

Schedule 'A'
Bylaw No. 1492
Amendments to Land Use Bylaw No. 1404

1. That Part 1, Administrative, Section 13, Development Not Requiring a Development Permit, subsection (4) has the following amended by deleting and replacing to read as follows:

- (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);

- (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 m² (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) within 304.8 metres (1,000 ft.) of a four-lane divided highway or freeway/expressway;
 - (iv) on a flood plain, or within 152.4 metres (500 ft.) of the boundary of a flood plain; or
 - (v) 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 m² (1,000 sq. ft.) or greater requires a development permit.

- ~~(i) where a hay plant / storage building or structure is 929 m² (10,000 sq. ft.) or less in size and meets the setbacks outlined in section (g)(i) through (iv) above, a development permit is not required; (subsection (4)(i) deleted in its entirety)~~

- (v) 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;

With the noted amendments, subsection (4) is renumbered sequentially.

2. Part 1, Section 18, Number of Dwellings On a Lot, subsection(3)(a) is deleted and replaced to read as follows:

- (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;

3. Part 1, Section 18, Number of Dwellings On a Lot, subsection(4)(b) is deleted and replaced to read as follows:

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

4. Part 1, Section 18, Number of Dwellings On a Lot, subsection(5) is deleted and replaced with the following:

- (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.

5. Part 1, Section 22, Minimum Distance Separation Calculations, is deleted and replaced to read as follows:

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.

6. Part 1, Section 30, Applying Requesting Waivers of Bylaw Provisions, the following subsection (4) is added:

- (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.

7. **Part 2, Land Use Districts and Regulations, Section 1, Land Use Districts, the “Coaldale Lethbridge Corridor – CLC” district is deleted and removed from the Land Use Bylaw in its entirety.**
8. **Part 2, Land Use Districts and Regulations the following uses are added, changed, or deleted (as listed) to the “Rural Agriculture – RA” district:**

Amendments to Section 2, Permitted and Discretionary Uses:

Permitted Uses:

- Alternative or Renewable Energy Facilities, Individual (see Part 6)
- Single-detached Moved-in (see Part 4, Section 22)
- Secondary Suites (contained within a single-detached dwelling) (see Part 4)
- Secondary Suites (detached garage) (see Part 4)
- Signs Type 2 (in accordance with Part 5)

Discretionary Uses:

- ~~Alternative or Renewable Energy Facilities, Individual (see Part 6) – removed and added to Permitted Uses~~
- Alternative or Renewable Energy Commercial/Industrial Facilities (see Part 6)
- ~~Moved-in (see Part 4, Section 22) – removed and added to Permitted Uses~~
- Second or Additional Other Residence*
- 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***)
- Personal Workshop and storage (see Part 4)
- ~~Signs Type 2 (in accordance with Part 5) – removed and added to Permitted Uses~~
- Signs Type 3 (in accordance with Part 5)
- Solar Collectors, commercial (see Part 6)
- Specialty Manufacturing/Cottage Industry

*** 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.

Amendments to Section 6, Minimum Setbacks for Uses Involving Livestock or Animals, the following sections are added:

- (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.

Section 7, Fences and Shelterbelts, subsection (c) is deleted and replaced with the following:

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

Section 19, River Valleys and Shorelands, subsections (3) and (4) are deleted and replaced with the following:

- (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.

9. Part 2, Land Use Districts and Regulations the following uses are added, changed, or deleted (as listed) to the “Rural Urban Fringe – RUF” district:

Amendments to Section 2, Permitted and Discretionary Uses:

Permitted Uses:

Secondary Suites (contained within a single-detached dwelling) (see Part 4)

Secondary Suites (detached garage) (see Part 4)

Discretionary Uses:

Agricultural Services

Dwellings:

Semi-detached (or duplex)

Second or Additional ~~Other~~ Residence*

Personal Workshop and Storage (non-commercial) (see Part 4)

Section 11, Fences and Shelterbelts, subsection (c) is deleted and replaced with the following:

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

10. Part 2, Land Use Districts and Regulations the following uses are added, changed, or deleted (as listed) to the “Lethbridge Urban Fringe – LUF” district:

Amendments to Section 2, Permitted and Discretionary Uses:

Permitted Uses:

Secondary Suites (contained within a single-detached dwelling)(see Part 4)

Secondary Suites (detached garage) (see Part 4)

Discretionary Uses:

Dwellings:

Second Single-detached or Additional Residences* ~~Other Residences*~~

Single-detached moved-in (see Part 4, Section 22)

Moved-in buildings (see Part 4, section 25)

Personal Workshop and Storage (non-commercial) (see Part 4)

Section 11, Fences and Shelterbelts, subsection (c) is deleted and replaced with the following:

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

11. Part 2, Land Use Districts and Regulations the following uses are added, changed, or deleted (as listed) to the “Grouped Country Residential – GRC” district:

Amendments to Section 2, Permitted and Discretionary Uses:

Permitted Uses:

Secondary Suites (contained within a single-detached dwelling) (see Part 4)

Discretionary Uses:

Secondary Suites (detached garage) (see Part 4)

Section 11, Fences and Shelterbelts, subsection (c) is deleted and replaced with the following:

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

12. Part 2, Land Use Districts and Regulations the following uses are added, changed, or deleted (as listed) to the “Rural General Industrial – RGI” district:

Amendments to Section 2, Permitted and Discretionary Uses:

Permitted Uses:

Retail Sales or Uses to an Approved Permitted Use

Signs Type 2 (in accordance with Part 5)

Discretionary Uses:

Medical Marihuana Production Facility (see Part 4)

Retail Sales or Uses

~~Signs Type 2 (in accordance with Part 5)~~ - removed and added to Permitted Uses

Signs Type 3 (in accordance with Part 5)

13. Part 2, Land Use Districts and Regulations the following uses are added, changed, or deleted (as listed) to the “Business Light Industrial – BLI” district:

Amendments to Section 2, Permitted and Discretionary Uses:

Permitted Uses:

Signs Type 2 (in accordance with Part 5)

Discretionary Uses:

~~Signs Type 2 (in accordance with Part 5)~~ - removed and added to Permitted Uses

Signs Type 3 (in accordance with Part 5)

14. Part 2, Land Use Districts and Regulations the following uses are added, changed, or deleted (as listed) to the “Rural Commercial – RC” district:

Amendments to Section 2, Permitted and Discretionary Uses:

Permitted Uses:

Building and Trade Contractor Services
Retail, Small (less than 5,000 sq. ft. in size)
Signs Type 2 (in accordance with Part 5)
Small Veterinarian Clinic

Discretionary Uses:

Big Box/ Comprehensive Retail
Machinery and Equipment Sales and Service
Public and Institutional
~~Retail, Small (less than 5,000 sq. ft. in size)~~ - removed and added to Permitted Uses
Retail, Large (5,000 sq. ft. or greater in size)
~~Signs Type 2 (in accordance with Part 5)~~ - removed and added to Permitted Uses
Signs Type 3 (in accordance with Part 5)
Workshop Institutional Use

15. Part 2, Land Use Districts and Regulations the following uses are added, changed, or deleted (as listed) to the “Rural Recreational – RR” district:

Amendments to Section 2, Permitted and Discretionary Uses:

Permitted Uses:

Signs Type 1 and 2 (in accordance with Part 5)

Discretionary Uses:

Campgrounds and Recreational Vehicle (RV) Parks (Seasonal Use) (see Section 14 of this district)
Equestrian Facility
Park Model Trailers, Seasonal
~~Signs Type 2 (in accordance with Part 5)~~ - removed and added to Permitted Uses
Signs Type 3 (in accordance with Part 5)

Add the following to Section 13, Campgrounds:

(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 13 above to the RV Park component.

16. Part 2, Land Use Districts and Regulations the following uses added, changed, or deleted (as listed) to the “Hamlet Residential – HR” district:

Amendments to Section 2, Permitted and Discretionary Uses:

Discretionary Uses:

Secondary Suites (contained within a single-detached dwelling) (see Part 4)

The following attached garage standards area added to the “Hamlet Residential – HR” district, to become Section 10 and the subsequent sections are thereafter sequentially renumbered:

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 neighboring land uses.
- (6) The Development Authority may regulate the exterior finish, roofing material, window style and color scheme of attached garages to improve the quality of the proposed development or ensure it is compatible with the dwelling it is attached to.



17. Part 2, Land Use Districts and Regulations the following uses added, changed, or deleted (as listed) to the “Hamlet Commercial – HC” district:

Amendments to Section 2, Permitted and Discretionary Uses:

Permitted Uses:

Signs Type 2 (in accordance with Part 5)

Discretionary Uses:

~~Signs Type 2 (in accordance with Part 5)~~ - removed and added to
Signs Type 3 (in accordance with Part 5)

18. Part 2, Land Use Districts and Regulations the following uses added, changed, or deleted (as listed) to the “Hamlet Industrial – HI” district:

Amendments to Section 2, Permitted and Discretionary Uses:

Permitted Uses:

Building and Trade Contractor Services
Garden Centre/Greenhouses
Signs Type 2 (in accordance with Part 5)

Discretionary Uses:

Fertilizer Storage and Sales

~~Signs Type 2 (in accordance with Part 5)~~ - removed and added to Permitted Uses

Signs Type 3 (in accordance with Part 5)

19. Part 2, Land Use Districts and Regulations the following uses added, changed, or deleted (as listed) to the “Hamlet Public / Institutional - HP/I” district:

Amendments to Section 2, Permitted and Discretionary Uses:

Permitted Uses:

Accessory Buildings, Structures and Uses related to an Approved Permitted Use

Discretionary Uses:

Accessory Buildings, Structures and Uses related to an Approved Discretionary Use

Signs Type 2 (in accordance with Part 5)

20. Part 2, Land Use Districts and Regulations the following uses added, changed, or deleted (as listed) to the “Hamlet Transitional / Agricultural – HT/A” district:

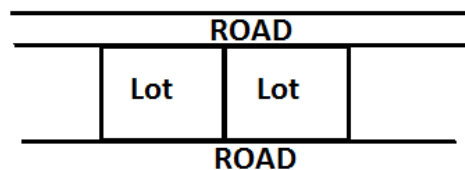
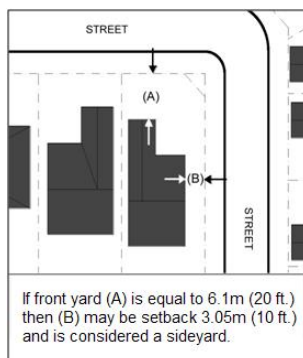
Amendments to Section 2, Permitted and Discretionary Uses:

Permitted Uses:

Signs Type 1 (in accordance with Part 5)

21. Part 3, General Land Use Provision, A. Standards of Development, Section 7, Multiple Front Yard Provision, has the following amended by deleting and replacing to read as follows:

- (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.



22. Part 3, General Land Use Provision, A. Standards of Development, Section 10, Fences In Urban Residential Areas, has the following amended by adding (3) to read as follows:

(3) For wind screen fences, all applicable setbacks to municipal roads must be met.

23. Part 3, General Land Use Provision, A. Standards of Development, Section 11, Fences, Trees and Shelter Belts, has the following amended by deleting and revising (c), and adding (f) to read as follows:

(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.

(f) wind screen fences shall meet all setbacks to municipal roads and provincial highways as required for the applicable land use district.

24. Part 3, General Land Use Provision, A. Standards of Development, Section 23, Utility Easement, has the following amended by deleting subsection (3) in its entirety.

~~(3) The Development Authority may exercise its discretion and waive any land use districts standard requiring a 3.05 metre (10 ft.) or other specified additional setback to a utility easement or right-of-way if, in the opinion of the Development Authority, it will negatively impact the lot owner and is deemed to be unreasonable or will negatively impact the development potential of the lot.~~

25. Part 3, General Land Use Provision, A. Standards of Development, Section 25, Landscaping and Screening, has the following amended by deleting and revising subsection (14) to read as follows:

(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.

26. Part 3, General Land Use Provision, A. Standards of Development, Section 26, Drainage, Site Grading and Retaining Walls, has the following amendment by adding subsection (9) to read as follows:

(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. Part 3, General Land Use Provision, A. Standards of Development, Section 29, Object Prohibited or Restricted In Yards, has the following amended by deleting and revising subsection (1) to read as follows:

- (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.

28. Part 3, General Land Use Provision, A. Standards of Development, Section 30, Off-Street Parking Requirements for Non-Agricultural Uses, Table 2 has been amended to add the following:

Table 2 – Minimum Required Off-street Parking

Residential: Secondary Suites: 1 space per suite plus the 2 spaces per dwelling unit

29. Part 3, General Land Use Provision, A. Standards of Development, Section 32, Lighting, has the following amended by deleting and revising it to read as follows:

- (1) 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.

30. Part 3, General Land Use Provision, B. Servicing and Site Suitability, Section 38, Development of Lands Subject to Subsidence or Flooding, has the following amended by deleting and revising (3) to read as follows:

- (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.

31. Part 3, General Land Use Provision, B. Servicing and Site Suitability, Section 39, Development Siting for Coulee / Steep Slope Areas, has the following amended by deleting (1)-(7) and replacing with (1)-(6) to read as follows:

- (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.

32. Part 3, General Land Use Provision, B. Servicing and Site Suitability, Section 41, River Valley And Shorelands, has the following amended by revising (3) and (4) to read as follows:

- (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.

33. Part 3, General Land Use Provision, B. Servicing and Site Suitability, Section 46, Canamex Freeway Development and Siting Requirements, has been added to read as follows:

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) Additional setbacks, to those stipulated in any land use district, may be applied to developments in accordance with the recommendations and requirements of Alberta Transportation, particularly for parcels adjacent to Highway 3 or in proximity to the area identified for the Canamex Freeway corridor.
- (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) 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 that requires the

use, building, structure or improvement to be located elsewhere on the parcel, outside the proposed freeway take area, in situations where a development proposal is located on a quarter-section or parcel of land that is identified to be impacted by the Canamex Freeway.

(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.

34. Part 3, General Land Use Provision, B. Servicing and Site Suitability, Section 47, Wetlands, has been added to read as follows:

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 practicable 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.

35. Part 4, Use Specific Land Use Provisions, A. Standards of Development, Section 6, Automotive Repair /Detail / Paint Shops, subsections 6 - 8 have been deleted and replaced to read as follows:

(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.

36. Part 4, Use Specific Land Use Provisions, A. Standards of Development, Section 18, Hay Plant / Storage Buildings or Structures, subsections 1 - 2 have been deleted and replaced to read as follows:

(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.

37. Part 4, Use Specific Land Use Provisions, A. Standards of Development, Section 19, Hazardous Industries, has the following precursor added:

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:

38. Part 4, Use Specific Land Use Provisions, A. Standards of Development, Section 22, Manufactured / Ready-to-Move / Moved-in Home Standards, has been amended to add the following subsection 18, 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.

39. Part 4, Use Specific Land Use Provisions, A. Standards of Development, Section 27, Resource Extraction (gravel and Sand Pits or Stone Quarries) subsection (15) has been amended to read as follows:

(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.

40. Part 4, Use Specific Land Use Provisions, A. Standards of Development, has been amended by adding the following new sections (sections 40 to 42) that read as follows:

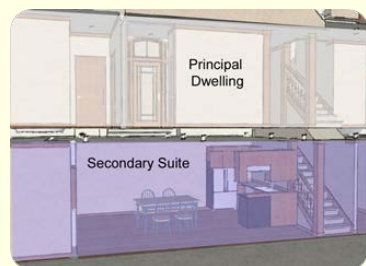
40. PERSONAL WORKSHOP AND STORAGE (NON-COMMERCIAL)

(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 m² (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 four-plex 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 m² (320 sq. ft.); and
- (b) not exceed 112 m² (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.

(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. MEDICAL MARIHUANA PRODUCTION FACILITIES

The requirements of this section apply to any and all medical marihuana production facilities, as defined by the Land Use Bylaw and are in addition to the federal regulations required by the Government of Canada's Marihuana for Medical Purposes Regulations (MMPR).

(1) The owner or applicant must provide as a condition of development approval a copy of the current licence for all activities associated with medical marihuana production as issued by Health Canada.

(2) The owner or applicant must obtain any other approval, permit, authorization, consent or licence that may be required to ensure compliance with applicable federal, provincial or other 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 medical marijuana 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, daycare 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. That Part 5, Sign Regulations, Section 2, General Rules and Criteria, subsection 3 has been amended to read as follows:

- (3) A sign shall not be erected on any property or building unless permission is granted in writing from the registered property owner.

44. That Part 5, Sign Regulations, Section 2, General Rules and Criteria, subsection (26) has been added to read as follows:

- (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.

45. That Part 5, Sign Regulations, Section 3, Sign Not Requiring a Permit, has been amended to add item (t) "Portable signs that otherwise conform to the standards of the bylaw", as a use not requiring a development permit.

46. That Part 5, Sign Regulations, Section 4, Specific Sign Type Standards, has been amended to remove 'Portable Signs' as a Type 2 Signs and add it as a Type 1 Signs, and amend the criteria to read as follows:

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 m² (40 sq. ft.).
- (26) The physical size of the sign shall not exceed 4.46 m² (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.

All subsequent numbering of the bylaw in Part 5, Section 4 is sequentially renumbered.

47. That Part 5, Sign Regulations, Section 4, Type 2 Signs, has been amended by rewording and renumbering the following sections for Fascia, Lawn and Freestanding Signs:

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 m² (120 sq. ft.) in area, but the two permitted signs may be combined if total fascia area does not exceed 22.2 m² (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 m² (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.

48. That Part 5, Sign Regulations, Section 4, Specific Sign Types, has been amended by adding a new Type 3 Sign, as follows:

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.

49. That Part 6, Alternative / Renewable Energy Developments, Section 1, Definitions, has been amended by adding a following:

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 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

50. That Part 6, Alternative / Renewable Energy Developments, Section , Solar Collectors, has been amended by rewording and adding a portion of subsection (2) to read as follows:

- (ii) must not exceed 4.5 m (15 ft.) ~~2.44 metres (8 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.

51. That Part 6, Alternative / Renewable Energy Developments, Section 2, Solar Collectors, has been amended by adding the following new sections:

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;
- (k) and, 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.

SITING AND SUITABILITY CRITERIA

- (7) In the Rural Agriculture "RA" land use district, the applicant shall consider the following criteria when determining the suitability of proposed sites for siting commercial (utility-scale) solar collector farms. The Development Authority will also take the criteria into consideration when commenting or making a decision on supporting any such application being submitted to the AUC, or for a development permit approval application approval. The following siting criteria are to be considered:
 - (a) use of the poor quality lowest productive land and dry corners is preferred;
 - (b) use of cut-off, fragmented, irregular shaped parcels is preferred;
 - (c) use of parcels less than 32.4 ha (80 acres) in size with no irrigation rights is preferred;
 - (d) to the extent possible, use of irrigated agricultural land should be avoided/minimized; and
 - (e) the use of an unsubdivided quarter-section and/or agricultural parcels 32.4 ha (80 acres) or greater in size of high quality irrigated agricultural

land (land with irrigation rights) that has or could contain irrigation system infrastructure shall not be considered as suitable.

- (8) Solar collector farms commercial (utility-scale) are not to be located within 300 m (984.3 ft.) of an individual residential dwelling on an adjacent parcel and 750 m (2460.6 ft.) of a boundary of a designated grouped county residential district, hamlet, village or town, as measured from the closest point of solar collector infrastructure supporting photovoltaic cells. The 300 m (984.3 ft.) distance may be lessened at the discretion of the approval authority, if the neighbouring impacted landowner consents to a lesser setback distance.
- (9) Solar collector farms commercial (utility-scale) are not to be located within 3.2 km (2 miles) of the Lethbridge Airport unless the technology of the associated photovoltaic cells is determined to be of such a type that no glare or reflection is produced.

CONDITIONS OF APPROVAL

- (10) As a condition of a development permit approval for a commercial (utility-scale) solar collector farm or development, the Development Authority may, in addition to any other conditions authorized in other sections of the land use bylaw, apply 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) at the discretion of the Development Authority, require the provision of financial security in an amount and type acceptable to the municipality, to ensure conditions are met.

NOTIFICATION AND PUBLIC CONSULTATION PROCESS

- (11) Upon receipt of an application package, the Development Authority may at its discretion hold a public meeting prior to making a decision on a commercial (utility-scale) solar collector farm. The Development Authority shall review the application for completeness and, if deemed necessary, may:
- (a) 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;
 - (b) notify the proponent and/or representative of the solar collector facility of the development hearing date;
 - (c) post a notice of the development hearing in a newspaper in accordance with Section 32(1)(b) of the Land Use Bylaw; and
 - (d) notify by mail persons likely to be affected by the proposal of the development hearing date, including:
 - (i) landowners within 3.2 km (2 mile) of the proposed development;
 - (ii) any review agencies deemed affected, as determined by the Development Authority;
 - (iii) any other persons deemed affected, as determined by the Development Authority.

- (iv) The notifications must be sent 19 days prior to the public meeting date.
- (12) 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 system.

52. That Part 6, Alternative / Renewable Energy Developments, Section 4, WIND ENERGY CONVERSION SYSTEMS (WECS) – COMMERCIAL/INDUSTRIAL, has been amended by adding the new subsection (14), and all other subsequent numbers have been sequentially renumbered following:

- (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.

53. That Part 7, Subdivision Criteria, Section 2, Applying Minimum Distance Separation Calculations To Subdivisions, has been amended and reworded subsection (3) and added subsection (d) to read as follows:

- (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:
 - (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.

54. That Part 7, Subdivision Criteria, Section 5, COUNTRY RESIDENTIAL USES, has been amended and subsection (5) is added to read as follows:

- (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.

55. That Part 7, Subdivision Criteria, Section 6, SINGLE LOT VACANT (BARELAND) COUNTRY RESIDENTIAL, has been amended and subsection (1)(i) is reworded to read as follows:

- (i) that, 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;

56. That Part 7, Subdivision Criteria, Section 6, has been amended by adding Section 14, SUBDIVISION IN PROXIMITY TO THE CANAMEX FREEWAY, to read as follows:

The subdivision of a parcel of land in proximity to the designated Canamex Freeway will be reviewed in consideration of Part 3, General

57. That Part 8, Definitions is amended to include amended or new additional definitions to read as follows:

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 Operation.

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.

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.

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.

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.

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.

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. A hazardous industry does include, but is not limited to, the following specific listed uses:
- (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, or those industries deemed to be hazardous by the Development Authority in consideration of the definition.

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.

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.

Medical marihuana means a substance used for medical purposes authorized by a license issued under the federal governments Marihuana for Medical Purposes Regulations (MMPR) or any subsequent legislation which may be enacted in substitution.

Medical marihuana production facility means a use where medical marihuana is grown, processed, packaged, tested, destroyed, stored or loaded for shipping, and that meets all federal requirements and that meets all requirements of this bylaw, as amended from time to time.

Naturally Occurring Wetland - see "Wetland, Naturally Occurring."

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 work shop space allowing for limited small-scale associated hobby work, crafting, repair, assembly, and personal auto care type uses that are non-commercial in nature.

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.

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.

Retained Wetlands – see “Wetlands, Retained”

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.

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 m² (10,000 ft²), 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.

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 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.

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.

Vehicle has the same meaning as in the Traffic Safety Act and the regulations thereunder.

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, 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 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 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.

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.

58. That Part 9, Maps, is amended to include land use redesignations of specific parcels of land as illustrated on the attached amending map diagrams (as attached).