

## BYLAW 23-022

### DIRECT CONTROL

#### PURPOSE

To provide a means whereby Council may regulate and control the use, development or subdivision, on a site-specific basis, the lands described on Figure 1.

To provide a clustered residential development with high quality large lots. The larger residential lots shall allow for larger accessory buildings and provide opportunities for more intense home occupations. No stand-alone businesses or use areas shall be permitted without a residence on the property. Careful site planning and more intense landscaping will be required to help buffer the on-site industrial/ commercial development and the proposed industrial/ commercial development to the east from the existing Grouped Country Residential development.

#### PERMITTED, DISCRETIONARY AND PROHIBITED USES

##### (1) Permitted Uses

Accessory Buildings, Structure and Uses to an Approved Permitted Use.

Day Homes

Dwellings:

- Single detached Site-built
- Single detached Manufactured Homes 1 (see Part 5 of Land Use Bylaw No. 24-007)
- Single detached Ready-to-move (see Part 5)

Secondary Suites (contained within a single detached dwelling (see Part 5 Land Use Bylaw No. 24-007)

Home Occupations 1, 2, and 3 (see Part 5 Land Use Bylaw No. 24-007)

Signs Type 1 (in accordance with Part 6 of Land Use Bylaw No. 24-007)

Solar Collectors, individual, for dwellings and accessory buildings (See Part 7 of Land Use Bylaw No. 24-007)

Bed and Breakfast (see Part 5 of Land Use Bylaw No. 24-007)

Day Care (see Part 5 of Land Use Bylaw No. 24-007)

Business Support Services

Offices, Public and Private

Professional Services

Technology Centres/ Hubs

Automotive Detail (see Part 5 of Land Use Bylaw No. 24-007)

Contractor Trade Shops

## (2) Discretionary Uses

Agricultural Services

Signs Type 2 (in accordance with Part 6) of the Land Use Bylaw No. 24-007

Small Wind Energy Conversion Systems (see Part 7) of the Land Use Bylaw No. 24-007

Agricultural Markets

Alternative or Renewable Energy Facilities (see Part 7) of the Land Use Bylaw No.24-007

Automotive Repair and Service Shops (see Part 5) of the Land Use Bylaw No. 24-007

Building and Trade Contractor Services

Farm Service Product Sales

Industrial Processing and Manufacturing

Machinery and Equipment Sales, Rental and Service

Retail Uses Ancillary to Industrial or Warehousing Use

Veterinary Clinics, Small Animal

Warehousing and Indoor Storage

Wind Energy Conversion Systems (see Part 7) of the Land Use Bylaw No. 24-007

Secondary Suites (detached garage) (see Part 5) of the Land Use Bylaw No. 24-007

## (3) Prohibited Uses

Any use which is not listed as either a Permitted or Discretionary Use or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Part 1, Section 34, of the Land Use Bylaw is a prohibited use.

## DEFINITIONS

All words and terms have the same meaning as what is specified in the Lethbridge County Land Use Bylaw.

## SITE SUITABILITY

- The Subdivision Authority or Development Authority shall take into consideration, all applicable sections of Part 4 and 5 of the Land Use Bylaw No. 24-007, when making a decision on an application for subdivision or development in this land use district.
- The Subdivision Authority or Development Authority may place any or all of the following conditions, in addition to a development agreement, on subdivision or development permit approval to ensure any concerns over the suitability of the land and development are satisfied:
  - the provision of a professional geotechnical investigation/test and report to ensure the site is suitable in terms of topography, stability, soil characteristics, flooding subsidence, erosion and sanitary sewerage servicing;

- require the developer to provide suitable access, so the site will be legally and physically accessible to a developed municipal road or if within 300 metres (984 ft.) of a provincial highway will meet the requirements of Alberta Transportation;
- stipulate the alteration of proposed lot configurations, building sizes or locations to ensure any setback requirements of this land use bylaw or the Subdivision and Development Regulation can be met;
- any reasonable measures to ensure any other requirements of this Land Use Bylaw are complied with;
- any measures to adequately ensure applicable provincial legislation such as the *Safety Codes Act* is complied with or not compromised.
- The Development Authority will provide direction as to which sections of the Bylaw are relevant and applicable to each particular lot.

## LOT SIZE

- Lot sizes shall be as shown conceptually on FIGURE 1 and shall not be less than 6.0 acres.
- The residential portion of each lot shall be the front 75 meters of each lot or as shown in Figure 1
- The balance of each lot shall be used and referred to as the light industrial portion of each lot.

## ACCESS

- All access shall be located as shown on FIGURE 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.
- To ensure proper emergency access, all developments shall have direct legal and developed physical access to a public roadway in accordance with Lethbridge County Engineering Guidelines and Minimum Servicing Standards. If the development is within 304.8 metres (¼ mile) of a provincial highway, direct legal and physical access to a public roadway shall be to the satisfaction of Alberta Transportation.
- A shared local service road or the construction of shared accesses/approaches may be required to be provided by the developer of multi-lot subdivisions in accordance with Lethbridge County Engineering Guidelines and Minimum Servicing Standards

## **SUBDIVISION**

After the initial subdivision of a parcel, no further subdivision of any lot shall be allowed. Council, acting in the capacity of the Subdivision Authority, shall make decisions on any future subdivision applications with respect to this bylaw.

## **SERVICING REQUIREMENTS**

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

## **SITE GRADING AND DRAINAGE**

- Development on both the residential and industrial portions of each lot must follow the grading and drainage requirements as set out in the Country Side Area Structure Plan and Figure 1 contained in this Direct Control District.
- No building or structure shall be located on any part of the lot that is identified as being used to store water or used to provide drainage.
- An engineered grading and drainage plan must be submitted for approval, by the Development Authority in conjunction with the building permit application. This plan must also be approved as required in the Architectural Controls.
- All finished lot grading shall be constructed and maintained to the satisfaction of Lethbridge County and shall be in accordance with the County's Engineering Guidelines and Minimum Servicing Standards.
- The applicant is responsible for ensuring adherence to the final grades.

- The applicant must supply evidence by an engineer, that the requirement of the approved grading plan have been met. This evidence must also be submitted for approval in accordance with the Architectural Controls.

#### **MINIMUM YARD SETBACK REQUIREMENTS**

- Side and rear setbacks yards
  - Side Yards setbacks for all uses shall be a minimum of 6.1 meters (20 ft) of a property line not fronting on or adjacent to a municipal roadway or as shown in FIGURE 1.
- Front Yards
  - Front yards setbacks shall be a minimum of 12 meters (39.4 ft) from the front property line adjacent or as shown in FIGURE 1.
- Special Setback Requirements
  - Setbacks for residential buildings and accessory buildings shall be in accordance with FIGURE 1 or as specified by the Development Authority.

#### **BUILDING SIZE & SITING REQUIREMENTS**

- 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;
  - Established in an adopted area structure plan design scheme.
  - In accordance with the Land Use Bylaw No. 24-007.
- No building, structure or driveway shall be located within the area required for drainage swales, drainage storage, sanitary sewer, septic fields, or any easements.
- Where a structure is attached to the principal building by a roof, an open or closed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.
- The total combined area of all structures within each lot boundary shall be no greater than 10% of the lot gross area of that lot.
- The maximum total area of a residential dwelling and its accessory buildings in the residential portion of the lot shall be 12,000 sq ft. The maximum size of an accessory building in the residential portion of a lot shall be 3,000 sq ft. The maximum height of buildings in this portion of a lot is 25.0 ft.
- The maximum total area of all the buildings in the light industrial portion of a lot shall be 12,000 sq ft. More than one accessory building is permitted in the light industrial portion of the lot, provided

the maximum total area doesn't exceed 12,000 sq. ft. The maximum height for accessory buildings in the light industrial portion of a lot is 35 ft.

- Secondary suites in a detached garage will not be allowed unless firstly, there is an approved principal building.

## **ACCESSORY BUILDING**

- An accessory building or structure on both the residential and industrial portion of the lot shall only be constructed in conjunction with an approved principal building or use and not be used as a permanent dwelling.
- An accessory building shall not be located in the required setback from a public road or on an easement.
- An accessory building in the residential portion of the lot, shall be setback a minimum 3.0 metres (10 ft.) from the principal dwelling and from all other structures on the same lot.
- 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.
- 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.
- The requirements of Land Use Bylaw No. 1404 shall be followed unless specified elsewhere in this Bylaw

## **GENERAL STANDARDS OF DEVELOPMENT**

- At the discretion of Council or the Development Officer acting as the Development Authority having regards for the Land Use Bylaw.
- Standards detailed in Parts 4 and 5 of Bylaw No. 24-007 apply to all uses unless more detailed and restrictive standards are established under an adopted area structure plan or design scheme or Architectural Controls.

## **LANDSCAPING**

- Landscaping is required, for the purpose of providing screening between the residential area of each lot and the remainder of the lot. This landscaping is also intended to provide a buffer for the adjacent grouped country residential development and any future light industrial use east of this development. Landscaping plans must be approved by the Architectural Control Consultant prior to any construction.

- The area between the road and the rear side of a residence and residential accessory building shall be irrigated and landscaped with lawn, trees and shrubs.
- All trees, shrubs, and lawn must be irrigated. Notwithstanding this, all landscaping must be completed within two years of the date a development permit is issued.
- All plant materials shall be planted in accordance with good horticultural practices.
- When trees are planted in a group, they shall be planted at the minimum spacing recommended between each particular species of trees.
- The minimum calliper for deciduous trees shall be 50mm. Coniferous trees shall be a minimum 2.0 meters in height.

## **ARCHITECTURAL CONTROLS**

All development must comply with any approved architectural controls. Proof of compliance to the applicable architectural controls is required at the time of submission of a development permit application and upon final grading approval. Copies of these approvals must be submitted to the Development Authority.

## **ADMINISTRATIVE PROCEDURES**

- Delegation of Authority
  - Council shall be the Development Authority to decide on Development Permit Applications and for application waivers of development standards. Council may also decide on Development Permit Applications for permitted and discretionary uses.
  - The Development Officer, in accordance with Section 9 of the Land Use Bylaw No. 1404, and pursuant to Section 641 (3) of the Municipal Government Act, may, with the direction of Council, act as the Development Authority and receive and decide upon Development Permit Application for permitted and discretionary uses, provided they confirm to the standards of the Bylaw.
- Approval Procedure
  - Where the Development Officer, as the Development Authority has been delegated, the Authority to decide upon Development Permit Applications, for permitted and discretionary uses and has done so, then immediately upon issuance of the Development Permit, the Development Officer shall cause a notice to be published in a newspaper circulating in the area stating the location of the property for which the Application has been made and the Use approved.
  - Before consideration of a Permit Application for Developing requiring waivers on the subjected property, Council shall;

- Cause a notice to be issued by the designated officer to any person likely to be affected.
  - Ensure that the notice contains the date and time that Council will hear the application for waivers of development standards.
  - Hear any persons that claims to be affected by the decision on the Application.
- Council may then approve the Development Permit Application with or without conditions or refuse the Application with reasons.
- Where Council made the decision on a Development Permit Application, the Development Officer acting on behalf of Council, shall cause a notice of the decision to be issued to the applicant and post a copy of the decision in the lobby of the County Office.
- When applicable, Council should seek comments from other agencies such as the Regional Health Authority, Alberta Transportation, or any applicable Provincial Government department.
- Appeal Procedure
  - Pursuant to Section 685(4)(a) of the Municipal Government Act, if a decision with respect to a Development Permit Application is made by Council, there is no appeal to the Subdivision and Development Appeal Board.
  - Pursuant to Section 685(4)(a) of the Municipal Government Act, if the Development Officer has been delegated, the Authority to decide upon Development Permit Applications as the Development Authority, then the appeal to the Subdivision Appeal Board is limited to whether the Development Officer followed the directions of Council.



Figure 1

