



## **PUBLIC NOTICE**

### **Summer Village of Sunbreaker Cove**

Notice is hereby given that the Council of the Summer Village of Sunbreaker Cove is holding a public hearing to review proposed amendments to the Land Use Bylaw #99/13.

Section 230 of the Municipal Government Act, RSA 2000, states a public hearing must be held when making amendments to a bylaw prior to the second reading of the bylaw. First reading to bylaw #133/18 was done on August 31, 2018.

A Public Hearing will be held as follows:

**DATE:** September 24, 2018  
**TIME:** 11:30 a.m.  
**PLACE:** Summer Village Administration Office  
Bay 8, 14 Thevenaz Industrial Trail,  
Sylvan Lake, AB T4S 2J5

Enclosed are the proposed amendments. Further information will be available at the Summer Village Administration Office between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday, or online at [www.sylvansummervillages.ca](http://www.sylvansummervillages.ca).

Please join us at the public hearing as we look forward to your comments on Bylaw #133/18. Written submissions must be addressed to the **Summer Village of Sunbreaker Cove** and must be received at the **Summer Village Administration Office, Bay 8, 14 Thevenaz Industrial Trail, Sylvan Lake, AB T4S 2J5** prior to September 20, 2018.

Published a first time: September 13, 2018 in Sylvan Lake News.  
Published a second time: September 20, 2018 in Sylvan Lake News.

Phyllis Forsyth  
CAO  
403-887-2822

**SUMMER VILLAGE OF SUNBREAKER COVE  
LAND USE BYLAW  
AMENDMENT BYLAW #133/18**

Being a Bylaw of the Summer Village of Sunbreaker Cove, in the Province of Alberta, to authorize amendments to the Summer Village of Sunbreaker Cove Land Use Bylaw 99/13.

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 99/13;

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

An amendment to the Land Use Bylaw 99/13:

1. Part One: 1.3 – Revise “building height” definition to: means the vertical distance of a building measured from the average grade to the highest point of the building. This would include, but not limited to, an elevator housing, stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a firewall, a parapet wall, a flagpole or similar device or feature not structurally essential to the building.
2. Part One: 1.3 – Add “holding tank” definition: means a tank that complies with the provisions of the Safety Codes Act and the regulations there under and designed to retain sewage or effluent until transferred into mobile equipment for disposal.
3. Part Two: 2.3 Permission for Development, add the following:
  - (13) After receipt of a development permit application, the Development Authority shall give notice to the applicant by email as per the email address listed on the Development Permit Application, that the application is deemed complete or incomplete.
    - (a) If the application is deemed incomplete, the notice shall contain any outstanding documents and information required, and a date the outstanding documents and information shall be submitted, set out in the notice or a later date agreed on between the applicant and the development authority in order for the application to be considered complete.

**Summer Village of Sunbreaker Cove  
Land Use Bylaw Amendment Bylaw #133/18**

- (b) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in the email, the application is deemed to be refused. The development authority must issue to the applicant a notice by ordinary mail.
4. Part Two: 2.4 Variances, revise all “Development Authority” and “Development Officer” text to “Municipal Planning Commission”.
  5. Part Two: 2.5 Development Permits and Notices, revise (1) to:  
A Development Permit issued pursuant to this Part does not come into effect until twenty-one (21) days after the date on which notice of issuance of the permit is given under subsection 4(a) or (b). Any development proceeded with the applicant prior to the expiry of this period is done solely at the risk of the applicant.
  6. Part Two: 2.5 Development Permits and Notices, revise (4)(a) to: For permitted and discretionary uses:  
(i) Mail a notice of the decision to all persons whose use, enjoyment or value of property may, in the opinion of the Development Authority, be affected;  
and  
(ii) Post a notice of the decision on the Summer Villages’ website.
  7. Part Two: 2.6 Appealing a Decision, revise (4) to: An appeal by an applicant must be commenced within twenty-one (21) days of the notification of the decision or when the forty (40) day period or any time extension expires. An appeal by any other affected person must be made within twenty-one (21) days of the notice of the issuance of the permit was given.
  8. Part Three: 1(1), revise (b)(i) to: No accessory building or any portion thereof shall be erected or placed within the front yard of a parcel other than those listed below in (ii)(c).
  9. Part Three: 1(1), revise (b)(ii)(B) to: 6m (19.68 ft.) from the rear parcel boundary.
  10. Part Three: 1(1), revise (c)(i) to: No accessory building or any portion thereof shall be erected or placed within the front yard of a parcel other than a

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Land Use Bylaw Amendment Bylaw #133/18**

garage or guest house, sheds are not permitted.

11. Part Three: 1(1), (c)(ii) add the following:  
C. 6m (19.68 ft.) from the front parcel boundary.
12. Part Three: 2(2), revise (a)(ii)(c) to: Any projection not exceeding 3m (9.84 ft.) over the minimum rear yard for a main building, or fifty (50) percent over the minimum rear yard for an accessory building.
13. Part Four: (R1) District, revise Parcel Servicing (1) to:  
Only a holding tank shall be permitted for any detached dwelling or a replacement of existing septic system.
14. Part Four: (R1) District, under Site Development, revise (c) Maximum Parcel Coverage to:  
Fifty (50) percent, other fifty (50) percent shall remain as is or contain native grasses, trees, shrubs, or ornamental plantings, satisfactory to the Development Authority.

**INTRODUCED AND GIVEN FIRST READING** this day of, 2018.

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Teresa Beets, Mayor

\_\_\_\_\_  
Phyllis Forsyth, C.A.O.

**PUBLIC HEARING HELD** this day of, 2018.

**GIVEN SECOND READING** this day of, 2018.

**GIVEN THIRD AND FINAL READING** this day of, 2018.

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Teresa Beets, Mayor

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Phyllis Forsyth, C.A.O.

**SUMMER VILLAGE OF SUNBREAKER COVE**  
**LAND USE BYAW**  
**AMENDMENT BYLAW #133/18**  
**PUBLIC HEARING – SEPTEMBER 24, 2018**

**1. Building Height (Part One - Definitions)**

Current Regulation: “building height” means the vertical distance of a building measured from the average grade to the highest point of the building. The highest point of a building shall be determined without considering an elevator housing, stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a firewall, a parapet wall, a flagpole or similar device or feature not structurally essential to the building.

PROPOSED REGULATION: “building height” means the vertical distance of a building measured from the average grade to the highest point of the building. This would include, but not limited to, an elevator housing, stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a firewall, a parapet wall, a flagpole or similar device or feature not structurally essential to the building.

Reasoning: Council would like these structures included in the building height. If it were to result in the building height being over the maximum of 32.8 ft., then the application would go before the Municipal Planning Commission to approve the variance request.

**2. Holding Tank (Part One - Definitions)**

Current Regulation: N/A

PROPOSED REGULATION: “holding tank” means a tank that complies with the provisions of the Safety Codes Act and the regulations there under and designed to retain sewage or effluent until transferred into mobile equipment for disposal.

Reasoning: Since parcel servicing is proposed to include a holding tank, there must be a definition in the Bylaw. See #13.

**3. Application Deemed Complete (Part Two - Permission for Development)**

Current Regulation: N/A

PROPOSED REGULATION: After receipt of a development permit application, the Development Authority shall give notice to the applicant by email as per the email address listed on the Development Permit Application, that the application is deemed complete or incomplete.

(a) If the application is deemed incomplete, the notice shall contain any outstanding documents and information required, and a date the outstanding documents and information shall be submitted, set out in the notice or a later date agreed on between the applicant and the development authority in order for the application to be considered complete.

(b) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in the email, the application is deemed to be refused. The development authority must issue to the applicant a notice by ordinary mail.

Reasoning: As per the new Municipal Government Act revisions, municipalities must provide

in the Land Use Bylaw how applicants will be notified when/if their application is deemed complete. All applicants are asked to submit an email addresses on the application form.

#### **4. Variance Requests (Part Two – Variances)**

Current Regulation: The Development Authority may approve an application...in the opinion of the Development Authority...

The Development Officer shall adhere to the following...

...of the Development Authority to relax... the Development Authority shall not permit...

PROPOSED REGULATION: The Municipal Planning Commission may approve an application...in the opinion of the Municipal Planning Commission...

The Municipal Planning Commission shall adhere to the following...

...of the Municipal Planning Commission to relax... the Municipal Planning Commission shall not permit...

Reasoning: Administration currently refers all variance requests to the Municipal Planning Commission, so the Land Use Bylaw should reflect practice.

#### **5. Permit Effective Date (Part Two – Development Permits and Notices)**

Current Regulation: A Development Permit issued pursuant to this Part does not come into effect until fourteen (14) days after the date on which notice of issuance of the permit is given under subsection 4(a) or (b) or twenty-one (21) days after the date on which notice of issuance of the permit is given, if such notice is given under subsection 4(a)(i) by ordinary mail, whichever last occurs. Any development proceeded with the applicant prior to the expiry of this period is done solely at the risk of the applicant.

PROPOSED REGULATION: A Development Permit issued pursuant to this Part does not come into effect until twenty-one (21) days after the date on which notice of issuance of the permit is given under subsection 4(a) or (b). Any development proceeded with the applicant prior to the expiry of this period is done solely at the risk of the applicant.

Reasoning: As per the new Municipal Government Act revisions, the permit effective date was 14 days, but is now 21 days.

#### **6. Notice of Decision (Part Two – Development Permits and Notices)**

Current Regulation: For a discretionary use: (i) Mail a notice of the decision to all persons whose use, enjoyment or value of property may, in the opinion of the Development Authority, be affected; and (ii) Post a notice of the decision conspicuously on the property for which the application has been made;

For a permitted use: (i) Post a notice of the decision conspicuously on the property for which the application has been made.

PROPOSED REGULATION: For permitted and discretionary uses: (i) Mail a notice of the decision to all persons whose use, enjoyment or value of property may, in the opinion of the Development Authority, be affected; and (ii) Post a notice of the decision on the Summer Villages' website.

Reasoning: Posting the notice of decision on the website is more efficient than staff going out and posting on property, as well as keeping the metal posts in good condition and tracking them. This will save time and money.

**7. 21 Day Appeal Period (Part Two – Appealing a Decision)**

Current Regulation: An appeal by an applicant must be commenced within fourteen (14) days of the notification of the decision or when the forty (40) day period or any time extension expires. An appeal by any other affected person must be made within fourteen (14) days of the notice of the issuance of the permit was given.

PROPOSED REGULATION: An appeal by an applicant must be commenced within twenty-one (21) days of the notification of the decision or when the forty (40) day period or any time extension expires. An appeal by any other affected person must be made within twenty-one (21) days of the notice of the issuance of the permit was given.

Reasoning: As per the new Municipal Government Act revisions, the appeal period was 14 days but is now 21 days.

**8. Accessory Building Front Yard Setback (Part Three – Accessory Buildings, Lakefront Properties)**

Current Regulation: No accessory building or any portion thereof shall be erected or placed within the rear yard of a parcel other than a garage requiring a minimum rear yard setback of 8 m (26.25 ft.).

PROPOSED REGULATION: No accessory building or any portion thereof shall be erected or placed within the front yard of a parcel other than those listed below in (ii)(c), *which is, an accessory building used as a storage shed, not exceeding 13 m<sup>2</sup> (139.93 ft<sup>2</sup>) shall be a minimum of 1 m (3.28 ft.) from the side and rear parcel boundaries and 2 m (6.56 ft.) from the front parcel boundary.*

Reasoning: Currently the Land Use Bylaw says no accessory building shall be placed in the rear yard other than a garage with an 8m rear yard setback, then it beings to list rear yard setbacks for accessory buildings. By changing this regulation, it will eliminate this contradiction. Small sheds are still permitted in the front yard. The front yard is considered the lake side and the rear yard is the road side, for these properties.

**9. Accessory Building Rear Yard Setback (Part Three – Accessory Buildings, Lakefront Properties)**

Current Regulation: On an interior parcel, a minimum of 7.5m (24.60 ft.) from the rear parcel boundary.

PROPOSED REGULATION: On an interior parcel, a minimum of 6m (19.68 ft.) from the rear parcel boundary.

Reasoning: In other parts of the Land Use Bylaw, detached garages can be 6m from the rear parcel boundary, as well as attached garages. By changing this regulation, it will eliminate the contradiction, as well as treating attached and detached garages the same. The front yard is considered the lake side and the rear yard is the road side, for these properties.

**10. Accessory Buildings (Part Three – Accessory Buildings, Non-Lakefront Properties)**

Current Regulation: No accessory building or any portion thereof shall be erected or placed within the front yard of a parcel other than a garage requiring a minimum front yard setback of 8 m (26.25 ft.).

PROPOSED REGULATION: No accessory building or any portion thereof shall be erected or placed within the front yard of a parcel other than a garage or guest house, sheds are not permitted.

Reasoning: Council would like guest houses and other similar structures, permitted in the front yard, not just detached garages. The front yard is considered the road side for these properties. *See #11 for the new setback requirement.*

**11. Accessory Building Front Yard Setback (Part Three – Accessory Buildings, Non-Lakefront Properties)**

Current Regulation: No accessory building or any portion thereof shall be erected or placed within the front yard of a parcel other than a garage requiring a minimum front yard setback of 8 m (26.25 ft.).

PROPOSED REGULATION: 6m (19.68 ft.) from the front parcel boundary.

Reasoning: Since we are proposing to remove the 8m setback, we added the 6m so there was still a minimum front yard setback, which aligns with other front yard setbacks listed in the Land Use Bylaw. The front yard is considered the road side for these properties. *See #10 for more information.*

**12. Accessory Building Projections (Part Three – Projections Over Yards)**

Current Regulation: Any projection not exceeding 3 m (9.84 ft.) over the minimum rear yard.

PROPOSED REGULATION: Any projection not exceeding 3 m (9.84 ft.) over the minimum rear yard for a main building, or fifty (50) percent over the minimum rear yard for an accessory building.

Reasoning: Currently the Land Use Bylaw says accessory buildings can be situated 1m from the rear parcel boundary, and its projected eaves cannot be closer than 3m to the rear parcel boundary. Therefore accessory buildings needs their own a rear yard projection setback which makes sense.

**13. Parcel Servicing (Part Four – Land Use District R1)**

Current Regulation: N/A

PROPOSED REGULATION: Only a holding tank shall be permitted for any detached dwelling or a replacement of existing septic system.

Reasoning: Administration currently conditions permits to change from septic fields to a holding tank, so the Land Use Bylaw should reflect practice.

**14. Parcel Coverage (Part Four – Land Use District R1)**

Current Regulation: Maximum Parcel Coverage: Fifty (50) percent

PROPOSED REGULATION: Maximum Parcel Coverage: Fifty (50) percent, other fifty (50) percent shall remain as is or contain native grasses, trees, shrubs, or ornamental plantings, satisfactory to the Development Authority.

Reasoning: To ensure vegetation makes up for 50% of the parcel coverage. By adding this, it will be less of a grey area and easier to understand what is included when determining parcel coverage.

**PLEASE SUBMIT ALL WRITTEN COMMENTS BY SEPTEMBER 20, 2018**