

BYLAW 5899

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A BYLAW OF THE CITY OF LETHBRIDGE TO AMEND  
BYLAW 5700 – THE LAND USE BYLAW OF  
THE CITY OF LETHBRIDGE

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NOW THEREFORE, THE COUNCIL OF THE CITY OF LETHBRIDGE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. Bylaw 5700 – The Land Use Bylaw of the City of Lethbridge is hereby amended.
2. Bylaw 5700 is amended by deleting Section 1.4 Definitions, Subsection 1.4.3 Billboard and inserting the following Section 1.4 Definitions, Subsection 1.4.3 Billboard:

“means a visual device, and its structure and component parts, that carries Third-party Advertising. "Sign" is a separate use.”

3. Bylaw 5700 is further amended by adding the following definitions to Subsection 1.4.3:

“First-party Advertising means advertising that promotes a product or service that is offered at, or a business or activity that is located at, the parcel where the visual device carrying the advertising is located. Also known as “on-premise advertising”.

“Third-party Advertising means advertising that promotes a product or service that is not offered at, or a business or activity that is not located at, the parcel where the visual device carrying the advertising is located. Also known as “off-premise advertising”.

4. Bylaw 5700 is further amended by deleting Section 5.4 Authorized Waivers, subsection 5.4.4.7 and inserting the following Section 5.4 Authorized Waivers, subsection 5.4.4.7:

“A waiver of the requirements for or restrictions on Billboards described in Section 9.20.”

5. Bylaw 5700 is further amended by deleting Section 9.20 Billboards and inserting the following Section 9.20 Billboards:

#### 9.20.1 Billboard Definitions

- **Ambient Light**  
means the level of light in the area at and surrounding a billboard site measured without any luminance from or illumination of the billboard and occurring at any point in time.
- **Copy**  
means the advertising message.
- **Copy-face**  
means the area of the Billboard carrying the Copy.
- **Copy Cycle**  
means the number of different digital messages displayed in sequence before the sequence is repeated.
- **Digital Copy**  
means Copy that is computer designed and programmed to be carried on an electronic display screen that uses LED, LCD, plasma or similar technology.
- **Digital-Copy Billboard or Digital Billboard**  
means a Billboard that carries Digital Copy that may be developed and controlled off-site and displayed on the Billboard Copy-face in a Copy Cycle.
- **Dwell Time**  
means the length of time each Digital Copy in a Copy Cycle appears.
- **Dynamic Copy**  
means Digital Copy that contains moving, flashing, pulsating, Video-image Display, or other similar elements.
- **Emergency Alert Message**  
means Digital Copy, authorized by the City of Lethbridge or the Lethbridge Regional Police Service, meant to alert the general public of a threat to public health and safety or another matter of civic urgency.
- **Excessive Illumination**  
means the level of luminance from or illumination of the billboard, in excess of ambient light + 6.5 lux.
- **Illuminance**  
means the amount of light falling on a surface such as the ground measured in footcandles or lux (1 footcandle = 10.7 lux, 1lux = 0.09 footcandles)

- **Luminance**  
means the amount of light leaving the light source measured in candelas per square metre or nits (1 nit = 1 candela per square metre)
- **Paper-Copy Billboard or Conventional Billboard**  
means a Billboard that carries Copy printed on a material (e.g. paper or vinyl) that is manually applied to or installed on the Billboard copy-face.
- **Sequential Messages**  
means one advertising message that is carried over two or more sequential Digital Copy displays in a Copy Cycle.
- **Static Copy**  
means Digital Copy wherein the message is motionless and contains no moving, flashing, pulsating, Video-image Display or other similar elements.
- **Transition Effects**  
means visual effects such as fading, spinning, sliding, etc. affecting the disappearance of the departing Digital Copy and the appearance of the arriving Digital Copy in a Copy Cycle.
- **Transition Time**  
means the length of time between the disappearance of the departing Digital Copy and the appearance of the arriving Digital Copy in a Copy Cycle.
- **Video-image Display**  
means the use of a LED, LCD, plasma or similar electronic display screen to show life-like rapid sequential images similar to or the same as video clips, movies, television broadcasts, cartoons, etc.

## 9.20.2 Submission Requirements

Notwithstanding the information required for development permit applications described in Section 4.4, applications for all Billboards shall be accompanied by:

- 9.20.2.1 two copies of drawings drawn to a scale of 1:100 or larger, and showing:
- all dimensions of the Billboard structure,
  - the dimensions and area of the Copy-face(s),
  - the manner of all illumination, and
  - the type of construction and finish.

9.20.2.2 two copies of a site plan drawn to a scale of 1:500 or larger, and showing the location of the Billboard with respect to:

- the distance from the parcel line(s),
- the distance from any Billboards within a 300m radius,
- the distance to any residential development within a 150m radius,
- the distance to the any residential district within a 150m radius,
- streets, street intersections, traffic control devices and traffic signs within 100m radius of the location of the Billboard, and
- building(s), sign(s), and on-site parking spaces and maneuvering aisles within 100m radius of the location of the Billboard.

9.20.2.3 for a Digital-Copy Billboard a description of:

- the type of Copy display (static or dynamic),
- the minimum Dwell Time,
- the Transition Time and Transition Effects,
- the Copy Cycle and if there will be message sequencing,
- the maximum Luminance levels from dawn to dusk and from dusk to dawn and the mechanism for automatically adjusting the Luminance to Ambient Light levels, and
- the mechanism to automatically cease messaging in the case of a malfunction.

9.20.2.4 A pdf (portable document format) file containing the information noted above.

### 9.20.3 Billboard Structure Requirements

9.20.3.1 Height:..... 6.1m

#### 9.20.3.2 Structural Support

- shall be a free-standing monopole
- the monopole shall not project above the Billboard face
- the monopole shall not be illuminated
- the monopole shall be constructed of a non-decorative, non-reflective finish
- Billboard Copy-face bracing shall not project beyond the Copy-face
- Billboard Copy-face bracing may be required to be screened from side view

**9.20.4 Billboard Copy-face Requirements**

9.20.4.1 Billboard Copy-faces may be mounted on one or both sides of the mono-pole only. Triple-sided or multi-sided Billboards are not permitted.

9.20.4.2 Single-sized Billboard Copy-face dimensions, per side:

- Vertical..... 3.1m
- Horizontal..... 6.1m
- Area ..... 19.0m<sup>2</sup>

9.20.4.3 Super-sized Billboard Copy-face dimensions, per side:

- Vertical..... 3.1m
- Horizontal..... 13.7m
- Area ..... 42.5m<sup>2</sup>

9.20.4.4 No portion of the Copy-face shall have structural ornamentation.

9.20.4.5 Apart from one sign on the monopole not exceeding 0.2m<sup>2</sup> identifying the Billboard owner, and the Copy carried on the Billboard Copy-face itself, no other signage shall be incorporated into any portion of the Billboard structure or component parts.

9.20.4.6 The Billboard structure shall not incorporate any revolving lights, beacons, search-lights or emit any amplified sounds.

9.20.4.7 No portion of the Billboard shall project beyond the parcel line.

**9.20.5 Billboard Copy Requirements**

9.20.5.1 Paper-Copy Billboard

- Shall be illuminated to the satisfaction of the Development Authority. Internal lighting (back lighting) is not permitted.

9.20.5.2 Digital-Copy Billboards shall be compliant with the following:

- Copy display ..... Static Copy
- Dwell Time, minimum ..... 8 seconds
- Transition Time ..... instantaneous
- Transition Effects ..... none
- Sequential Messages ..... none
- Luminance

The Copy-face shall continuously and automatically adjust to Ambient Light conditions by the following (measured at 10m from the Copy-face):

- Ambient Light level + a maximum of 6.5 lux
- to a maximum Luminance of:
  - dawn to dusk..... 7500 nits
  - dusk to dawn..... 300 nits

#### 9.20.5.3 Emergency Alert Messages

may be displayed upon a Digital Billboard upon request by the City of Lethbridge and/or the Lethbridge Regional Police Service and need not be compliant with the requirements of Section 9.20.5.2.

#### 9.20.5.4 Malfunction

In case of a malfunction Digital Copy shall be automatically frozen in one position or the Copy-face shall display a black screen.

#### 9.20.6 Billboard Location Requirements:

9.20.6.1 A parcel shall contain only one Billboard site.

9.20.6.2 Each proposed site shall contain only one Billboard comprised of a mono-pole with one Copy-face on either one side or both sides of the mono-pole.

9.20.6.3 The proposed site shall not be located:

- in the river valley or a park, or on a Public Roadway.
- on an historic site unless prior municipal and/or provincial approval has been obtained.

9.20.6.4 The proposed site shall be in a district where Billboards are allowed and the site has Frontage on:

- Crowsnest Trail, east of Mayor Magrath Drive
- Crowsnest Trail, west of 25 Street West
- Mayor Magrath Drive South
- Mayor Magrath Drive North
- 5 Avenue North, east of 28 Street North

9.20.6.5 Each Billboard site facing the same traffic flow direction shall be separated from other Billboard sites by the following minimum distances, measured by a straight line,

- Crowsnest Trail east of Mayor Magrath Drive.....300m
- Crowsnest Trail west of 25 Street West.....300m
- Mayor Magrath Drive South,  
north of 24 Avenue South .....100m
- Mayor Magrath Drive South,  
south of 24 Avenue South.....300m
- Mayor Magrath Drive North.....100m
- 5 Avenue North, east of 28 Street North.....300m

9.20.7 Decision Criteria:

the Development Authority shall consider:

9.20.7.1 the possible detrimental effects on the use and amenity of surrounding properties, including total Illuminance of residential properties from a variety of light sources (of which a Billboard may be only one contributor) and may require greater separation distances or lesser Luminance levels than those cited herein and may also require specific siting conditions to mitigate these and other detrimental effects. Siting conditions may include but are not limited to:

- angling the Billboard to avoid excessive illumination of neighbouring properties,
- de-energizing the Billboard during certain hours.

9.20.7.2 the possible detrimental effects on vehicular and pedestrian safety. Applications for Digital-Copy Billboards shall be circulated to the City Transportation department for review of possible visual interference or conflicts with traffic control devices and the potential for driver distraction at decision points.

9.20.7.3 the potential future land uses and urban design guidelines of any applicable Area Structure Plan.

9.20.8 Post-Approval Requirements

9.20.8.1 the Billboard shall be maintained in good repair to the satisfaction of the Development Authority.

9.20.8.2 upon installation of the Billboard the applicant shall provide the City with the geographic coordinates of the Billboard in the format of NAD83 3TM.

9.20.8.3 upon installation of the Billboard the applicant shall provide the City of Lethbridge Communications Department with contact information for the purposes of Emergency Alert Messages and shall keep such contact information current.

9.20.8.4 upon activation of a Digital-Copy Billboard, and subsequently upon request by the Development Authority, the applicant shall provide evidence satisfactory to the Development Authority that the Billboard has been calibrated to meet the requirements of Section 9.20.5 or the requirements of the Development Permit.

#### 9.20.9 Non-conforming Billboards

##### 9.20.9.1 Non-conforming locations

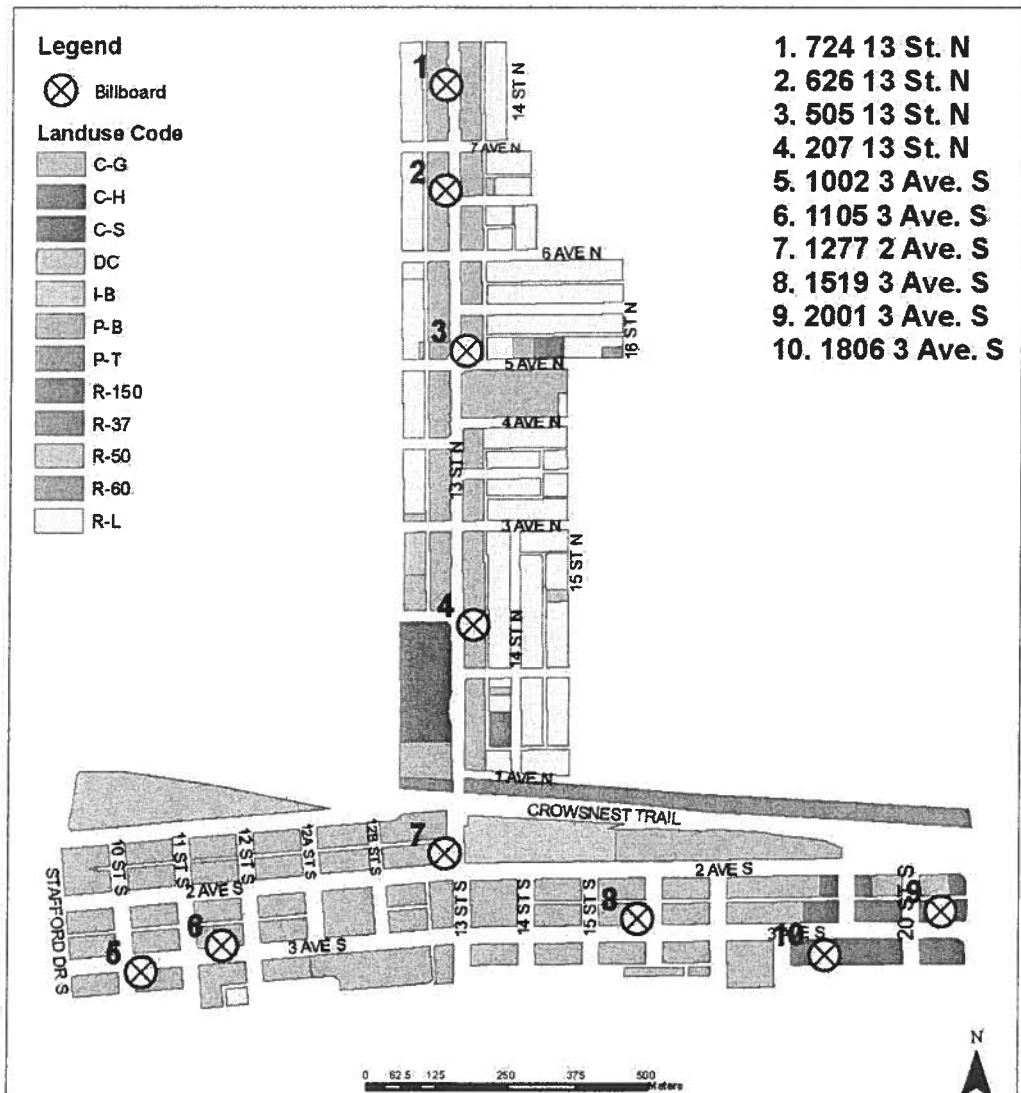
Billboards approved by a development permit issued on or before the date of this bylaw amendment and not located in accordance with Section 9.20.6 are subject to these provisions:

9.20.9.1.1 In accordance with Section 8.3.3 a Billboard, whether Digital-Copy or Paper-Copy, which, in the opinion of the Development Authority, has not carried an intact or legible or otherwise well-maintained message on the Copy-face for a period of six consecutive months is judged to be a discontinued use and must be removed within 30 calendar days of a notice being issued.



9.20.9.1.2 Notwithstanding Section 8.3.6, a Paper-Copy Billboard located in areas shown on the map below may, within one year of the passage of this bylaw amendment, be:

- converted to a Digital Single-sized Billboard, compliant in every other respect with this Bylaw and de-energized between 11 PM at the latest and 6:00 AM at the earliest year round, provided another Single-sized Billboard on the same street is permanently removed prior to the conversion,
- converted to a Digital Single-sized Billboard, compliant in every other respect with this Bylaw and de-energized between 11 PM at the latest and 6 AM at the earliest year-round, if currently a Super-sized Billboard.



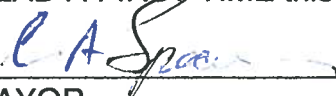

9.20.9.2 Non-conforming Digital Copy:

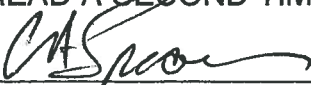

In accordance with Section 8.3.6 a Digital-Copy Billboard approved by a development permit issued on or before the date of this bylaw amendment that does not carry Copy in accordance with Section 9.20.5 cannot be enlarged, added to, re-built, or structurally altered unless the Copy is brought into conformance with this bylaw.


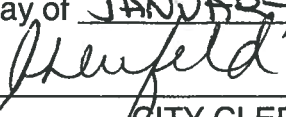
9.20.9.3 Non-conforming Structure

In accordance with Section 8.3.6 a Billboard approved by a development permit issued on or before the date of this bylaw amendment that was not constructed in accordance with Section 9.20.3, cannot be enlarged, added to, re-built, or structurally altered (except as the Development Authority may consider necessary for routine maintenance) unless the structure is brought into conformance with this bylaw. "

- 6. Bylaw 5700 is further amended by deleting "billboards" from Section 10.3 C-G General Commercial, Subsection 10.3.3 Discretionary Uses.
- 7. This Bylaw comes into effect on the date of the final passage thereof:

READ A FIRST TIME this 8<sup>TH</sup> day of DECEMBER, 2014  
  
 MAYOR   
CITY CLERK

READ A SECOND TIME this 19 day of JANUARY, 2015  
  
 MAYOR   
CITY CLERK

READ A THIRD TIME this 19 day of JANUARY, 2015  
  
 MAYOR   
CITY CLERK