



PUBLIC NOTICE

Summer Village of Birchcliff

Notice is hereby given that the Council of the Summer Village of Birchcliff is holding a public hearing to review proposed amendments to the Land Use Bylaw #170/13.

Section 692 of the Municipal Government Act, RSA 2000, authorizes Council to amend a land use bylaw. Section 230 of the Municipal Government Act, RSA 2000, states a public hearing must be held when making amendments to the land use bylaw prior to the second reading of the bylaw. First reading was done on January 17, 2019.

A Public Hearing will be held as follows:

DATE: February 21, 2019
TIME: 10:00 a.m.
PLACE: Summer Villages Administration Office
Bay 8, 14 Thevenaz Industrial Trail,
Sylvan Lake, AB T4S 2J5

Enclosed is a list of 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.

Please join us at the public hearing as we look forward to your comments on the Amendment Bylaw #215/19. Written submissions must be addressed to the **Summer Village of Birchcliff** and must be received at the **Summer Village Administration Office, Bay 8, 14 Thevenaz Industrial Trail, Sylvan Lake, AB T4S 2J5** prior to February 20, 2019.

Published a first time: February 7, 2019 in Sylvan Lake News.
Published a second time: February 14, 2019 in Sylvan Lake News.

Phyllis Forsyth
CAO
403-887-2822

SUMMER VILLAGE OF BIRCHCLIFF
LAND USE BYAW
AMENDMENT BYLAW #215/19
PUBLIC HEARING – February 21, 2019

1. Home Occupation (Part One - Definitions)

Current Regulation: “home occupation” means any occupation, trade, profession, or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building.

PROPOSED REGULATION: “home occupation” means any occupation, trade, profession, or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building. This shall not include any cannabis retail sales or cannabis production and distribution.

Reasoning: The cannabis legalization came into effect on October 17, 2018, and only registered licensed facilities can sell cannabis as per Federal laws. Residential buildings are not constructed for cannabis cultivation and cannabis facilities are typically located in commercial, industrial, or agricultural zoning districts. Council wants to ensure Home Occupations in the Summer Village do not include cannabis sales/production, etc.

2. Application for Development (Part 2 – Development Permits, Contravention & Appeal)

Current Regulation: An application made for development at or of church camp cottages shall be accompanied by a letter of authorization from the Director(s) of the Church Camp, indicating the location of the site boundaries in relation to existing registered parcel boundaries and surrounding cottages.

PROPOSED REGULATION: Applications for development at or of church camp cottages shall be accompanied by a letter of authorization from the Director(s) of the Church Camp, indicating their approval of the proposed development and its entirety.

Reasoning: As the landowner, the Church Camp should have final say on any development as a whole before it is brought forward to the Summer Village Administration.

3. Projections Over Yards (Part Three - Yards)

Current Regulation: In all other districts, the portion of and attachments to a main or accessory building which may project over or on a minimum yard are: (i) Any projection not exceeding 1.50 m (4.92 ft.) into a front yard or rear yard; (ii) Any projection not exceeding 0.60 m (1.97 ft.) into a side yard; (iii) Any projection that is an exterior fire escape not exceeding 1.20 m (3.94 ft.) in width.

PROPOSED REGULATION: Remove from Land Use Bylaw.

Reasoning: Projections over yards in the residential district is already covered in another section of the Land Use Bylaw. The other districts in the Summer Village are Community Reserve and Environmental Open Space, and main/accessory buildings are not permitted in these districts.

4. Driveway Setback (Part Three – Vehicles)

Current Regulation: Driveways on corner parcels shall be setback from the street

intersection not less than 6 m (19.69 ft.) where the driveway serves not more than four (4) dwelling units.

PROPOSED REGULATION: Driveways on corner parcels shall be setback from the street intersection not less than 6 m (19.69 ft.).

Reasoning: The Summer Village only allows for one dwelling unit per parcel, therefore one driveway per parcel.

5. Driveway Material (Part Three – Vehicles)

Current Regulation: N/A

PROPOSED REGULATION: Driveways to be constructed of asphalt or gravel within the carriageway (between the road and private property line).

Reasoning: Asphalt road repairs/overlays are difficult if a different driveway material is used, like concrete or paving stones, etc. The driveway from the property line to the garage for example, can be concrete or paving stones, etc.

6. Permitted Uses (Part Four – Residential (R1) District)

Current Regulation: N/A

PROPOSED REGULATION: Add “Driveway, Deck/Stairs, Holding Tank, Private Pool” to permitted uses.

Reasoning: Permits are and have been issued for these structures as they are a development, and they should be listed as a Use in the Land Use Bylaw. By placing them under Permitted Uses, the Development Officer can issue the permit rather than the applicant going before the Municipal Planning Commission if placed under Discretionary Uses.

7. Discretionary Uses (Part Four – Church Camp (CC1) District)

Current Regulation: N/A

PROPOSED REGULATION: Add “Deck/Stairs” to discretionary uses.

Reasoning: Permits have been issued for these structures as they are a development and they should technically be listed as a Permitted or Discretionary Use. There are no Permitted Uses in this District.

8. Discretionary Uses (Part Four - All Residential and both Church Camp Districts)

Current Regulation: “Temporary building” is listed as a Discretionary Use.

PROPOSED REGULATION: Remove “Temporary building” as a Discretionary Use.

Reasoning: Temporary buildings are structures without any foundation below grade that are intended to be used for a short-term basis and are only allowable when a permit has been issued for a permanent structure. Their use is regulated in the “Development Not Requiring A Permit” section of the Land Use Bylaw. By having them listed as a Discretionary Use, the Bylaw contradicts itself. If someone wanted to use a temporary building for other than above, it would go to the Municipal Planning Commission as a variance request.

9. Supplementary Regulations (Part Four – Back-Lot Residential (R2) District)

Current Regulation: A restrictive covenant, registered against the Certificate of Title, shall provide further development controls for the following lands.

PROPOSED REGULATION: Remove this statement from the Land Use Bylaw.

Reasoning: No lands are listed, therefore it is not applicable.

10. Site Development (Part Four – Church Camp (CC1) District)

Current Regulation: All development proposals shall be accompanied by the “Site Development Plan” which shall show the existing and proposed uses, the relationship between and the architectural treatment of all buildings, the provision and treatment of open space and the location and number of parking stalls provided and other circulation corridors. This information is to be provided to the satisfaction of Council, and must have regard for the carrying capacity for the land, and generally must conform to the following.

PROPOSED REGULATION: Revise “Council” to “Municipal Planning Commission”

Reasoning: The Municipal Planning Commission is the Development Authority, not Council.

11. Minimum Setback (Part Four – Church Camp (CC1) District)

Current Regulation: 5(d) Any projection on the yards described in (3) are only allowed as unenclosed decks and shall not exceed 2.44 m (8 ft.) in width.

PROPOSED REGULATION: Revise “(3)” to “(b) - Recreational vehicles shall be a minimum of 3 m (9.84 ft.) from any property line.

Reasoning: There is no “(3)”, and this statement is actually referring to “(b)”.

12. Landscaping Requirements (Part Four – Church Camp (CC1) District)

Current Regulation: Details of an entrance landscaping feature and landscaped areas provided within parking areas that result in creating more than twenty-five (25) stalls must be provided in conjunction with a “Site Development Plan” to the satisfaction of Council.

PROPOSED REGULATION: Revise “Council” to “Municipal Planning Commission”

Reasoning: The Municipal Planning Commission is the Development Authority, not Council.

13. Site Development (Part Four – Church Camp Cottage (CC2) District)

Current Regulation: (4)(d) 7.50 m (24.61 ft.) from the top of the escarpment or high water mark, and (e) 3m (9.84ft.) from Birchcliff Road.

PROPOSED REGULATION: Remove (d) and (e) from the Land Use Bylaw.

Reasoning: The yards would not extend past their internal path that is parallel to the lake, or the legal lot line that is parallel to Birchcliff Road. These setbacks are not applicable.

14. Parking Regulations (Part Four – Church Camp Cottage (CC2) District)

Current Regulation: Accesses, totalling six (6), from Birchcliff Road, shall be reduced as per details contained in the “Church Growth Plan” when the new proposed northern entrance is constructed. All driveways shall be constructed to the satisfaction of Council.

PROPOSED REGULATION: Remove from the Land Use Bylaw.

Reasoning: This is only applicable to the CC1 District.

15. Park Model Recreational Vehicles (All Parts in the Land Use Bylaw)

Current wording: “Park Model Recreational Vehicle”

PROPOSED WORDING: “Park Model Trailer”

Reasoning: Park model Trailers and Recreational Vehicles are different. Using the term “Park Model Trailer” rather than “Park Model Recreational Vehicle” is less confusing.

16. Site Development (Part Four – Church Camp (CC1) District)

Current Regulation: No more than twelve (12) park model recreational vehicle units are allowed in the thirty-five (35) stall recreational vehicle area known as “Western R.V. Park” (a)

Park model recreational vehicle units over the maximum number of twelve (12) are prohibited and not permitted in other areas in the Church Camp District CC1 or CC2.

PROPOSED REGULATION: No more than thirty-five (35) Park Model Trailers are allowed in the thirty-five (35) stall recreational vehicle area known as “Western R.V. Park” (a) Park Model Trailer units are welcome to a maximum of thirty-five (35) in the Church Camp District (CC1) only.

Reasoning: While similar to a recreational vehicle, park model trailers enhance the lot, increases the insurable value, and bring a more stable and committed owner. They are movable if necessary, and the Land Use Bylaw states “wheels must remain on the unit at all times to facilitate the removal of the unit”.

PLEASE SUBMIT ALL WRITTEN COMMENTS BY FEBRUARY 20, 2019

**SUMMER VILLAGE OF BIRCHCLIFF
LAND USE BYLAW
AMENDMENT BYLAW #215/19**

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: 1.3 Definitions - revise Home Occupation to: means any occupation, trade, profession, or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building. This shall not include any cannabis retail sales or cannabis production and distribution.
2. Part Two, 2.3 Permission for Development, revise (1)(f) to: A statement of registered ownership of land and interest of the applicant therein together with a copy of the Certificate of Title indicating ownership and encumbrances. Applications for development at or of church camp cottages shall be accompanied by a letter of authorization from the Director(s) of the Church Camp, indicating their approval of the proposed development and its entirety.
3. Part Three, 2(2) Projections Over Yards - remove (b) "In all other districts, the portion of and attachments to a main or accessory building which may project over or on a minimum yard are: (i) Any projection not exceeding 1.50 m (4.92 ft.) into a front yard or rear yard; (ii) Any projection not exceeding 0.60 m (1.97 ft.) into a side yard; (iii) Any projection that is an exterior fire escape not exceeding 1.20 m (3.94 ft.) in width."
4. Part Three, 3(1) Driveways, remove the following under (b): where the driveway serves not more than four (4) dwelling units.
5. Part Three, 3(1) Driveways, add the following: (f) Driveways to be constructed of asphalt or gravel within the carriageway (between road and private property line).
6. Part Four, all Residential Districts - Add "Driveway, Deck/Stairs, and Private Pool" to Permitted Uses.
7. Part Four, Church Camp District - Add "Deck/Stairs" to Discretionary Uses.
8. Part Four, all Residential and both Church Camp Districts - Remove "Temporary Building" from Discretionary Uses.
9. Part Four, Back-Lot Residential (R2) District, Supplementary Regulations - Remove (2) "A restrictive covenant, registered against the Certificate of Title, shall provide further development controls for the

following lands:”

10. Part Four, Church Camp District (CC1), under Site Development, revise “Council” to “Municipal Planning Commission”.
11. Part Four, Church Camp District (CC1), 5(d): Revise “(3)” to “(b)”.
12. Part Four, Church Camp District (CC1), Landscaping Requirements (1): Revise “Council” to “Municipal Planning Commission”.
13. Part Four, Church Camp Cottage District (CC2), under Site Development (4) remove: “and/or where applicable: (d) 7.50 m (24.61 ft.) from the top of the escarpment or high water mark; and (e) 3 m (9.84 ft.) from Birchcliff Road.”
14. Part Four, Church Camp Cottage District (CC2), Parking Regulations - Remove (4) “Accesses, totalling six (6), from Birchcliff Road, shall be reduced as per details contained in the “Church Growth Plan” when the new proposed northern entrance is constructed. All driveways shall be constructed to the satisfaction of Council.”
15. All Parts of the Land Use Bylaw, revise “Park Model Recreational Vehicle” to “Park Model Trailer”
16. Part Four, Church Camp District (CC1), revise Site Development (4) and (4) (a) to: “No more than thirty-five (35) Park Model Trailers are allowed in the thirty-five (35) stall recreational vehicle area known as “Western R.V. Park” (a) Park Model Trailer units are welcome to a maximum of thirty-five (35) in the Church Camp District (CC1) only.”

GIVEN FIRST READING this 17th day of January, 2019.

Roger Dufresne, Mayor

Phyllis Forsyth, CAO

PUBLIC HEARING HELD ON _____, 2019.

GIVEN SECOND READING this _____ day of _____, 2019.

GIVEN THIRD AND FINAL READING this _____ day of _____, 2019.

Roger Dufresne, Mayor

Phyllis Forsyth, CAO