



## **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 the Land Use Bylaw – Amendment Bylaw #199/17.

Section 230 of the Municipal Government Act, RSA 2000, states a public hearing on a proposed bylaw must be held before the second reading of the bylaw. First reading was given on July 20<sup>th</sup>, 2017.

A Public Hearing will be held as follows:

**DATE:**           **October 13<sup>th</sup> 2017**

**TIME:**           **10:00 a.m.**

**PLACE:**         **Summer Village Administration Office**  
**Bay 8, 14 Thevenaz Industrial Trail**  
**Sylvan Lake, AB T4S 2J5**

The Amendment Bylaw #199/17 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 <http://www.sylvansummervillages.ca/birchcliff.html>.

Please join us at the public hearing; we look forward to your comments on the Bylaw. 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 October 11<sup>th</sup> 2017.

Published a first time: September 28<sup>th</sup>, 2017 in Sylvan Lake News.  
Published a second time: October 5<sup>th</sup>, 2017 in Sylvan Lake News.

Phyllis Forsyth  
CAO  
403-887-2822

**SUMMER VILLAGE OF BIRCHCLIFF**  
**BYLAW NO. 199/17**

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.

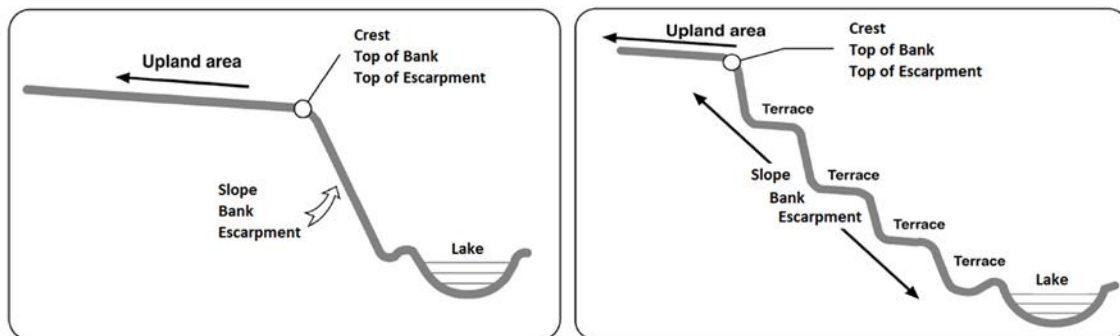
WHEREAS: Section 692 of the Municipal Government Act, RSA 2000, authorizes a Council to amend a land use bylaw;

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 – Revise “grade” (a) definition to: If the applicant can show by reference to legal surveys that the predevelopment elevation of the subject parcel varies by no more than 1 m in 30 lineal metres, the Development Authority may determine grade by calculating the average of the highest and lowest elevation on the parcel or above top of bank; or
2. Part One: 1.3 – Revise the current “escarpment” definition to: “Escarpment” means an extended linear topographical feature of relatively steep slope and significant change in elevation, as per the diagrams below.



3. Part One: 1.3 – Add the following definition: “Top of Bank” – please refer to the “escarpment” definition and diagrams.
4. Part One: 1.3 – Add the following definition: “High water mark” means the line that separates the Crown-owned bed and shore of a water body from the adjacent private land is called the legal bank (defined in the Surveys Act). Its location is synonymous with what is commonly known as the ordinary high water mark.
5. Part Two: Revise 2.2 (1) to read: The carrying out of works of improvement, maintenance, repairs or renovation to any, but not limited to, building, deck, driveway, patio provided that such works do not include structural alterations, additions, drainage alterations or any improvement that affect parcel coverage, and that the works comply with the regulations of this Land Use Bylaw.

6. Part Two: 2.3 – Add the following point under (1) to read: Copies of all provincial and federal required documents relative to the development.
7. Part Three: Add point (g) to 1(1) that reads: Accessory building's combined footprints shall be no larger than 6% of the parcel's total area, to a maximum of 2200 sq. ft.
8. Part Three: Revise point (b) in 1(2) to read: Accessory building's combined footprints shall be no larger than 6% of the parcel's total area, to a maximum of 2200 sq. ft.
9. Part Three: Revise 1(5) to read: Number of Buildings on a Parcel;  
A Development Permit shall not be issued for more than:
  - (a) One (1) main building on an unsubdivided parcel; and
  - (b) Two (2) accessory buildings on an unsubdivided parcel.
10. Part Three: 3(1) – Revise point (c) to read: In residential districts, the number of driveways shall be limited to not more than one (1) driveway on a property with less than or equal to 40 m (131.23 ft.) and not more than two (2) driveways for properties with more than 40 m (131.23 ft.) of frontage.
11. Part Four: (R1) (R2) (R3) Districts:  
Permitted Use – Accessory Building to read: Accessory Building where the total floor area is 72 sq. m. (796.54 sq. ft.) or less; and  
Discretionary Uses – Accessory Building to read: Accessory Building where the total floor area is over 72 sq. m. (796.54 sq. ft.).
12. Part Four: (R2) (R3) (CC2) Districts:  
Manufactured Dwelling to be listed as a Discretionary Use.
13. Part Four: (R1) (R2) (R3) (CC2) Districts:  
Building Demolition to be moved from a Discretionary Use to a Permitted Use.
14. Part Four: (R3) District – Remove the following under Keeping of Animals:  
(1) No livestock or poultry, with the exception of dogs, cats and such other domestic pets as are typically kept indoors, shall be permitted.
15. Part Four: (CC2) District – Revise Maximum Building Area to:
 

Maximum Floor Area	
(1) Main Floor	602.78 sq. ft.
(2) Second Floor	602.78 sq. ft.
(3) Basement/Crawlspace	602.78 sq. ft.
16. Part Four: (CC2) District – Revise Maximum Building Height to:  
(1) 19.0 ft. for the overall building height, measured from grade to the top of the highest ridge of the roof.
17. Part Four: (UR) District:  
This section to be removed from the Land Use Bylaw, as this District does not exist in the Summer Village of Birchcliff.

## “Grade” Definition (Part One: 1.3 Definitions, Page 1)

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### Current Regulation:

“Grade” means the ground elevation established for the purpose of determining building height. In determining grade, the Development Authority shall select from the following methodologies, whichever one best ensures compatibility with neighbouring developments:

- (a) If the applicant can show by reference to **reliable** surveys that the predevelopment elevation of the subject parcel varies by no more than 1 m in 30 lineal metres, the Development Authority may determine grade by calculating the average of the highest and lowest elevation on the parcel; or
- (b) The Development Authority may determine grade by calculating the average of the pre-development elevations at the corners of the parcel as shown on a reliable survey; or
- (c) The Development Authority may determine grade by calculating the average elevation of the corners of the main buildings on all properties abutting the subject parcel;

### Proposed Regulation – Revise point (a) to:

- (a) If the applicant can show by reference to **legal** surveys that the predevelopment elevation of the subject parcel varies by no more than 1 m in 30 lineal metres, the Development Authority may determine grade by calculating the average of the highest and lowest elevation on the parcel **or above top of bank**.

### Reasoning:

Clarify the calculation of grade when determining building height.

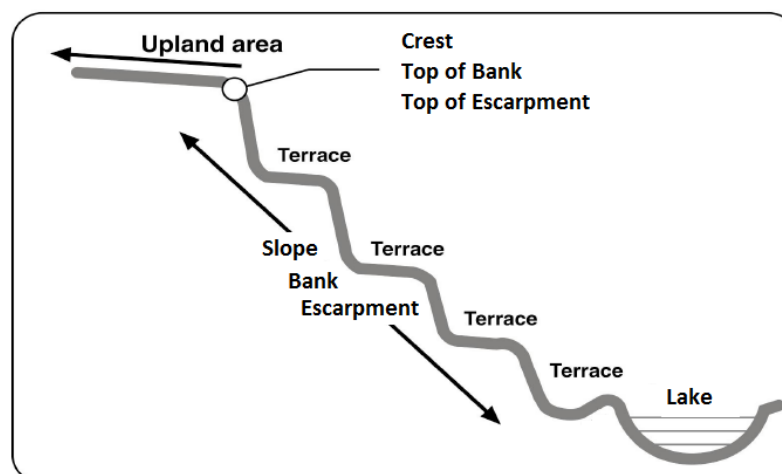
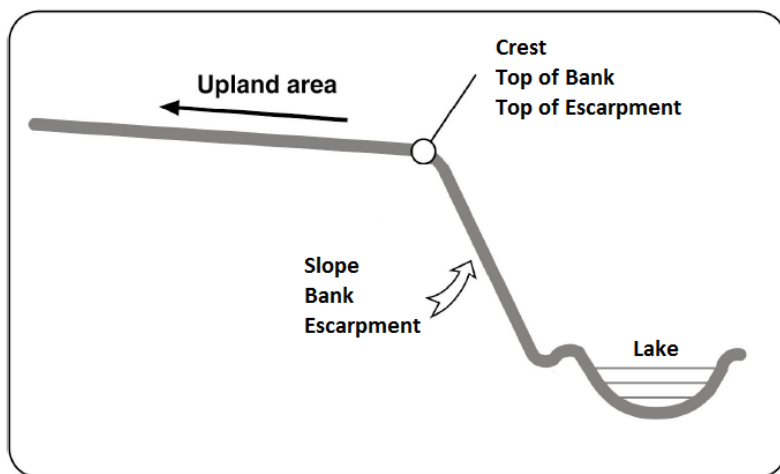
## “Escarpment” Definition (Part One: 1.3 Definitions)

### Current Regulation:

“Escarpment” means an extended linear topographical feature of relatively steep slope and significant change in elevation;

### Proposed Regulation:

“Escarpment” means an extended linear topographical feature of relatively steep slope and significant change in elevation, **as per the diagrams below.**



**Reasoning:** Clarify definition with visuals.

## **“Top of Bank” Definition (Part One: 1.3 Definitions)**

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### **Proposed Regulation:**

“Top of Bank” – please refer to the “escarpment” definition and diagrams.

### **Reasoning:**

Clarify the definition of top of bank.

## **“High Water Mark” Definition (Part One: 1.3 Definitions)**

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### **Proposed Regulation:**

“High water mark” means the line that separates the Crown-owned bed and shore of a water body from the adjacent private land is called the legal bank (defined in the Surveys Act). Its location is synonymous with what is commonly known as the ordinary high water mark.

### **Reasoning:**

Clarify the definition of high water mark, as the high water mark may be used for the front yard setback provision when constructing a dwelling. The high water mark location would be determined from a surveyor at the applicant’s expense (if required).

## Development Not Requiring a Development Permit (Part Two: 2.2 (1), Page 17)

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### Current Regulation:

The carrying out of works of improvement, maintenance, repairs or renovation to any building provided that such works do not include structural alterations or additions and that the works comply with the regulations of this Land Use Bylaw.

### Proposed Regulation:

The carrying out of works of improvement, maintenance, repairs or renovation to any, **but not limited to**, building, **deck, driveway, patio** provided that such works do not include structural alterations, additions, **drainage alterations or any improvement that affects parcel coverage**, and that the works comply with the regulations of this Land Use Bylaw.

### Reasoning:

Clarify what development does and does not require a development permit.



## Permission for Development (Part Two: 2.3(1), Page 18)

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### Proposed Regulation:

Copies of all provincial and federal required documents relative to the development.

### Reasoning:

When applicants are applying for a development permit, the development authority may request copies of all provincial/federal documents to accompany the development permit application. This would allow the development authority to verify the applicant has approval for the development they wish to carry out. (Example. Shoreline developments like stairs, docks, rip rap, etc.)

## Accessory Buildings in R1 District (Part Three: 1(1), Page 30)

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### Proposed Regulation:

- (g) Accessory building's combined footprints shall be no larger than 6% of the parcel's total area, to a maximum of 2200 sq. ft.

### Reasoning:

The Land Use Bylaw currently has no regulations for the maximum sizes of accessory buildings in the R1 District. Council spent the time required to determine a size that could accommodate the residents as well as the properties.

EXAMPLE 1: If a parcel is 16,000 sq. ft., an applicant could build an accessory building with a main floor of 960 sq. ft. (16,000 sq. ft. x 6%) or a two story accessory building with a main floor of 960 sq. ft. and a second floor of 960 sq. ft. OR, they could build two one storey, 480 sq. ft. accessory buildings, totaling the maximum 6% size of 960 sq. ft. Both are under the 2200 sq. ft. footprint maximum.

EXAMPLE 2: If a parcel is 40,000 sq. ft., an applicant could only build one accessory building with a footprint of 2200 sq. ft. or two accessory buildings with 1100 sq. ft. each. 40,000 sq. ft. x 6% = 2400 sq. ft. and is over the maximum footprint of 2200 sq. ft.

The overall parcel coverage (the total of all impervious surfaces/structures divided by the total parcel area) of a maximum of 50%, height restrictions, and a maximum of two accessory buildings would still apply. Guest houses are still limited to one per parcel.

## Accessory Buildings in R2, R3 Districts (Part Three: 1(2), Page 31)

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### Current Regulation:

- (b) An accessory building in excess of 111.48 sq. m. (1200 sq. ft.) shall be at the discretion of the Development Authority.

### Proposed Regulation:

- (b) Accessory building's combined footprints shall be no larger than 6% of the parcel's total area, to a maximum of 2200 sq. ft.

### Reasoning:

The Land Use Bylaw currently does not state if the 1200 sq. ft. is footprint or total floor area. Since properties in the R2 and R3 Districts are larger than those in R1 district, Council feels they should be allowed larger accessory buildings but a maximum combined footprint of 2200 sq. ft.

The overall parcel coverage (the total of all impervious surfaces/structures divided by the total parcel area) of a maximum of 30% (R2 District) and 25% (R3 District), height restrictions, and a maximum of two accessory buildings would still apply. Guest houses are still limited to one per parcel.

## Number of Main Buildings on a Parcel (Part Three: 1(5), Page 33)

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### Current Regulation:

Number of **Main** Buildings on a Parcel

A Development Permit shall not be issued for more than one (1) main building on an unsubdivided parcel, except where it is proposed to develop more than one (1) main building to form a single, unified group of buildings. *\*Currently no limit on Accessory Buildings\**

### Proposed Regulation:

Number of Buildings on a Parcel

A Development Permit shall not be issued for more than:

- (a) One (1) main building on an unsubdivided parcel; and
- (b) **Two (2) accessory buildings** on an unsubdivided parcel.

### Reasoning:

The Land Use Bylaw currently has no regulations of the maximum number of accessory buildings a parcel could have. This regulation would not allow 10 accessory buildings on one parcel (for example). All current sheds would be grandfathered in, it would just be going forward, and the residents would have to comply. There is still a limit of only one guest house per parcel. So if a parcel has one detached garage and one guest house, that would give them the two accessory buildings.

## Driveways (Part Three: 3(1), Page 38)

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### Current Regulation:

- (c) In the residential district, the number of driveways shall be limited to not more than one (1) driveway on a property with less than 40 m (131.23 ft.) and not more than two (2) driveways for properties with more than 40 m (131.23 ft.) of frontage.

### Proposed Regulation:

- (c) In residential districts, the number of driveways shall be limited to not more than one (1) driveway on a property with less than **or equal to** 40 m (131.23 ft.) and not more than two (2) driveways for properties with more than 40 m (131.23 ft.) of frontage.

### Reasoning:

Revise the wording to include parcels that are exactly 40 m in width.

## Lakeshore (R1), Back-Lot (R2), and Country (R3) Residential Districts (Part Four: Pages 46, 49, 52)

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### Current Regulation:

Permitted Uses: Accessory Building where the total floor area is 37 sq. m. (398.27 sq. ft.) or less

Discretionary Uses: Accessory Building where the total floor area is over 37 sq. m. (398.27 sq. ft.)

### Proposed Regulation:

Permitted Uses: Accessory Building where the total floor area is **72 sq. m. (796.54 sq. ft.)** or less

Discretionary Uses: Accessory Building where the total floor area is over **72 sq. m. (796.54 sq. ft.)**

### Reasoning:

By increasing the floor area of accessory buildings (single car garage to double car garage) under permitted uses would allow the development officer to issue more permits without having the application go before the Municipal Planning Commission for approval or denial. This would be more cost (each hearing costs the Summer Village) and time effective (usually hearing are scheduled once/month) for the applicant.

## Back-Lot (R2), Country (R3) Residential & Church Camp Cottage (CC2) Districts (Part Four: Pages 49, 52, 59)

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### Proposed Regulation:

Discretionary Uses:      Manufactured Dwelling

### Reasoning:

Manufactured dwellings are listed in the other districts, so by including manufactured dwellings under the above districts would make the Land Use Bylaw more consistent for all parties involved.

Manufactured dwelling units are factory constructed dwellings, relocated singly or in multiple modules, they do not include mobile homes.

## Lakeshore (R1), Back-Lot (R2), Country (R3) Residential & the Church Camp Cottage (CC2) District (Part Four: Pages 46, 49, 52, 59)

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### Current Regulation:

Discretionary Uses:      Building Demolition

### Proposed Regulation:

Permitted Uses:          Building Demolition

### Reasoning:

By moving building demolitions from discretionary uses to permitted uses would allow the development officer to issue more permits without having the application go before the Municipal Planning Commission for approval or denial. This would be more cost (each hearing costs the Summer Village) and time effective (usually hearing are scheduled once/month) for the applicant.



## Country Residential (R3) District (Part Four: Page 52)

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### Current Regulation:

Keeping of Animals

- (1) No livestock or poultry, with the exception of dogs, cats and such other domestic pets as are typically kept indoors, shall be permitted.

### Proposed Regulation:

Remove this from the Land Use Bylaw.

### Reasoning:

Council is currently working on a Livestock Bylaw to address livestock/poultry within the Summer Village as a whole.

## Church Camp Cottage (CC2) District (Part Four: Page 61)

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### Current Regulation:

Maximum Building Area:

- (1) Where three (3) church camp cottages are located within an area the following apply:
  - (a) One storey cottage: 56 sq. m. (602.78 sq. ft.)
  - (b) 1½ or 2 storey cottage: 93 sq. m. (1001.04 sq. ft.)
- (2) Where two (2) church camp cottages are located within an area the following apply:
  - (a) One storey cottage: 67 sq. m. (721.18 sq. ft.)
  - (b) 1½ or 2 storey cottage: 110 sq. m. (1184.03 sq. ft.)
- (3) Where one (1) church camp cottage is located within an area the following apply:
  - (a) One storey cottage: 93 sq. m. (1001.04 sq. ft.)
  - (b) 1½ or 2 storey cottage: 130 sq. m. (1399.31 sq. ft.)

### Proposed Regulation:

Maximum **Floor Area**:

- |                          |                |
|--------------------------|----------------|
| (1) Main Floor:          | 602.78 sq. ft. |
| (2) Second Floor:        | 602.78 sq. ft. |
| (3) Basement/Crawlspace: | 602.78 sq. ft. |

### Reasoning:

The current regulation is unclear for applicants and the development authority. “Building Area” is not defined in the Land Use Bylaw. To make things simpler for all parties involved, the cottages going forward will only be permitted to have 602.78 sq. ft. on each level, for a total floor area of 1,205.56 sq. ft. This would also create a fire safety margin between cottages. (Current building area is potentially at 1,399.31 sq. ft.).

## Church Camp Cottage (CC2) District (Part Four: Page 61)

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### Current Regulation:

Maximum Building Height:

- (1) 2.50 m (8.20 ft.) for walls, measured from the top of the finished floor to the bottom of the ceiling joist.
- (2) 5.50 m (18.05 ft.) for the overall building, measured from the top of the main sub-floor to the top of the highest ridge of the roof. The main sub-floor shall not be more than 35.56 cm (14 inches) higher than the highest natural point of elevation on the building perimeter.

### Proposed Regulation:

Maximum Building Height:

- (1) 19.0 ft. for the overall building height, measured from grade to the top of the highest ridge of the roof.

### Reasoning:

The current regulation is unclear for applicants and the development authority. To make things simpler for all parties involved, the cottages going forward will only be permitted to have a maximum of 19 ft. in building height. This will also provide consistency between all cottages.

## Urban Reserve (UR) District (Part Four: Page 64)

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### Proposed Regulation:

This section to be removed from the Land Use Bylaw, as this District does not currently exist in the Summer Village of Birchcliff.

### Reasoning:

The Urban Reserve District is to reserve land for future subdivision and development until an overall plan is prepared for the area and approved by Council. This type of land does not currently exist in the Village and if future land is gained, it shall be labeled its district at that time.