

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.

* 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 ($\frac{1}{4}$ 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 sky 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)