



# Setbacks Information in Foothills County

## Land Use Bylaw Regulations & Applications

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**Setback** means the distance which a building or other structure is to be removed from a property line, a street or road, a river or stream, a shore or flood plain, or any place which needs protection.

The Land Use Bylaw lists the minimum setback distance in each land use district as well as any special setback requirements.

**Special setback requirements:** See Section 9.27 of the Land Use Bylaw for regulations that apply to all land use districts, addressing corner lots, water bodies, slopes, utilities, pipelines, etc.

**Please be aware that fences are not always accurately placed on property lines.** A professional surveyor should be contacted to determine exact property line locations and alignment. Caveats on your Certificate of Title may also affect where/what you can build/develop on your property.

### Structures

**All structures** (temporary or permanent) are required to meet the minimum setbacks. Anything with a solid roof is a structure even if it does not have four walls or a permanent foundation.

### Land Use Districts

Each Land Use District (aka “zoning”) has different setback distances. Please read below and/or refer to the Land Use Bylaw for the exact regulations that apply for your property. Be aware that some areas may have specific exceptions or variances which are listed at the end of the applicable district. If you are unsure, please inquire with the Foothills County Planning Department.

Additional regulations may apply within the **Sub-District ‘A’ & Flood Hazard Protection Overlay** areas.

Each **Direct Control District** has its own specific regulations. Please consult the Land Use Bylaw or inquire.

### Roads

**Road Right-of Ways (Road Allowance)** can be thought of as property dedicated to a road and adjacent ditches.

**Undeveloped Road Allowances** are treated the same as developed road allowances. Setback distances must be maintained with the assumption that a road will exist sometime in the future.

**Road acquisition/widening caveats** may be registered on your Land Title Certificate. These agreements will indicate where a potential future property line will be (if the caveat is enacted due to upgrading/widening of an existing road, or construction of a new road). The future property line is the one to be considered when determining setback distances.

**The ‘Centreline’ of a Municipal Road** is typically the centre of the road right-of-way but inquire to confirm.

**Do not assume the road type** (e.g. Municipal vs Provincial Highway\* vs Internal Subdivision Road), each road type has different setback rules. Private driveways do not have setbacks requirements.

*\*Alberta Transportation may require a ‘Roadside Development Permit’ (in addition to any permits required by Foothills County) if within 300 m of a highway, or 800 m of a highway intersection. For more info: [www.alberta.ca/roadside-development-permits.aspx](http://www.alberta.ca/roadside-development-permits.aspx)*

### Buildings within the Setback Distance

In order to bring an existing building into compliance when in contravention of the minimum setback requirements, you may:

1. Relocate the structure to meet all setback requirements;
2. Remove the structure from the property in its entirety; or,
3. Obtain approval under a Development Permit for “Relaxation of Setbacks”.

**Existing Structures** may obtain a variance of up to **90%** of the setback distance through a discretionary use Development Permit process. Discretionary Use permits are subject to a 21 day appeal period.

**Note:** Within the **Residential Community District** a side yard setbacks can be granted to a maximum of 25%; however, must maintain minimum separation under applicable Building Code (i.e., Fire Separation).

**Proposed Structures** may obtain a variance of up to **25%** of the setback distance through a Discretionary Use Development Permit only if the applicant can satisfactorily illustrate that the proposed location is the most appropriate site, or only feasible location, for the proposed development.

## **Agricultural | Country Residential Districts**

*Also: Agricultural Business | Rural Business | Natural Resource Extraction | Low Intensity Industry*

**FRONT YARD SETBACK** (yard frontages abutting a road is deemed a “front yard”; i.e., corner lots have two “front yards”)

- a) 40m from the right-of-way or 70m from the centreline of a Provincial Highway, whichever is greater
- b) 48m from the centreline of a Municipal Road
- c) 15m from the right-of-way of an Internal Subdivision Road

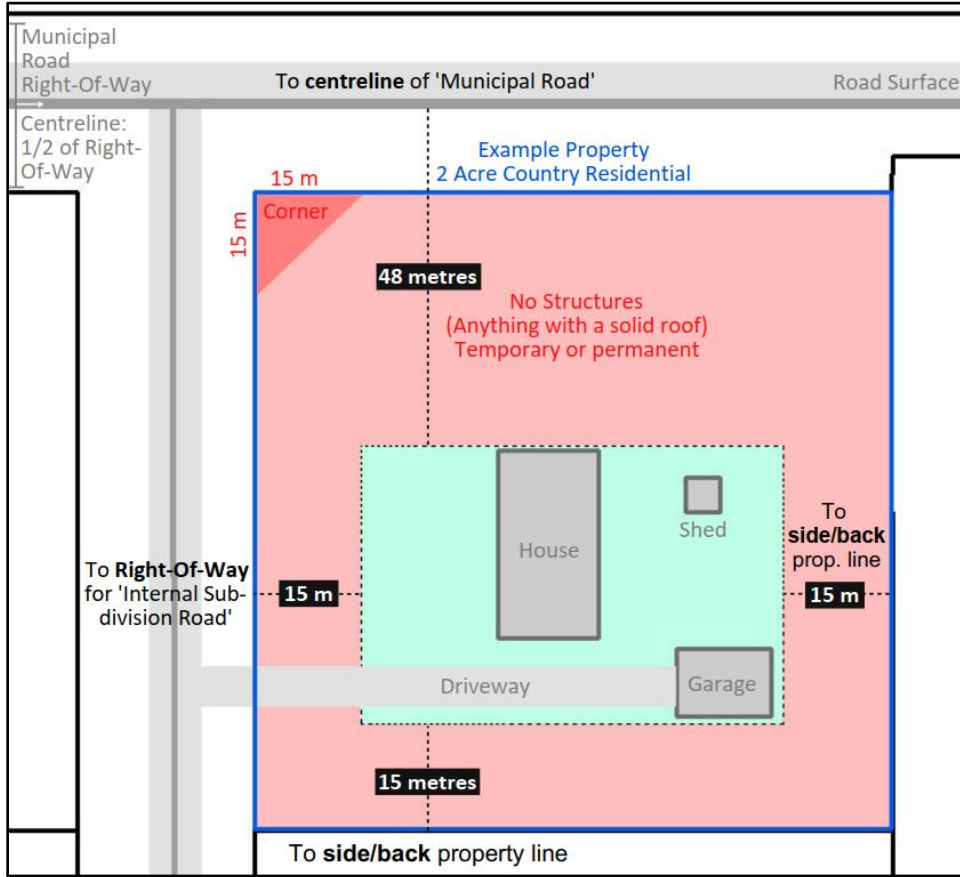
**SIDE & REAR YARD SETBACK**

- a) 15m from the property line

**EXCEPTIONS – SEE LAND USE BYLAW:**

**Country Residential:** Silvertip, Sirroco, Mazeppa

**Other setbacks may apply.** Please check: Section 9.27 of our Land Use Bylaw (Special Setback Requirements), your Certificate of Title for caveats, and all relevant Provincial/Federal regulations.



Example Diagram: Other Setbacks May Apply

## Residential Community | Residential Multi-Family Districts

Note: 'Residential Community' was known as 'Hamlet Residential' prior to January 2022

FRONT YARD SETBACK (yard frontages abutting a road is deemed a "front yard"; i.e., corner lots have two "front yards")

- 40m from the right-of-way or 70m from the centreline of a Provincial highway, whichever is greater
- 48m from the centreline of a Municipal road
- 15m from the right-of-way of an internal subdivision road outside of a hamlet boundary
- 4m from the right-of-way of a municipal or internal subdivision road located within a hamlet boundary

SIDE YARD SETBACK

- 1.5 m from the property line
- Does not apply to the common wall side of a structure if one exists, notwithstanding section 13.4.7.3

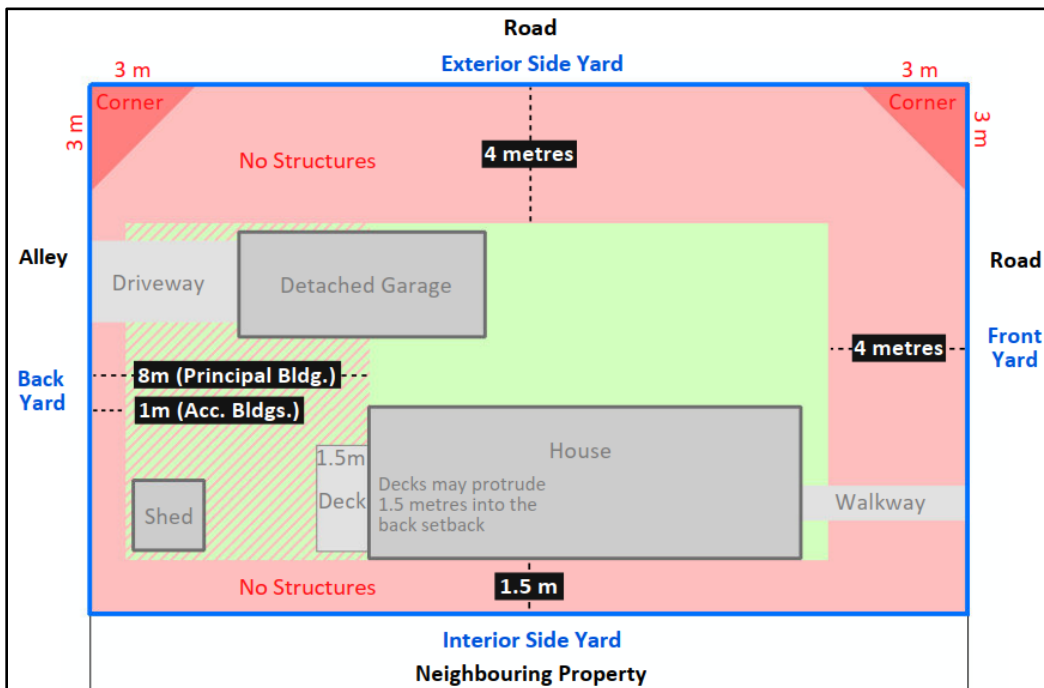
REAR YARD SETBACK

- Principal building: 8m from the property line
- Accessory building: 1m from the property line
- For Residential Community only: Above grade decks (over 2 ft.) and associated staircases/steps may project into the rear yard setback up to 1.5 m

EXCEPTIONS – SEE LAND USE BYLAW:

**Residential Community:** Heritage Pointe, Heritage Pointe Stage 3 – Artesia, Greenhaven, Priddis Greens, Hawks Landing, Cottonwood, Naphtha

**Other setbacks may apply.** Please check: Section 9.27 of our Land Use Bylaw (Special Setback Requirements), your Certificate of Title for caveats, and all relevant Provincial/Federal regulations.



Example Diagram: Other Setbacks May Apply

**ALL OTHER LAND USE DISTRICTS: CONSULT THE LAND USE BYLAW OR OUR PLANNING TEAM**