

SUMMER VILLAGE OF BIRCHCLIFF LAND USE BYLAW AMENDMENT BYLAW #251-24

Being a Bylaw of the Summer Village of Birchcliff, in the Province of Alberta, to authorize amendments to the Summer Village of Birchcliff Land Use Bylaw 170-13.

WHEREAS Section 692 of the Municipal Government Act, RSA 2000, authorizes a Council to amend a land use bylaw;

WHEREAS the Council deems it desirable to amend Land Use Bylaw 170-13;

NOW THEREFORE, the Council of the Summer Village of Birchcliff, in the Province of Alberta, duly assembled, hereby enacts as follows:

An amendment to the Land Use Bylaw 170/13:

1. Part One: General - Add:

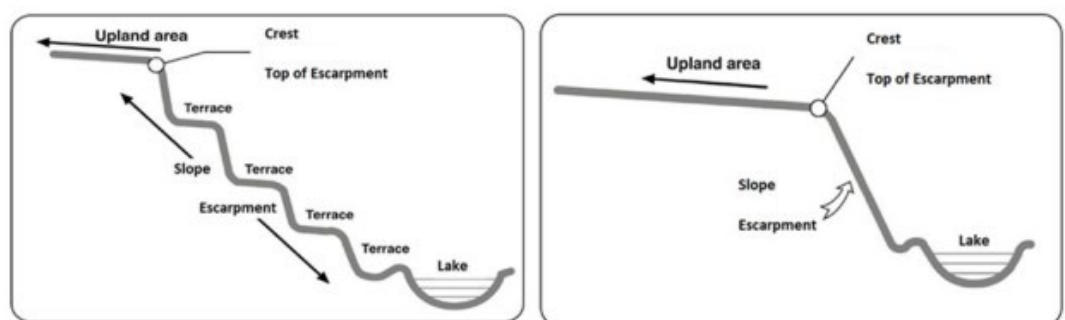
“1.3 Rules of Interpretation:

Compliance with the policies in this Bylaw shall be interpreted and applied as follows:

- a. “shall” and “must” means mandatory compliance;
- b. “should” means compliance in principle, but is subject to the discretion of the Development Authority where compliance is impracticable or undesirable because of relevant planning principles or circumstances unique to a specific application; and
- c. “may” means discretionary compliance or a choice in applying regulation. The regulation can be applied, enforced or implemented if the Development Authority chooses to do so. Application may depend on site specific circumstances.”

2. Part One: General 1.3 Definitions – Revise:

“EscarPMENT means an extended linear topographical feature of relatively steep slope and significant change in elevation, as per the diagrams below:



Where an escarpment line has been previously altered, the top of escarpment shall be considered from the original escarpment line as determined by an Alberta Land Surveyor.”

Add:

“No Mow Zone: A no mow zone is a buffer strip of vegetation that includes native plantings that let aquatic vegetation grow to maintain a stable natural state, a no mow zone allows native plants to seed and reestablish and is not to be maintained. Native plantings to be selected from the Summer Village native plantings list

that can be obtained at the administration office.”

3. Part Two: Development Permits, Contravention & Appeal
 - 2.2 Development Not Requiring a Development Permit (4)
 - Revise to:
The erection or construction of gates, fences, walls or other means of enclosures less than the maximum heights as listed in part three 4(3).

4. Part Three: Supplementary Regulations 4(3) Fencing – Revise to:
 - a. For parcels abutting Sylvan Lake or a reserve parcel abutting the lake, fences:
 - i. Located within a rear, side, or flankage yard of a parcel shall not exceed 2.0 m (6.6 ft.) in height.
 - ii. There shall be no fences located within the front yard.

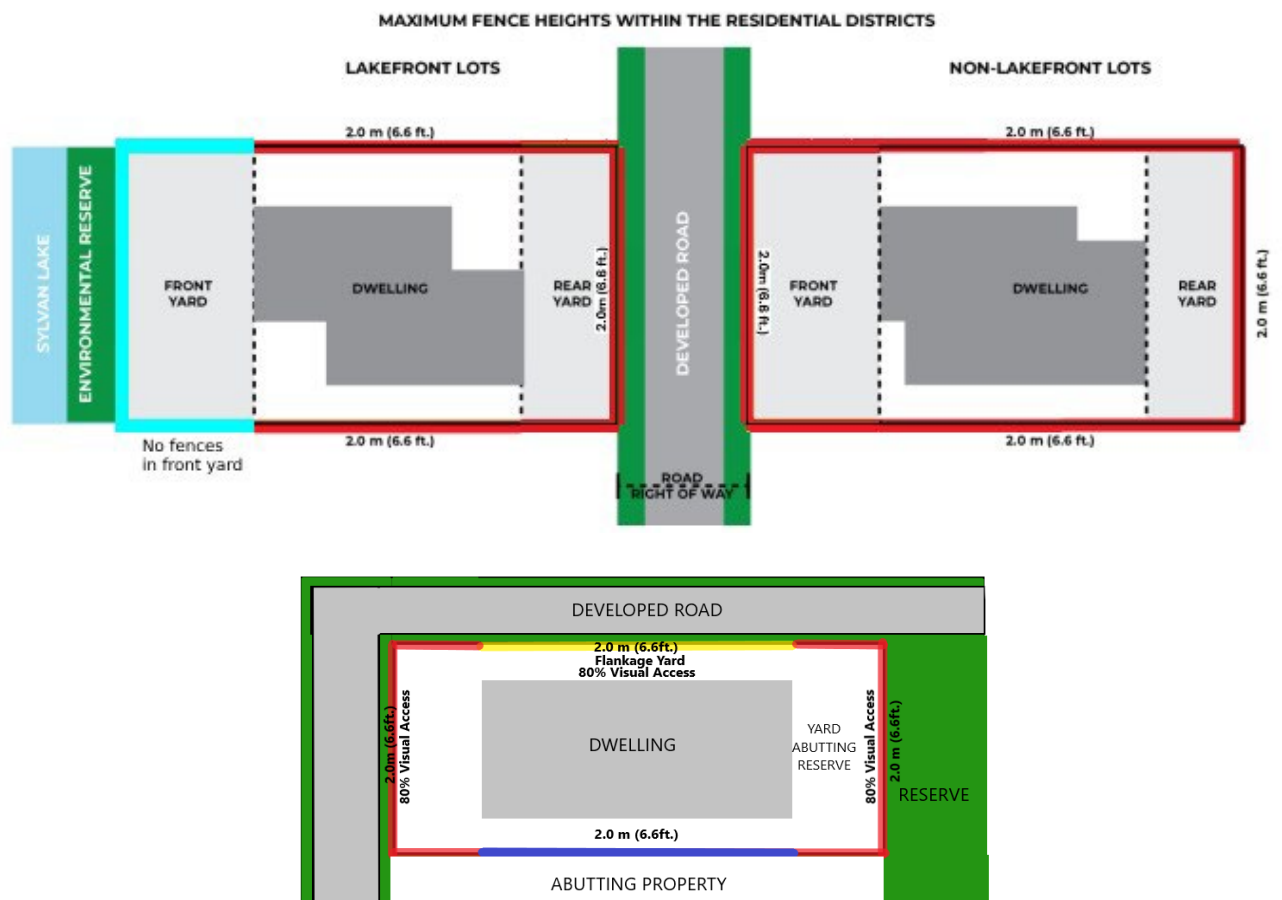
 - b. For parcels not abutting Sylvan Lake or a reserve parcel abutting the lake, fences located within all yards shall not exceed 2.0m (6.6ft.) in height.

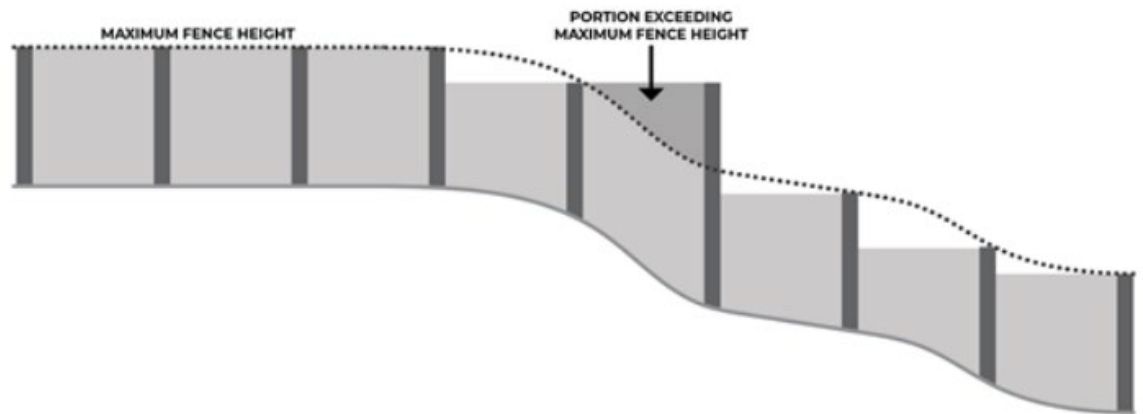
 - c. Fence height shall be determined by measuring from the top of the fence to the ground.

 - d. Fences located within the flankage yard, and yards abutting a road or reserve shall provide 80% visual access perpendicular to the road or reserve. The posts can be located in the center and inside, not outside of the fence.

 - e. Chain link fences must be non-galvanized and restricted to 1.0m (3.3ft.) maximum height in yards adjacent to a street or reserve.

 - f. Barbed wire fencing is not permitted.





5. Part Three: Supplementary Regulations 4(5) Landscaping, Environmental Conservation and Development – Revise to:

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- 1) The following standard of landscaping shall be required for all areas of a parcel not covered by buildings, driveways, storage and display areas:
 - (a) The conservation of existing trees and/or shrubs to the maximum extent possible;
 - (b) The retention, in their natural state, of:
 - (i) Swamps, gullies and natural drainage courses;
 - (ii) Unstable land; (iii) Land subject to flooding and/or located within a 1:100 year floodway or flood fringe area as determined by an engineer or flood study;
 - (iv) Escarpment or slope areas with a gradient of fifteen (15) percent or greater; and
 - (v) Land located below the top of the escarpment of any water body or water course.
 - (c) A minimum 15cm depth of topsoil to facilitate growth in the soft landscaped areas, with areas not planted to trees and shrubs being seeded to grass, sodded or left with its natural grass cover; and
 - (d) Completion of the landscaping within two (2) years of the date of issue of the Development Permit.
 - (e) As a condition of subdivision or development approval, a security in the form of an irrevocable letter of credit may be required by the Development Authority, up to the value of one hundred fifty percent (150%) of the estimated cost of the proposed landscaping to ensure that the landscaping is carried out with reasonable diligence (in accordance with the approved landscaping plan), to the satisfaction of the Development Authority. A condition of the security shall be that the landscaping shall be completed in accordance with this Bylaw and the plan within (1) growing season after the completion of the development. If the landscaping does not survive a two (2) year maintenance period, the amount shall be paid to the Summer Village to complete the landscaping.

- 2) The following standards shall be required for all escarpment areas:
- a. When remedial actions are required on the escarpment, an engineered report shall be required to provide evidence that such actions are necessary. Remedial actions must preserve the natural surroundings while improving the bank stability.
 - b. Alterations to the escarpment area must be accompanied by a geotechnical report and will only be considered below the top of escarpment where necessary in order to stabilize and prevent failure of the slope, not to accommodate walk out basements, firepits, or other aesthetic choices.
 - c. Development for reasonable lake access may be permitted upon successful application and must be accompanied by a geotechnical report and must also be under the maximum of 5 meters, not to exceed 20% of the width of the lot. The development authority must rule based on the merit of the application and the village vision to keep the escarpment natural.
 - d. Further to subsection (a), retaining wall proposals are required to include an engineered report specific to the onsite installation and location of the walls, soil type and on-site conditions, materials, design parameters, site preparation, side slope protection, drainage, and testing/inspection requirements.
 - e. Further to subsection (a), retaining wall height shall not exceed 1m (3.28') in height, and setback a minimum of 3m (9.84') to waters edge, unless specifically required in the geotechnical report and no other option is available. The maximum height allows for the escarpment area to remain as natural as possible. Retaining wall structures shall be made out of natural rock and stone. If concrete or a blocking system, or any other material is used for the retaining structures, a natural rock and stone façade must be installed.
 - f. Minimum 80% of the escarpment area to be covered by native, deep rooting plants or trees planted in grass or topsoil (no gravel, mulch, or turf). Aside from the stairs and retaining walls, and point to point path, no hard landscaping will be permitted.
 - g. Should a guard (rail) be required in accordance with safety codes regulations on a tiered escarpment, it is required to allow for visual access to the yard of the lot to the satisfaction of the Development Authority, additionally including a vegetative guard no smaller than 2' thick, and 42" tall along the guard.

INTRODUCED AND GIVEN FIRST READING this 18th day of July 2024.

**Summer Village of Birchcliff
Land Use Bylaw Amendment Bylaw #251-24**

Roger Dufresne, Mayor

Tanner Evans, C.A.O.

PUBLIC HEARING HELD this 15th day of August 2024.

GIVEN SECOND READING this 15th day of August 2024.

GIVEN THIRD AND FINAL READING this 15th day of August 2024.

Roger Dufresne, Mayor

Tanner Evans, C.A.O.