, home furnishings, artisan crafts, with the primary purpose to provide employment opportunities or supplemental income to the institution or its clients.

Y

Yard means the area between a lot line and the nearest part of any building, structure, development, excavation or use on the lot. (see Diagram 8.13)

> **Corner Side Yard** means a yard on a corner lot with street frontage but which is not the frontage where the main entrance to the building is oriented. (see Diagram 8.13)

Front Yard means a yard extending across the full width of a lot and situated between the front lot line and the nearest portion of the principal buildings. On a corner lot, it is the yard associated with the front lot line. (see Diagram 8.13)

Rear Yard means a yard extending across the full width of a lot and situated between the rear lot lines and the nearest portion of the principal building. (see Diagram 8.13)

Side Yard means a yard extending from the front yard to the rear yard and situated between the side lot lines and the nearest portion of the principal building. (see Diagram 8.13)

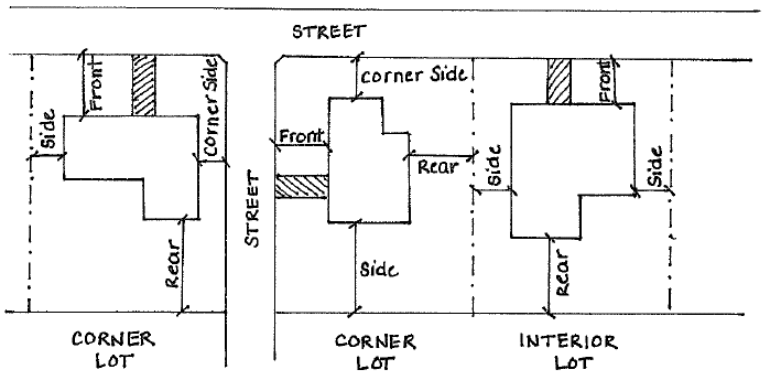


DIAGRAM 8.13

All other words and expressions, not otherwise defined, shall have the same meaning assigned to them in the *Municipal Government Act*.

PART 9

LAND USE DISTRICTS MAPS

APPENDIX A

Telecommunication, Radiocommunication and Broadcast Antenna Systems and Supporting Structures Siting Protocol

APPENDIX A

TELECOMMUNICATION, RADIOCOMMUNICATION AND BROADCAST ANTENNA SYSTEMS (ANTENNA SYSTEMS)

SITING PROTOCOL

1. PURPOSE

This Appendix serves as the protocol for the installation and modification of telecommunication, radiocommunication and broadcasting antenna systems (antenna systems) in Lethbridge County. The protocol establishes the procedural standard for public participation and consultation that applies to proponents of antennas systems and identifies Lethbridge County's preferred development and design standards.

2. APPLICABILITY

The federal Minister of Industry is the approval authority for the development and operation of antenna systems, pursuant to the *Radiocommunication Act*. Industry Canada recognizes the importance of considering input from local Land Use Authorities and the public regarding the installation and modification of antenna systems and encourages Land Use Authorities to establish a local protocol to manage the process of identifying and conveying concerns, questions and preferences to the proponent of an antenna system and Industry Canada.

The local protocol established in this Appendix applies to any proposal to install or modify a telecommunication, radiocommunication or broadcast antenna system within Lethbridge County which is not excluded from the consultation requirements established by Industry Canada in Client Procedures Circular CPC-2-03 [or subsequent/amended publications]. Proponents of excluded antenna systems are nevertheless encouraged to contact Lethbridge County to discuss the proposal and identify any potential issues or concerns and give consideration to the development and design standards in Section 5 of this Appendix.

(a) Antenna Systems Siting Protocol Exclusion List:

i. Industry Canada has determined that certain antenna structures are considered to have minimal impact on the local surroundings and do not require consultation with the local Land Use Authority or the public. Industry Canada's publication, *Radiocommunication and Broadcast Antenna Systems CPC-2-0-03* lists the types of antenna installations exempted from the requirement to consult with the local Land Use Authority and the public. The installations listed in CPC-2-03 are therefore excluded from the Lethbridge County Land Use Bylaw, Appendix A, Telecommunication, Radiocommunication and Broadcast Antenna Systems Siting Protocol, which currently include:

- maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
- addition or modification of an antenna system (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus to existing infrastructure, a building, water tower, etc. provided the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height;
- maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;
- installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial,

territorial or national emergency operations during the emergency, and is removed within 3 months after the emergency or special event; and

- new antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres above ground level.

Proponents, who are not certain if their proposed structure is excluded, or whether consultation may still be prudent, are advised to contact Lethbridge County or Industry Canada for guidance.

3. MUNICIPAL REVIEW AND ISSUANCE OF CONCURRENCE OR NON-CONCURRENCE

(a) The Lethbridge County Development Authority shall be responsible for reviewing and issuing municipal concurrence or non-concurrence for all antenna system proposals within Lethbridge County which are not excluded under Section 2 of this Appendix.

(b) Concurrence with a proposal will be measured against the requirements of the applicable land use district within which the antenna system is proposed, the development and design standards in Section 5 of this Appendix, applicable policies of the Lethbridge County Municipal Development Plan, and consideration of comments received during the public consultation process (section 7 of this Appendix) and any other matter deemed relevant by the Development Authority:

i. when a proposal is given a concurrence decision, the proponent will receive a letter of concurrence from the Development Authority documenting its decision and any conditions;

ii. when a proposal is given a non-concurrence decision, the proponent will receive a letter of non-concurrence from the Development Authority describing the reasons for the decision.

(c) Municipal concurrence does not constitute approval of uses, buildings and structures which require issuance of a development permit under the Land Use Bylaw. A proposal which includes uses, buildings or structures in addition to the antenna system, is required to obtain development permit approval for such uses, buildings and structures in accordance with the provisions of the Land Use Bylaw.

4. MUNICIPAL REVIEW PROCESSING PERIOD

(a) Except as provided in subsection 4(b), the Development Authority will issue a decision of either concurrence or non-concurrence within 40 days of receiving a complete application package.

(b) The 40-day processing time period may be extended by the proponent or Lethbridge County, through mutual consent.

5. DEVELOPMENT AND DESIGN STANDARDS

Lethbridge County requests that the following antenna systems development and design standards be adhered to:

(a) Co-utilization

Co-utilization of existing antenna systems is the preferred option within Lethbridge County and is encouraged whenever feasible. Lethbridge County recognizes that while this is the preferred option, co-utilization of existing antenna systems is not always possible.

(b) Public Roadway Setbacks

Rural:

i. In order to facilitate future widening/service road dedication and reduce potential snow drifting/sight restrictions, an antenna system (excluding any guy wires or similar support mechanisms) should be placed no closer than 38.1 metres (125 ft.) from the centre line of a rural

road. A lesser setback may be considered at the discretion of the Development Authority on a site-specific basis.

Hamlet:

ii. An antenna system (including any guy wires or similar support mechanisms) proposed within a hamlet should be placed no closer than 7.62 metres (25 ft.) from the property line abutting the public road. A lesser setback may be considered at the discretion of the Development on a site-specific basis.

(c) Locational Criteria

i. Antenna systems should maintain an adequate setback from coulees and steep slopes, consistent with the setback requirements in Part 3, section 39.

ii. Proponents should consult the Lethbridge County Municipal Development Plan, to determine whether the proposed location of the antenna system is within an environmentally significant area. If the proposed site of the antenna systems is located within an identified environmentally significant area, the proponent should submit documentation to the Development Authority demonstrating site suitability.

(d) Lighting and Signage

i. Aerial crop spraying is a regular occurrence in Lethbridge County and vital to the Municipal Development Plan goal of supporting agricultural pursuits. While aerial crop sprayers are encouraged to undertake comprehensive site reconnaissance, it is the preference of Lethbridge County that all antenna systems be lighted and marked as follows to help minimize aeronautical hazard:

   a. the antenna should be marked with alternating bands of aviation orange and white paint or other approved Transport Canada colour combinations;

   b. the top of the antenna should be lit with a flashing strobe light or other Transport Canada approved lighting;

   c. the antenna guy wires (or other similar support cables, lines, wires) should be marked with aviation balls or other Transport Canada approved markers.

ii. Proponents for antenna structures which are visible from higher density residential areas may be requested to employ innovative design measures to mitigate the visual impact of these structures. The proponent shall provide stealth structure options when requested by the Municipality. Stealth structure options will be based on an evaluation of the massing, form, colour, material, and other decorative elements, that will blend the appearance of the facility into and with the surrounding lands.

iii. The placement of signage on antenna systems is not permitted, except where required by applicable federal agencies.

6. APPLICATION SUBMITTAL REQUIREMENTS

(a) Proponents are encouraged to contact Lethbridge County in advance of making their submission to obtain information about the County's Antenna Systems Siting Protocol and identify any preliminary issues or concerns.

(b) The following application package shall be submitted to Lethbridge County for consideration of a proposed antenna system:

i. a completed Telecommunication Antenna Siting Protocol application, including site plan;

ii. the prescribed fee – see Appendix C;

iii. a description of the type and height of the proposed antenna system and any guy wires or other similar support mechanisms (e.g. support cables, lines, wires, bracing);

iv. the proposed lighting and aeronautical identification markings for the antenna and any supporting structures;

v. documentation regarding potential co-utilization of existing towers within 800 metres (0.5 miles) of the subject proposal; and

vi. any other additional information or material the Development Authority determines to be necessary and appropriate to properly evaluate the proposed submission.

(c) Proposals for freestanding telecommunication antennas shall not be required to obtain a development permit unless buildings or structures are also proposed in addition to the antenna system and supporting structures. For such proposals, the following shall be submitted in addition to the requirements of 6(b):

i. a completed development permit application;

ii. the prescribed fee – see Appendix C.

7. NOTIFICATION AND PUBLIC CONSULTATION PROCESS

(a) Upon receipt of an application package, the Development Authority shall review the application for completeness and, if deemed complete, will:

i. schedule a date for a public development hearing to be held by the Development Authority, at which the proposal will be reviewed and comment received regarding the proposal;

ii. notify the proponent and/or representative of the antenna system of the development hearing date;

iii. post a notice of the development hearing in a newspaper in accordance with Section 32(1)(b) of the Land Use Bylaw; and

iv. notify by mail persons likely to be affected by the proposal of the development hearing date, including:

a. landowners within 1.61 km (1 mile) of the proposed antenna system;

b. any review agencies deemed affected, as determined by the Development Authority;

c. any other persons deemed affected, as determined by the Development Authority.

d. The notifications must be sent 19 days prior to the public meeting date.

(b) The proponent or a representative should attend the development hearing and be prepared to explain all aspects of the proposal including the siting, technology, and appearance of the proposed antenna system.

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TELECOMMUNICATION SITING PROTOCOL APPLICATION & CHECKLIST

For Office Use Only:	Date application received:	Date deemed complete:	Land Use District (zoning):	Development permit application also required:
				❑ Yes ❑ No Application No:

PART 1 – APPLICANT INFORMATION

Name of Applicant (please print): _____

Mailing Address: _____

_____

_____

Postal Code: _____

Phone (primary): _____

Phone (alternate): _____

Fax: _____

Email: _____

❑ Check this box if you would like to receive documents through email.

As applicant, are you the owner of the property? ❑ Yes ❑ No

IF "NO" please complete box below

Name of Owner: _____

_____

Mailing Address: _____

_____

_____

Postal Code: _____

Phone (primary): _____

Phone (alternate): _____

Applicant's interest in the property:

- ❑ Agent
- ❑ Antenna proponent/developer
- ❑ Contractor
- ❑ Tenant
- ❑ Other _____

PART 2 – PROPERTY INFORMATION

Municipal Address: _____

Legal Description: All/Part _____ ¼ Section _____ Twp _____ Range _____ W4M

Lot(s) _____ Block _____ Plan _____

Parcel size/area: _____

What is the existing use on the parcel? _____

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TELECOMMUNICATION SITING PROTOCOL APPLICATION & CHECKLIST

PART 3 – DETAILS OF THE PROPOSED DEVELOPMENT

What currently exists on the parcel? (i.e. buildings, structures, improvements)_____

_____

What will the antenna / tower be used for? _____

_____

Are there any roads or approaches on the parcel? (THIS DOES NOT INCLUDE OIL/GAS FACILITY ACCESSES) _____

_____

Are there any other antenna towers located within 800 metres of the subject proposal? (If yes, describe what the tower is used for and who the operator is along with providing a map identifying the location.) _____

_____

Is Co-utilization with existing antenna systems proposed? _____

_____

Describe the proposed finish/color and if lighting or any markings are proposed for the antenna. _____

_____

TOWER SIZE

Overall tower height _____ ❑ m ❑ ft Commencement Date: _____

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

_____ _____

APPLICANT REGISTERED OWNER (if not the same as applicant)

Please note that all information that you provide will be treated as public information in the course of the municipality's consideration of the development application pursuant to the MGA RSA 2000 Chapter M-26 and the Land Use Bylaw. By providing this information, you are deemed to consent to its public release. Information you provide will only be used for purposes related to the evaluation and consideration of the development application. Questions about information can be directed to the FOIP Coordinator, #100, 905 – 4 Ave S, Lethbridge, AB T1J 4E4, 403-328-5525.

I, hereby consent to the public release and disclosure of all information contained within the application and supporting documentation as part of the approval process.

Applicant's Signature: _____ Date Signed: _____

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TELECOMMUNICATION SITING PROTOCOL APPLICATION & CHECKLIST

TELECOMMUNICATION SITING PROTOCOL CHECKLIST

A COMPLETED APPLICATION REQUIRES:

1. A completed Telecommunication Siting Protocol application filled out, with the site plan attached.
2. A completed checklist.
3. Non-refundable application fee.
4. Signature of ALL landowners.
5. Any additional information requested by the Development Authority.
6. For any proposal which includes uses, buildings or structures in addition to the antenna system, is required to obtain a development permit approval for such uses, buildings and structures in accordance with the provisions of the land use bylaw. A separate development permit application must be filled out and submitted.

CHECKLIST INFORMATION:

- Failure to complete the Application or supply the required information, plans or fees may cause delays in application processing.
- The Development Authority may refuse to accept your application if the required information has not been supplied or if the quality of the information is inadequate to properly evaluate the application.
- Once the information has been reviewed and any required public hearing held, Lethbridge County will either:
    - Issue a municipal concurrence letter to the applicant, or
    - Issue a letter of non-concurrence which outlines the municipality's concerns and/or conditions to the applicant and Industry Canada
- Safety code permits may be required for construction of buildings/tower foundations, plumbing, private sewage systems, and gas or electrical installations (as may be applicable to individual installations).

FEES
Application fees will be determined by the Lethbridge County Development Authority at the time of application.

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TELECOMMUNICATION SITING PROTOCOL APPLICATION & CHECKLIST

Telecommunication Siting Protocol **CHECKLIST**

Please attach a description of the project summarizing the information required in the following table.

REQUIREMENT	YES OR NO	SUBMITTED? YES, NO OR N/A
CO-UTILIZATION (CO-LOCATION) – RURAL Are there any other such structures within a radius of 0.5 miles (800 m) of the proposed location?		
If YES, please provide a site plan showing the locations of these and provide documentary evidence that co-utilization of the existing structure(s) is not a viable alternative to a second structure.		
CO-UTILIZATION (CO-LOCATION) – HAMLET, GROUPED COUNTRY RESIDENTIAL OR RESORT RESIDENTIAL Are there any other such structures within a radius of 1 mile (1.61 Km) of the proposed location?		
If YES, please provide a site plan showing the locations of these and provide documentary evidence that co-utilization of the existing structure(s) is not a viable alternative to a second structure.		
STEALTH STRUCTURE OPTIONS/SCREENING Will this structure be visible from residential areas?		
If YES, stealth structure options may be required and a description of the stealth structure options must be submitted to the satisfaction of the County when requested.		
LIGHTING & SIGNAGE Is there additional lighting planned in addition to what is required by federal agencies? Please provide a description of all lighting, required and not required.		
Will signage be used? If yes, please describe. (Note: No advertising signage shall be permitted.)		
Will the antenna contain any markings? If yes, please describe.		
NOTIFICATION & PUBLIC CONSULTATION PROCESS All landowners within 1 mile (1.61 Km) from the proposed structure must be notified. Please provide a letter that the County can circulate on your behalf.		
Was an open house completed (by the applicant) prior to any application submitted? Are the minutes/submissions from the open house provided?		
Payment of fees.		

APPENDIX B

Forms and Applications

Lethbridge County
#100, 905 - 4th Ave S
Lethbridge, AB T1J 4E4
403-328-5525

FORM A: DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 1404

OFFICE USE		
Application No:	Roll No:	Use: ☐ Permitted ☐ Discretionary ☐ Similar ☐ Prohibited
Application Fee: $	Date Paid:	Land Use District: ☐ Rural Agriculture ☐ Rural Urban Fringe ☐ Lethbridge Urban Fringe ☐ Grouped Country Residential ☐ Coaldale Lethbridge Corridor ☐ Rural General Industrial ☐ Business Light Industrial ☐ Rural Heavy Industrial ☐ Rural Commercial ☐ Rural Recreational ☐ Hamlet Residential ☐ Hamlet Manufactured Home ☐ Hamlet Commercial ☐ Hamlet Industrial ☐ Hamlet Public/Institutional ☐ Hamlet Direct Control ☐ Hamlet Transitional/Agricultural ☐ Direct Control
Application Received / Complete:		
Notification or Advertised Date:	Effective Date:	
Municipal Address Application Submitted: ☐ Yes ☐ Not Required		
ERCB Abandoned well information provided: ☐ Yes ☐ No		
Site Plans or drawings Submitted: ☐ Yes ☐ No		Site Visit Conducted: ☐ No ☐ Yes Date:

APPLICANT & LAND INFORMATION

Applicant's Name: _____

Phone: _____ Cell Phone: _____

Mailing Address: _____

Registered Owner's Name: _____

Phone: _____ Cell Phone: _____

Mailing Address: _____

Applicant's interest in the proposed development if not the registered owner:

☐ Agent ☐ Contractor ☐ Tenant ☐ Other: _____

Quarter _____ Section _____ Township _____ Range _____ W4M

Lot(s) _____ Block _____ Plan _____

Municipal/Street address: _____

* Subject to Municipal Address Bylaw 1315, if there is currently not a municipal address on the parcel a municipal address application must be submitted.

Area of Parcel: _____Acres _____ Hectares Land Use District: _____

DEVELOPMENT INFORMATION

(1) Existing Development

Please list the existing buildings, structures and use(s) on the land. (Please indicate if any are to be removed or relocated.)

_____

_____

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FORM A: DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 1404

(2) Proposed Development

Please describe the proposed development including uses, buildings, structures, and any planned renovations and additions that are to be constructed on the lot; including the dimensions of each.

_____

_____

_____

For **residential** development please check the applicable box below:

☐ Single-detached dwelling (site built) ☐ Manufactured Home 1 ☐ Manufactured Home 2

☐ Single-detached dwelling (Ready-to-move) ☐ Semi-detached dwelling

☐ Moved-in dwelling (previously occupied) ☐ Accessory Building/Structure (e.g. deck/garage/shop)

☐ Other Dwelling Type: _____ ☐ Addition: _____

Does dwelling application include an attached garage? ☐ Yes ☐ No

For **non-residential** development please check the applicable box below if the proposed development is for one of the following **AND** complete the supplementary form:

☐ Home Occupation (Form A1) ☐ Sign(s) (Form A3)

☐ Commercial/Industrial (Form A2) ☐ Demolition (with other proposed development) (Form A4)

Building Details:

Size/Dimensions	Principal Building or Addition	Accessory Building or Addition	**Office Use**
Building or Addition Size	☐ m^2 ☐ sq. ft	☐ m^2 ☐ sq. ft	
Height of Building (grade to peak)	☐ m ☐ ft	☐ m ☐ ft	
Attached Garage Size	☐ m^2 ☐ sq. ft	N/A	
Proposed Setbacks from Property Lines	Principal Building	Accessory Building	
Front	☐ m ☐ ft	☐ m ☐ ft	
Rear	☐ m ☐ ft	☐ m ☐ ft	
Side	☐ m ☐ ft	☐ m ☐ ft	
Side	☐ m ☐ ft	☐ m ☐ ft	
Parcel Type: ☐ Interior Lot ☐ Corner Lot			
Development Details: Access & Cost			
Approach or driveway required to the development? ☐ No ☐ Yes (specify)			
Estimated cost of development:			

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FORM A: DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 1404

(3) Exterior Finish, Fencing & Landscaping

(a) ☐ Not applicable to this development

(b) ☐ Applicable – Describe generally the types, colors, and materials, as applicable, of:

Exterior finishes of the proposed building(s): _____

Proposed fencing and height: _____

Proposed landscaping: _____

Describe any proposed improvements to the exterior of the dwelling where application is for a previously occupied dwelling (moved-in or manufactured home): _____

_____

(4) Services

Indicate the existing or proposed sewer system and potable water supply:

Sewer System:

☐ Private Septic ☐ Municipal ☐ Communal

(specify): _____

Water Supply:

☐ Cistern ☐ Water well ☐ Dugout ☐ Municipal/Co-op

☐ Other (specify): _____

Other Services: Indicate as follows: **A**= available **R** = required

Natural gas ( ) Electricity ( )

(5) Details of Vehicle Parking and Access (for commercial/industrial proposals, see supplementary form)

Describe the **number** _____ and **size**_____ of all existing and proposed **parking spaces** _____, and **driveways** _____on site (or N/A if not applicable).

(Indicate locations of same on a scaled PLOT PLAN.)

(6) Waivers

Is a waiver (variance) to one or more standards in the Land Use Bylaw being requested? ☐ No ☐ Yes

If yes, please specify: _____

(7) Other – for parcels outside of Hamlet districts (Please indicate to the best of your knowledge)

(a) Are any of the following within a 1-mile (1.6 km) of the proposed development?

☐ Provincial Highway ☐ Confined Feeding Operation ☐ Sour gas well or pipeline

☐ Sewage treatment plant ☐ Waste transfer station or landfill

(b) Is the proposed development to be situated within 500 metres (1,640 ft.) of an established anhydrous ammonia bulk storage facility? ☐ No ☐ Yes ☐ Don't Know

(c) Is the development located in proximity of a coulee bank/break/slope? ☐ No ☐ Yes

If "yes", please provide details on the building sites' setback distance from the front edge of the valley or coulee break (escarpment rim).

Estimated **Commencement** Date: _____ Estimated **Completion** Date: _____

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FORM A: DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 1404

DECLARATION OF APPLICANT

I/We have read and understand the terms noted below and hereby apply for a development permit to carry out the development described within this application including any attached supplementary forms, plans, and documents. **I/We hereby certify that the registered owner of the land is aware of, and in agreement with this application.**

Further I/We hereby give my/our consent to allow authorized persons the ***right to enter*** *upon the subject land and/or building(s) for the purpose of an inspection with respect to this application only.*

Date: _____ **Applicant's Signature:**_____

Registered Owner's Signature:_____
(Required, if different from applicant)

1. The Development Authority may deem a development permit application incomplete if any of the application requirements are incomplete or the quality of the information is deemed inadequate to properly evaluate the application.

2. Plans and drawings, in sufficient detail to enable adequate consideration of the application, must be submitted in **duplicate** with this application, together with a plan sufficient to identify the land. It is desirable that the plans and drawings should be on a scale appropriate to the development. However, unless otherwise stipulated, it is not necessary for plans and drawings to be professionally prepared.

3. Although the Development Officer is in a position to advise applicants of the process and requirements of the development application, such advice must not be taken as official consent, and is without prejudice to the decision in connection with the formal application.

4. Any development started before the issuance of a development permit and expiration of the appeal period is at the applicant's own risk.

5. **If a decision is not made within 40 days** from the date the application is deemed complete, or within such longer period as the applicant may approve in writing, **the applicant may deem the application to be refused** and the applicant may exercise his right of appeal as though he had been mailed a refusal at the end of the 40-day period.

6. A development permit does not constitute a building permit or approval from any provincial or federal department. Construction undertaken subsequent to approval of this development permit application may be regulated by the **Alberta Safety Codes.** The applicant/owner/developer assumes all responsibilities pertaining to construction plan submissions, approval and inspections as may be required by the appropriate provincial body. The applicant is responsible for determining and obtaining any other applicable provincial and federal approvals prior to commencement.

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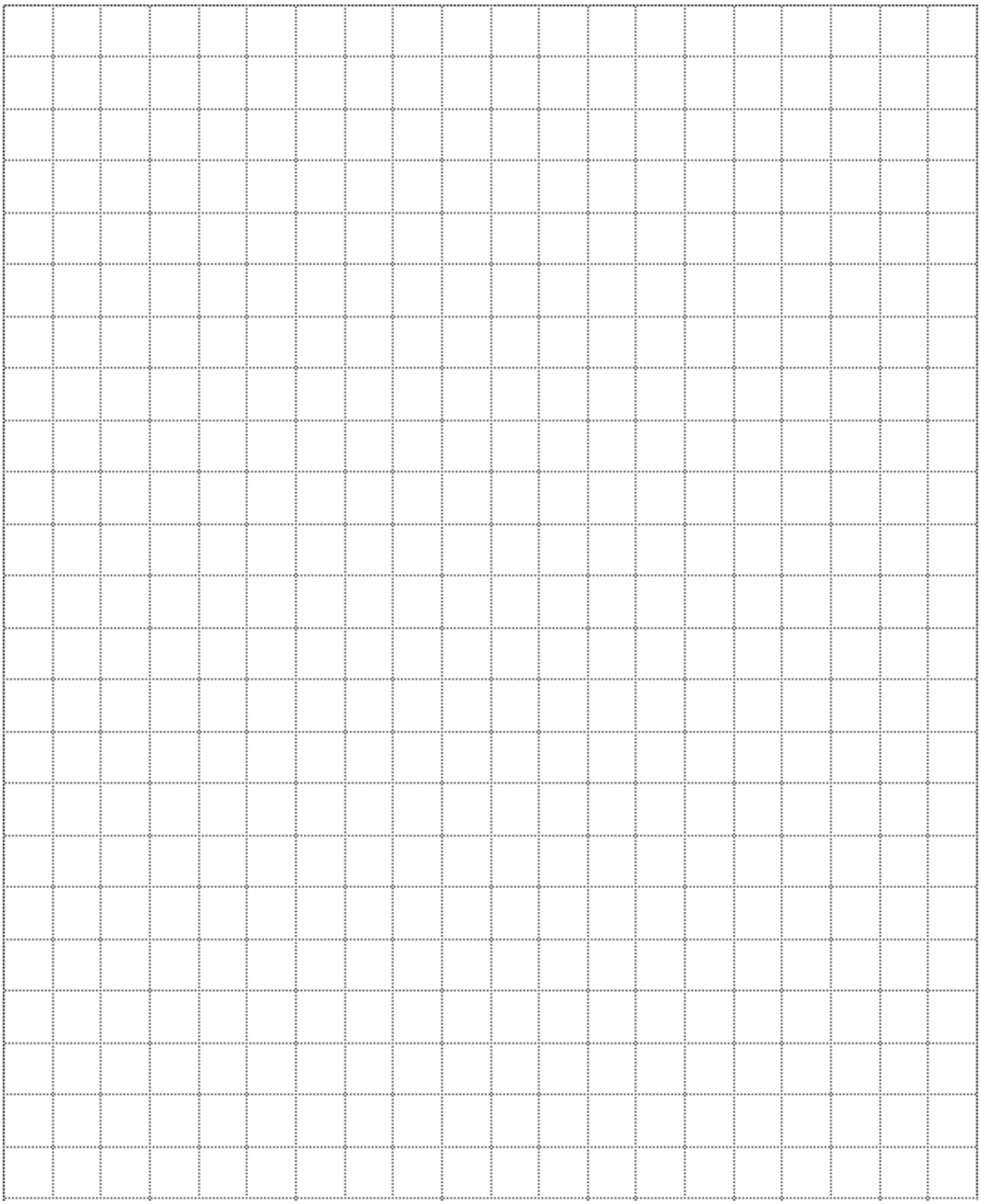
FORM A: DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 1404

Site Plan

(or attach separate site plan)



(Please draw to scale and indicate north arrow)

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FORM A1: HOME OCCUPATION APPLICATION

Supplement to Development Permit Application
Pursuant to Land Use Bylaw No. 1404

OFFICE USE	
Permit Application No: (to match Form A)	Roll No:
☐ Home Occupation 1 ☐ Home Occupation 2	☐ Home Occupation 3

This supplementary form A1 must be completed in addition to Form A: Development Permit Application if you are applying for a development permit for a Home Occupation.

APPLICANT INFORMATION

Applicant's Name: _____ Phone: _____

Mailing Address: _____

(1) This business will be an: ☐ On-site Business ☐ Off-site/Mobile Business

Please attach a site plan or floor plan for the proposed business: ☐ Attached Site Plan/Floor plan

Please describe the proposed business including any goods and/or services provided:

_____

_____

_____

_____

(2) Where will the business operate from? ☐ In-home ☐ Accessory building

(3) Is there another home occupation already operating out of the residence or on the premises? ☐ Yes ☐ No

(4) Days and hours of operation: _____

Number of non-resident employees: _____ Number of estimated clients/customers per day: _____

How many parking spaces for clients, employees, and deliveries will be available? _____

(5) Will the business involve commercial vehicles/trailers on site in conjunction with the business? ☐ No ☐ Yes

If yes, describe the use, number, type and size, of all commercial vehicles visiting the site:

_____

_____

_____

(6) Are any outdoor storage areas proposed? ☐ No ☐ Yes

Please describe type and amount of items to be stored and indicate location on an attached site plan:

_____

_____

_____

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FORM A1: HOME OCCUPATION APPLICATION

Supplement to Development Permit Application
Pursuant to Land Use Bylaw No. 1404

(7) Will there be any flammable or hazardous material on the premises as a result of the business?

☐ No ☐ Yes (please list materials and quantity) _____

(8) Are any signs proposed for the home business? ☐ No ☐ Yes

If yes, please specify number, type, size and location and indicate on an attached site plan: (for a window sign in residence only, indicate as such in space below)

_____

_____

_____

DECLARATION OF APPLICANT/OWNER

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Home Occupation. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

Date: _____ **Applicant's Signature:** _____

Registered Owner's Signature: _____
(if different from applicant)

NOTE: This Form A1 is supplementary and is in conjunction with a completed Form A: Development Permit Application. Refer to Bylaw No. 1404 Part 4, section 20 for specific Home Occupation criteria and Standards of development.

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FORM A2: COMMERCIAL/INDUSTRIAL APPLICATION

Supplement to Development Permit Application
Pursuant to Land Use Bylaw No. 1404

OFFICE USE	
Permit Application No: (to match Form A)	Roll No:
Landscaping plan submitted: ☐ No ☐ Yes ☐ Not Required	Storm water management plan submitted: ☐ No ☐ Yes ☐ Not Required
Landscaping security taken: ☐ No ☐ Yes ☐ Not Required	Lot Grading plan submitted: ☐ No ☐ Yes ☐ Not Required

This supplementary form A2 must be completed in addition to Form A: Development Permit Application if you are applying for a development permit for a sign.

APPLICANT INFORMATION

(1) Applicant's Name: _____ Phone: _____

Mailing Address: _____

(2) Proposed Use

This application is to: (Check all that apply)

- ❑ Construct a new building or structure *(if greater than 500 sq. ft. see abandoned well information section)*

  The building or structure is for:

  - ❑ Commercial Use (e.g. retail, sales, service office, food establishment, etc.)
  - ❑ Industrial Use (e.g. manufacturing, processing, warehousing, storage, etc.)
- ❑ Alter/renovate the existing building *(if greater than 500 sq. ft. see abandoned well information section)*
- ❑ Addition to an existing building *(if greater than 500 sq. ft. see abandoned well information section)*
- ❑ Construct an accessory building *(if greater than 500 sq. ft. see abandoned well information section)*
- ❑ Mixed-use (comprehensive) development in a building or on a parcel of land
- ❑ Change in or intensification of use

(3) Describe the proposed use, any changes from existing use, and any work to be done:

_____

_____

_____

(4) Outdoor Storage – Is outdoor storage or a display area required or proposed? ☐ No ☐ Yes
(If yes, indicate locations of same on a scaled PLOT PLAN.)

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FORM A2: COMMERCIAL/INDUSTRIAL APPLICATION

Supplement to Development Permit Application
Pursuant to Land Use Bylaw No. 1404

(5) Parking and Loading Information

(a) Details of Vehicle Parking and Access – Describe the **number** _____ and **size** (dimensions) _____ of all existing and proposed off-street parking spaces, and **driveways/approaches** _____ on site (or N/A if not applicable).

(Indicate locations of same on a scaled PLOT PLAN.)

(b) Loading Areas – Is a dedicated loading space/area proposed? ☐ No ☐ Yes

If yes, please specify: _____

(Indicate locations of same and building loading doors on a scaled PLOT PLAN.)

(c) Drive-through Uses – For a commercial use, does the proposed development include a drive-through component which requires a dedicated vehicle-stacking lane? ☐ No ☐ Yes

If yes, please specify: _____

(Indicate locations of same on a scaled PLOT PLAN.)

(6) Servicing Details

Please indicate if the proposed development will require water and sewer for the following (check all that may apply):

☐ Washroom/kitchen type facilities for staff
☐ Washroom/food service facilities for the public
☐ Car/truck wash
☐ Processing/manufacturing process
☐ Food processing
☐ Other: _____
☐ No water or sewer services proposed for development (i.e. use entails dry storage, warehousing, etc.)

DECLARATION OF APPLICANT/OWNER

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a commercial/industrial development. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

Date: _____ **Applicant's Signature:** _____

Registered Owner's Signature: _____
(if different from applicant)

NOTE: This Form A2 is supplementary and is in conjunction with a completed Form A: Development Permit Application. Refer to Bylaw No. 1404, Parts 3 and 4 5 for specific regulations and standards of development.

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FORM A3: SIGN APPLICATION

Supplement to Development Permit Application
Pursuant to Land Use Bylaw No. 1404

OFFICE USE	
Permit Application No: (to match Form A)	Roll No:

This supplementary form A3 must be completed in addition to Form A: Development Permit Application if you are applying for a development permit for a sign.

APPLICANT INFORMATION

(1) Applicant's Name: _____ Phone: _____

Mailing Address: _____

(2) Type of sign proposed: ☐ Permanent ☐ Temporary ☐ Changes to an existing sign

If temporary:

Date sign will be displayed: _____ Date sign will be removed: _____

(3) Sign type: ☐ Freestanding ☐ Canopy/projecting ☐ Wall mounted ☐ Fascia ☐ Portable
☐ Roof mounted ☐ Shingle ☐ Other (specify): _____

Sign dimensions: _____ Length _____ Width Square footage of proposed sign: _____

Bottom of Sign Height from Ground: _____

Top of Sign Height from Ground: _____

Sign materials: _____

Please attach a site plan identifying the location(s) of the proposed sign(s): ☐ Attached Site Plan

(4) Will the sign be illuminated or animated or contain changeable copy? ☐ No ☐ Yes

If yes, describe the type of illumination or animation: _____

(5) Are there any existing signs on the lot? ☐ No ☐ Yes

If yes, describe the type, size and height of each existing sign and identify their location(s) on a site plan:

_____

_____

_____

_____

(6) Will the sign be used to advertise off-premises business, products or services? ☐ No ☐ Yes

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FORM A3: SIGN APPLICATION

Supplement to Development Permit Application
Pursuant to Land Use Bylaw No. 1404

(7) As part of a completed sign permit application, the applicant shall provide:

(a) **a legible drawing, graphic or illustration (to scale with dimensions) of the proposed sign** which also includes the copy and/or display (text and graphics) that will be on the signage; and

(b) **a site plan (drawn to scale) indicating the location of the sign** (and all other signs on the premises), on the subject parcel of land.

DECLARATION OF APPLICANT/OWNER

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a sign. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

Date: _____ **Applicant's Signature:** _____

Registered Owner's Signature: _____
(if different from applicant)

NOTE: This Form A3 is supplementary and is in conjunction with a completed Form A: Development Permit Application. Refer to Bylaw No. 1404 Part 5 for specific Sign Regulations and standards of development.

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FORM A4: DEMOLITION PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 1404

May be used as a supplement form in conjunction with Form A if demolition is to occur with other proposed development on the land

OFFICE USE	
Application No.	
Land Use District:	

Date of Application: _____

Date Deemed Complete: _____

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____

_____

_____

Postal Code: _____

Phone: _____

Phone (alternate): _____

Fax: _____

PROPERTY INFORMATION

Municipal Address of Development: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

Quarter _____ Section _____ Township _____ Range _____ W4M

What is the existing use? _____

DEMOLITION/REMOVAL INFORMATION

A development permit is required to demolish or remove a building or structure from a site except where exempted by Bylaw No. 1404 or at the discretion of the Development Authority. The demolition/removal permit process ensures that buildings are dismantled and removed in a safe manner and that the land will be left in a suitable state after removal. The following is not an exhaustive list and the Development Officer may request additional information that is required to assess the application.

STRUCTURES TO BE REMOVED

Description of Building/Structure(s) _____

_____

Type of Work ❑ Removal to another site (no demolition) ❑ Demolition of building/structure

Building Size _____ ❑ m^2 ❑ sq. ft.

Height of Building _____ ❑ m ❑ ft # of storeys _____

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FORM A4: DEMOLITION PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 1404

DEMOLITION PLAN

Timeframe — Expected start date: _____ Expected completion date: _____

Method of Demolition — ❑ Manual (no heavy equipment) ❑ Using heavy equipment ❑ Other - please explain _____

Dump Site Location _____

Note: Construction debris should be dumped in an approved certified site whenever possible. If that is not possible, approval must be obtained from Alberta Environment.

Name of Contractor responsible for removal/demolition _____

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

IMPORTANT: This personal information is being collected under the authority of Lethbridge County for development. It is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act. For more information contact the Lethbridge County FOIP Coordinator at 403-328-5525.

_____ _____

APPLICANT **REGISTERED OWNER** (if not the same as applicant)

_____

DATE

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FORM A4: DEMOLITION PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 1404

APPLICANT IS RESPONSIBLE FOR:

❑ **Disconnection of all services** including (if applicable):

Signature from agency or municipality verifying services disconnected (or attach letter):

- ❑ Electrical power _____
- ❑ Natural gas _____
- ❑ Telephone cables _____
- ❑ Communications cables (includes cable TV) _____
- ❑ Water lines _____
- ❑ Storm & sanitary sewer _____
- ❑ Private Septic _____

❑ **On-site consultation with Director of Municipal Services or their designate**. The applicant shall schedule a consultation with the Public Works (municipal services) department a minimum of 72 hours prior to demolition or removal commencing to determine the state of affected public property.

❑ **Final plan for property after building removed or demolished and reclamation complete.** As applicable:

- ❑ **Copy of grading plans** if property will be vacant after removal or demolition
- ❑ **Complete development application for new development** where building is being replaced

❑ **A completed Development Application**. This form shall accompany a complete development application with the consent of the registered owner and any other required documentation.

❑ **Application Fee and any applicable deposit or security required payable to Lethbridge County.**

**NOTE: A building permit is also required before proceeding with demolition.

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FORM B: DEVELOPMENT PERMIT

Pursuant to Land Use Bylaw No. 1404

Development Application No:	Development Permit No:

This development permit is hereby issued to:

NAME: _____

ADDRESS: _____

In respect of **works consisting of**: _____

_____

_____

On land located at: _____

and as described on plans submitted by the applicant.

This permit refers only to works outlined in Development Application No. _____

and is **subject to the conditions contained herein**:

This permit becomes effective the _____ day of _____, unless an appeal pursuant to section 686(1) of the Municipal Government Act is lodged within fourteen (14) days.

SIGNED: _____

Development Officer

THIS IS NOT A BUILDING PERMIT

IMPORTANT: (see over)

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FORM B: DEVELOPMENT PERMIT

Pursuant to Land Use Bylaw No. 1404

IMPORTANT:

The development outlined above is subject to the following conditions:

(a) This permit indicates that only the development to which it relates is authorized in accordance with the provisions of the Land Use Bylaw and in no way relieves or excuses the applicant from complying with the Land Use Bylaw or any other bylaw, laws, orders and/or regulations affecting such development.

(b) This permit, issued in accordance with the notice of decision, is valid for a period of twelve (12) months from the date of issue. If, at the expiry of this period, the development has not been commenced or carried out with reasonable diligence, this permit shall be null and void.

(c) If this development permit is issued for construction of a building, the exterior of the building, including painting, shall be completed within twelve (12) months from the date of issue of this development permit unless otherwise authorized in the conditions of a development permit.

(d) The Development Officer may, in accordance with section 645 of the Municipal Government Act, take such action as is necessary to ensure that the provisions of this bylaw are complied with.

(e) Construction undertaken in accordance with this development may be regulated by the **provincial building requirements and the Alberta Safety Codes**. The applicant/owner/developer assumes all responsibilities pertaining to construction plan submissions, approvals and inspections as may be required by **Alberta Labour**.

NOTE: Information provided in this application or generated by this application may be considered at a public meeting.

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FORM C: APPLICATION FOR A LAND USE BYLAW AMENDMENT

Pursuant to Land Use Bylaw No. 1404

OFFICE USE		
Date of Application:	Assigned Bylaw	No.
Date Deemed Complete:	Application & Processing Fee:	$
❑ Redesignation ❑ Text Amendment	Certificate of Title Submitted:	❑ Yes ❑ No

A refusal is **not** appealable and a subsequent application for amendment involving the same lot and/or the same or similar use may not be made for at least 18 months after the date of refusal. [Refer to Part 1, Sections 53(1) and (2) of bylaw.]

IMPORTANT NOTE: Although the Development Officer is in a position to advise on the principle or details of any proposals, such advice must not be taken in any way as official consent.

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____ **Phone:** _____

_____ **Phone (alternate):** _____

_____ **Fax:** _____

Postal Code: _____

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO" please complete box below

Name of Owner: _____ **Phone:** _____

Mailing Address: _____

_____ **Applicant's interest in the property:**

_____ ☐ Agent

☐ Contractor

Postal Code: _____ ☐ Tenant

☐ Other _____

PROPERTY INFORMATION

Municipal Address: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

OR Quarter _____ Section _____ Township _____ Range _____

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FORM C: APPLICATION FOR A LAND USE BYLAW AMENDMENT

Pursuant to Land Use Bylaw No. 1404

AMENDMENT INFORMATION

What is the proposed amendment? ❑ Text Amendment ❑ Land Use Redesignation

IF TEXT AMENDMENT:

For text amendments, attach a description including:

- The section to be amended;
- The change(s) to the text; and
- Reasons for the change(s).

IF LAND USE REDESIGNATION:

Current Land Use Designation (zoning): _____

Proposed Land Use Designation (zoning) (if applicable): _____

SITE DESCRIPTION:

Describe the **lot/parcel dimensions** _____ and **lot area/parcel acreage** _____
Indicate the information on a scaled PLOT or SITE PLAN: (0-4 acres at 1" = 20'; 5-9 acres at 1"= 100'; 10 acres or more at 1"=200')

❑ **Site or Plot Plan Attached** ❑ **Conceptual Design Scheme or Area Structure Plan Attached**

OTHER INFORMATION:

Section 52 of the *Land Use Bylaw* regulates the information required to accompany an application for redesignation. Please **attach a descriptive narrative** detailing:

- The existing and proposed future land use(s) (i.e. details of the proposed development);
- If and how the proposed redesignation is consistent with applicable statutory plans;
- The compatibility of the proposal with surrounding uses and zoning;
- The development suitability or potential of the site, including identification of any constraints and/or hazard areas (e.g. easements, soil conditions, topography, drainage, etc.);
- Availability of facilities and services (sewage disposal, domestic water, gas, electricity, fire protection, schools, etc.) to serve the subject property while maintaining adequate levels of service to existing development; and
- Access and egress from the parcel and any potential impacts on public roads.

In addition to the descriptive narrative, an Area Structure Plan or Conceptual Design Scheme may be required in conjunction with this application where:

- redesignating land to another district;
- multiple parcels of land are involved;
- four or more lots could be created;
- several pieces of fragmented land are adjacent to the proposal;
- new internal public roads would be required;
- municipal services would need to be extended; or
- required by Council, or the Subdivision or Development Authority if applicable.

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FORM C: APPLICATION FOR A LAND USE BYLAW AMENDMENT

Pursuant to Land Use Bylaw No. 1404

The applicant may also be required to provide other professional reports, such as a:

- geotechnical report; and/or
- soils analysis; and/or
- evaluation of surface drainage or a detailed storm water management plan;
- and any other information described in section 52(2) or as deemed necessary to make an informed evaluation of the suitability of the site in relation to the proposed use;

if deemed necessary.

SITE PLAN

Plans and drawings, in sufficient detail to enable adequate consideration of the application, must be submitted in **duplicate** with this application, together with a plan sufficient to identify the land. It is desirable that the plans and drawings should be on a scale appropriate to the development. However, unless otherwise stipulated, it is not necessary for plans and drawings to be professionally prepared. Council may request additional information.

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application. *I/We have read and understand the terms noted below and hereby* ***certify that the registered owner of the land is aware of, and in agreement with this application.***

APPLICANT

REGISTERED OWNER (if not the same as applicant)

DATE

IMPORTANT: This information may also be shared with appropriate government/ other agencies and may also be kept on file by the agencies. This information may also be used by and for any or all municipal programs and services. Information provided in this application may be considered at a public meeting. The application and related file content will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP). If you have any questions about the collection of this information, please contact Lethbridge County.

TERMS

1. Subject to the provisions of the Land Use Bylaw No. 1404 of Lethbridge County, the term "development" includes any change in the use, or intensity of use, of buildings or land.
2. Pursuant to the Municipal Development Plan, an area structure plan or conceptual design scheme may be required by Council before a decision is made.
3. A refusal is not appealable and a subsequent application for redesignation (reclassification) involving the same or similar lot and/or for the same or similar use may not be made for at least 18 months after the date of a refusal.
4. An approved redesignation (reclassification) shall be finalized by amending the land use bylaw map in accordance with section 692 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26.

Note: Information provided or generated in this application may be considered at a public meeting.

APPENDIX C

Schedule of Fees

APPENDIX C

SCHEDULE OF FEES — Excerpts from Bylaw No. 1401, Schedule "A"

Notation: GST charges where applicable.

Schedule of Fees for Specified Services	
Any requested amendment to the Land Use Bylaw, Area Structure Plan, Area Redevelopment Plan or any other Statutory Plan	$ 1,500.00
Development for Residential Use	
a. Home Occupations	$ 150.00
b. Single Family Residence	150.00
c. Duplex/Semi-detached Dwelling	300.00
d. Multi-Family/Apartments & Townhouses (per unit)	150.00
e. Addition to Dwellings	150.00
f. Accessory Buildings in Residential Districts	150.00
Development for Commercial & Industrial Uses	
a. Change of use or additional use	$ 150.00
b. New buildings with an area:	
i) less than 500 m^2	150.00
ii) 500 to 2,000 m^2	300.00
iii) 2,001 to 5,000 m^2	600.00
iv) over 5,000 m^2	1,500.00
Applications Requiring Public Notice	
When Council policy requires notification in the form of a Public Notice (i.e. Direct Control District) an additional fee shall be required of:	$ 300.00
Unauthorized Development	
When an application is made after development has commenced or occurred, the above fees shall be doubled	
Waivers	
Applications for variances or waivers to the Land Use Bylaw shall be accompanied with a fee of:	$ 200.00
Certificate of Compliance Issued by Development Officer	$ 75.00
– Same day service	100.00
– Researching permits, site inspection, photocopies, etc.	200.00
Subdivision & Development Appeal Fee	$ 200.00
Caveat Discharge Fee	
– To release from 1 title	$ 60.00
– Each additional title	10.00

Other fees may be applicable in accordance with the complete Lethbridge County Fee Schedule Bylaw.