

Proposed Bylaw 244 LAND USE BYLAW AMENDMENT UPDATE

Summer Village of Argentic Beach | August 1, 2019



BACKGROUND INFORMATION

Council of the Summer Village of Argentic Beach is considering a new bylaw (Bylaw 244) to redistrict lands ("the site") in Section 14-47-1W4 as shown in the figure below. The site was annexed by the Summer Village in 1997 but was not redistricted from the County of Wetaskiwin Land Use Bylaw to a land use district in the Summer Village of Argentic Beach Land Use Bylaw. As such, the County of Wetaskiwin Land Use Bylaw remains in effect for the site.

On March 18, 2019, a public hearing was held at the Derrick Club in Edmonton regarding Bylaw 242, which was a bylaw to redistrict the site to:

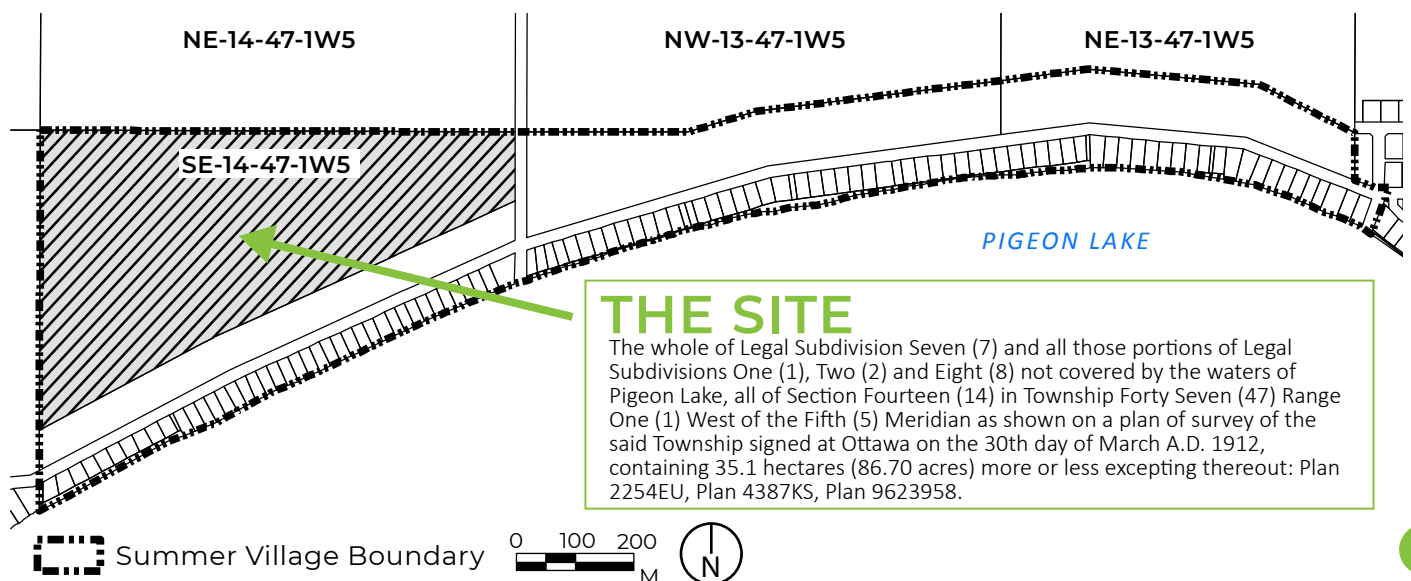
1. Ensure that the site was included in the Summer Village of Argentic Beach Land Use Bylaw; and
2. Clarify what type of subdivision and development may be allowed on the site.

Many community members attended the public hearing and expressed concerns. In response to these the concerns, the Summer Village consulted with legal counsel and Municipal Planning Services (MPS) to gather more information about the site and review options for next steps. During this consultation, the following points were clarified:

- The site is not within the Agriculture District of the County of Wetaskiwin Land Use Bylaw; rather, the site is currently within a Direct Control District in the County's Land Use Bylaw;
- Clear regulations, which include appeal rights, are required to clarify the types of uses and density requirements for the site; and
- The restrictive covenant registered on the adjacent lands could be triggered by a change in use or density on the site.

After considering the additional information, Council requested that a new bylaw be prepared that addressed the concerns raised by speakers at the public hearing and information gathered during the consultation with legal counsel and MPS.

The new bylaw, Bylaw 244, will replace Bylaw 242. The information on the next page provides a summary of Bylaw 244.



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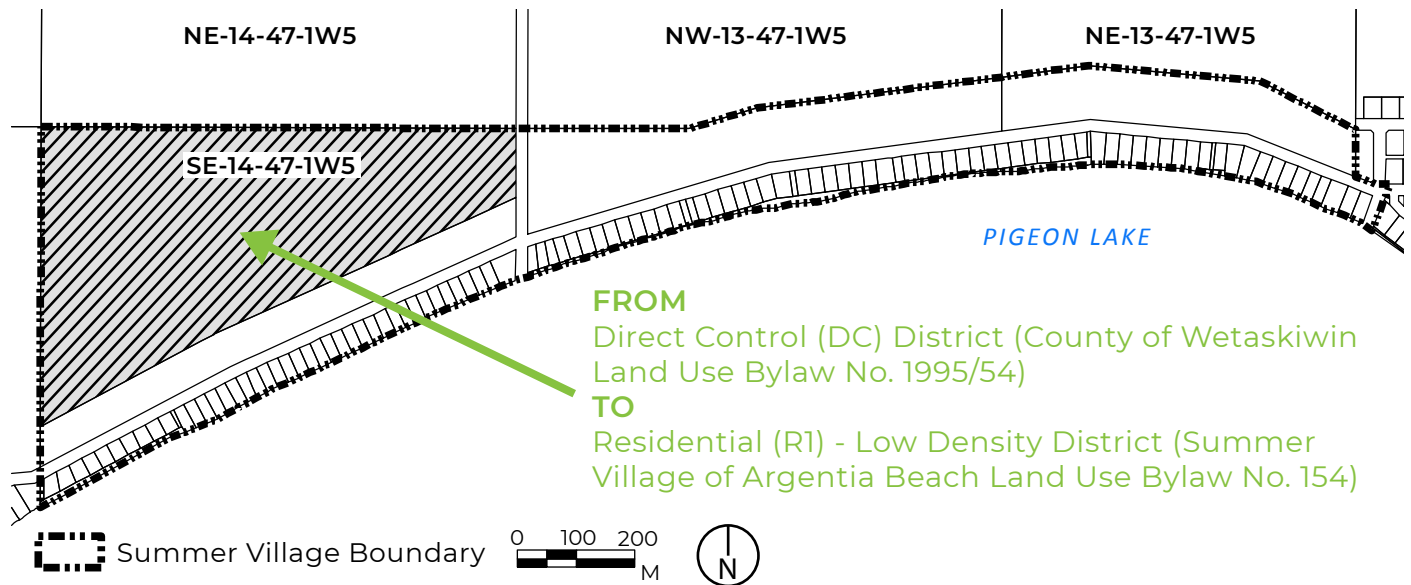
BYLAW 244 SUMMARY

What does the proposed bylaw include?

- Creates a new residential land use district **Residential (R1) Low Density District** in the Summer Village Land Use Bylaw
- Redistricts the site to the new R1 district (see figure below)
- Adds definitions and revises existing definitions to clarify that the keeping of livestock in the Summer Village shall not be allowed
- Adds definitions to clarify residential uses

Residential (R1) Low Density District - Key Points

- Maximum number of parcels is three (3)
- Commercial agricultural uses shall not allowed
- Any new lots within the district would be required to be connected to the waste water system if they are developed
- Requirement to prove site suitability information (including wetland assessment, digital elevations, geotechnical report) with any application for subdivision or development on the site



WHAT HAPPENS NEXT?

Bylaw 244 received 1st Reading by Council on July 29, 2019.

A Public Hearing will be held on **August 28, 2019 at 10AM** at the **Legion in Mulhurst, AB.**

We encourage residents to review Bylaw 244 on the Argentia Beach website, contact Municipal Planning Services with any questions or comments, and attend the public hearing. Please see the **attached formal notice of the public hearing** for more information.

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Summer Village of Argentia Beach

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August 1, 2019

NOTICE OF PUBLIC HEARING ON PROPOSED BYLAW #244, TO AMEND THE ARGENTIA BEACH LAND USE BYLAW #154

The purpose of the proposed bylaw is to amend the Argentia Beach Land Use Bylaw #154 to:

- Create a new residential district: Residential (R1) Low Density District.
- Redistrict a large parcel in the northwestern portion of Argentia Beach to the Residential (R1) Low Density District (refer to attached map).
- Add new definitions and revises existing definitions to clarify that the keeping of livestock in the Summer Village shall not be allowed.
- Add new definitions to clarify the types of residential uses.

First reading of the proposed bylaw #244 was given on July 29, 2019.

The public hearing will be held on **Wednesday, August 28, 2019 at 10:00 am** at the Legion Branch No. 246, 5705-49th St, Mulhurst, AB.

Written and oral submissions can be presented to Council at that time. Submissions may be made by any person whom Council agrees to hear.

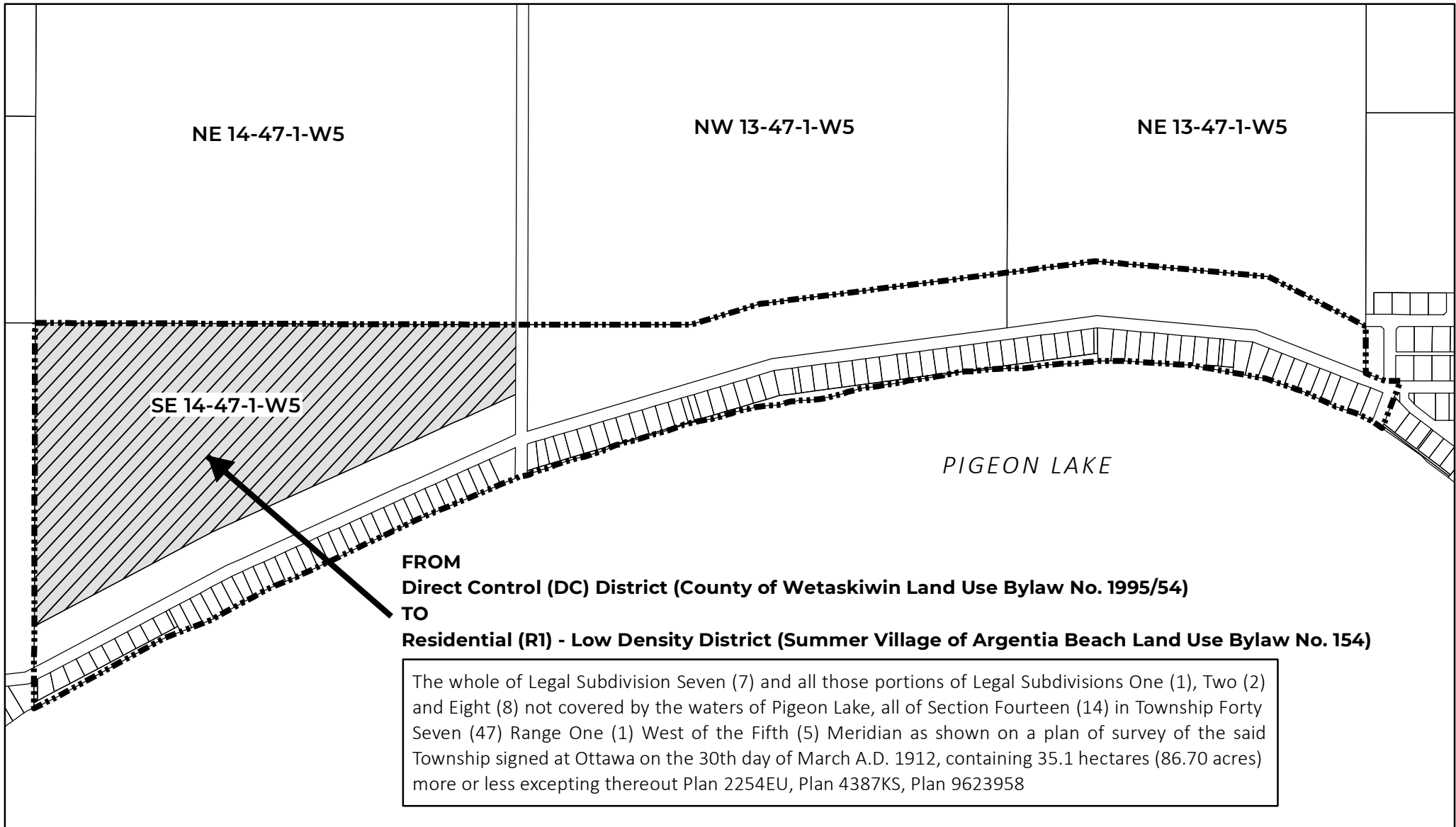
Any written submissions may be emailed to Sylvia.Roy@svofficepl.com or mailed to the Summer Villages Office, Box 100, 605-2nd Avenue, Ma-Me-O Beach, AB T0C 1X0 or faxed to 780-586-3567 **by 4:30 pm on Friday, August 23, 2019** will be included on the council agenda. Written and oral submissions may be made at the council meeting without prior notification to Argentia Beach.

If you make a written submission, the information you provide may be made public, subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.

A copy of the proposed amending bylaw may accessed on the Argentia Beach website or by contacting the writer.

For further information, please contact:


Sylvia Roy, Chief Administrative Officer
Sylvia.Roy@svofficepl.com or 780-586-2494




 Summer Village of Argentia Beach Municipal Boundary

SCHEDULE A
BYLAW 244

SUMMER VILLAGE OF
ARGENTIA BEACH

0 50 100 200
 M



Digital Information: Geogratix,
 Geodiscover, and Altalis
 Projection: UTM NAD 83 12N





MUNICIPAL PLANNING SERVICES

BYLAW NO. 244
A BYLAW OF THE SUMMER VILLAGE OF ARGENTIA BEACH
TO AMEND BYLAW No. 154, THE LAND USE BYLAW OF THE SUMMER VILLAGE OF ARGENTIA
BEACH

WHEREAS the Municipal Government Act, R.S.A. 2000, as amended ("the Act") provides that a Municipal Council may amend its Land Use Bylaw.

WHEREAS the Council of the Summer Village of Argentia Beach wishes to amend its Land Use Bylaw as it affects certain lands.

NOW THEREFORE the Council of the Summer Village of Argentia Beach, duly assembled, enacts as follows.

1. Section 2 – Interpretation within Bylaw No. 154, the Land Use Bylaw of the Summer Village of Argentia Beach, as amended, is hereby amended as follows:

a. By inserting the following new definitions in alphabetical order:

"Agricultural use means the use of land and buildings for farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry."

"Farming Operation means a development of any scale which involves the production, sale or processing of farm products and includes, but is not limited to, the following:

- The land, buildings, animals, and machinery used in the production of farm products and includes an individual, corporation, or partnership that operates a farm;
- The marketing of produce at roadside stands, U-picks, or farm markets;
- The process necessary to prepare a farm product for distribution to the farm gate;
- The operation of machinery and equipment; and/or
- The application of animal and other farm wastes and chemical fertilizers, conditioners, and pesticides, and the employment and use of labour."

"Hobby farm means an agricultural use with associated buildings intended to include the keeping of livestock and/or the raising of crops for small scale commercial purposes."

"Livestock means livestock as defined in the Agricultural Operations Practices Act, R.S.A 2000, c.A-07, as amended."

"Manufactured home means a factory-built single family home; constructed to the CSA-Z240 Standard; which is typically built with an integrated frame that allows them to be placed on a surface-mount foundation. The homes are complete when they leave the factory except for incidental assembly on site."

"Mobile home" see "Manufactured Home"

"Riparian areas means the transitional areas between upland and aquatic ecosystems, including the banks of a river, stream, waterway, wetland or other water bodies and the plant and animal communities along such watercourses and water bodies. They have variable width and extend above and below ground and perform various functions. These lands are influenced by and exert an influence on associated water bodies, including alluvial aquifers and floodplains. Riparian lands usually have soil, biological, and other physical characteristics that reflect the influence of water and hydrological processes."

"Single family dwelling means a building consisting of one (1) dwelling unit. A single family dwelling is normally constructed on-site. However, a single family dwelling may be constructed in pieces off-site, or even in one piece, with the piece(s) being transported to the site for assembly on-site and thus may be a modular dwelling. A single family dwelling shall not include manufactured or mobile homes."

b. Section 2 – Interpretation is further amended by deleting definitions for the following terms:

*Dwelling,
Home business,*

And replacing them with the revised definitions identified below:

"Dwelling means any building or structure used primarily for human habitation and which satisfies the requirements of the Alberta Building Code."

"Home business means a business carried on in a dwelling which:

2.13.1 is not visited by a significant number of clients;

2.13.2 does not change the external appearance or residential character of the dwelling except for one sign no larger than one square metre; and

2.13.3 is carried on only by the residents of the dwelling.

A home business shall not include a hobby farm or a farming operation."

2. Section 3.1, is hereby amended as follows:
 - a. By inserting the following new District into the list of established districts:

"Residential (R1) Low Density District

3. Schedule "B": Regulations for all Land Use Districts, is hereby amended by inserting the following new section:
 - "7. The Keeping of Livestock
 - 7.1 The keeping of livestock shall not be allowed within the Summer Village.

4. Schedule "C": Regulations for Specific Land Use Districts, is hereby amended as follows:
 - a. By deleting 1.4.6 and replacing it with:

"Location of decks: If any part of a deck or patio is more than 0.6 metres (2.0 feet) above grade, it is governed by the same yard and setback requirements as a building."
 - b. By inserting the following new district and renumbering the remaining sections as required:
 - "2. Regulations for the Residential (R1) Low Density District
 - 2.1 General Purpose

To provide for the development of low-density residential land uses under individually unique or special circumstances requiring site-specific controls within:

The whole of Legal Subdivision Seven (7) and all those portions of Legal Subdivisions One (1), Two (2) and Eight (8) not covered by the waters of Pigeon Lake, all of Section Fourteen (14) in Township Forty Seven (47) Range One (1) West of the Fifth (5) Meridian as shown on a plan of survey of the said Township signed at Ottawa on the 30th day of March A.D. 1912, containing 35.1 hectares (86.70 acres) more or less excepting thereout: Plan 2254EU, Plan 4387KS, Plan 9623958.
 - 2.2 Permitted Uses

The following uses are permitted in the R1a district:

 - 2.2.1 Single family dwellings (maximum density of 1 per parcel).
 - 2.2.2 Accessory uses including: garages, storage sheds, saunas, boathouses, and utility installations.

- 2.2.3 Municipally-owned park and recreational land.
- 2.2.4 Guest houses, limited to one per lot and subject to **Section 2.11 of Schedule "C"**.
- 2.2.5 Unattended utility installations.

*Attention is drawn to **Section 1 of Schedule "B,"** under which the Development Authority may require changes to a design if in his opinion a proposed development is not compatible with the surrounding buildings and the accepted standards of the community.*

2.3 Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- 2.3.1 Home businesses which, in the opinion of the Development Authority, will have no deleterious effect on the value or enjoyment of neighbouring properties.
- 2.3.2 The parking and use of recreational vehicles, subject to **Section 2.10 of Schedule "C"**.
- 2.3.3 Accessory buildings including: moved-in buildings, modular buildings and fabric covered structures.

2.4 Subdivision Regulations

Parcel Density

- 2.4.1 The maximum number of parcels allowed within the whole of Legal Subdivision Seven (7) and all those portions of Legal Subdivisions One (1), Two (2) and Eight (8) not covered by the waters of Pigeon Lake, all of Section Fourteen (14) in Township Forty Seven (47) Range One (1) West of the Fifth (5) Meridian as shown on a plan of survey of the said Township signed at Ottawa on the 30th day of March A.D. 1912, containing 35.1 hectares (86.70 acres) more or less excepting thereout Plan 2254EU, Plan 4387KS, Plan 9623958 **shall be three (3).**

Access

- 2.4.2 No subdivision shall be approved unless the proposed lot(s) and remainder have either: direct access to a developed local road over a

municipally controlled road allowance or an access easement agreement. If a road must be improved or constructed to ensure access to the parcel then the road design standards shall be determined by the municipality having jurisdiction.

- 2.4.3 Private driveways and access roads shall be constructed, as a condition of subdivision or development approval, to a standard that allows for emergency vehicles to access the site. Design standards for construction shall be determined in consultation with and to the satisfaction of local emergency response departments.

Waste Water

- 2.4.4 All lots created as a result of subdivision must be connected to the Summer Village waste water collection system.

Supporting Studies and Subdivision Site Design Requirements

- 2.4.5 An application to subdivide a parcel shall include, at a minimum, the following supporting documentation in order to demonstrate that the site is suitable for the intended use and the development of the site will not adversely impact riparian areas within or adjacent to the subject site:

- a. **Wetland assessment** – prepared by a qualified wetland professional. Based on the wetland assessment the proponent must demonstrate that there is a building pocket on the proposed lot that is situated a minimum of 30.0 m (98.0 feet) away from identified wetlands within the subject site.
- b. **Digital Site Elevations** – based on the contour and slope information provided the proponent must demonstrate that he building pocket does not include any land with a slope equal to or greater than 15 %.
- c. **Geotechnical Report** – prepared by a qualified geotechnical engineer which provides information about the soil characteristics and recommendations for building and site construction to mitigate potential hazards and to reduce potential contamination of ground water or surface water runoff entering Pigeon Lake.

2.5 Minimum Developable Area

- 2.5.1 No parcel shall be allowed that does not include a minimum developable area of 0.2 ha (1.0 acres) excluding: hazard lands, water courses, water bodies, and required buffer areas.

2.6 Minimum Lot Width

- 2.6.1 All lots created for residential use shall have a mean width of no less than 15.24 metres (50.0 feet).

2.7 Location of Buildings

- 2.7.1 *Front and rear yards:* Unless otherwise permitted below, all buildings shall be located so that the outside of the footings is at least 6.0 metres (20.0 feet) from the front and rear property lines. In case of doubt, the Development Authority may require a real property report after the footings have been poured but before framing is started.
- 2.7.2 *Side yards, main buildings:* Unless otherwise permitted below, main buildings shall be located so as to give a side yard setback of 2.3 metres (7.5 feet) for a one storey building and 3.0 metres (10.0 feet) for a two storey building.
- 2.7.3 *Side yards, accessory buildings:* A multi-story accessory building shall be located with side yards as required for main buildings. A single storey accessory building shall have a side yard of at least 1.5 metres (5.0 feet).
- 2.7.4 *Encroachment into yards:* Eaves, bay windows, chimneys, and extensions cantilevered beyond the building footings may encroach into a yard by no more than 0.6 metres (2.0 feet).
- 2.7.5 *Exterior steps:* Exterior steps may be constructed in a yard provided that they are no closer than 1.0 metre (3.3 feet) to a side property line.
- 2.7.6 *Location of decks:* If any part of a deck or patio is more than 0.6 metres (2.0 foot) above grade, it is governed by the same yard and setback requirements as a building.
- 2.7.7 *Location of garages:* A garage may be located no closer than 1.0 metres (3.3 feet) from the rear property line if the main doors do not face the road. Where the main doors face the road, the garage may be located no closer than 3.0 metres (10.0 feet) from the rear property line.
- 2.7.8 *Buildings in front yards:* No accessory building shall be located in a front yard.

2.7.9 *Fire Preparedness*

- a. Fire separations: Every building served by electricity or a heating system shall be located at least 3.0 metres (10.0 feet) from every other building unless a waiver has been obtained under the *Alberta Building Code*.
- b. New developments shall be designed and constructed to allow for access to the development site for emergency vehicles.
- c. New development shall be encouraged to incorporate FireSmart Design Guidelines including: reducing surface fuels and incorporating recommended building materials into site and building design to reduce wildfire risk.

2.7.10 A building or structure which does not share footings with the main building on a lot is deemed to be an accessory building even if it is connected to the main building by a roof, breezeway, deck, patio, or other at-grade or above-grade connection.

2.7.11 In calculating building setbacks under Sections 2.7.1 to 2.7.9 of Schedule "C", concrete pads, at-grade patios, and decks no higher than 0.6 metres (2.0 feet) above grade are deemed not to be part of a building.

2.8 Site Coverage

2.8.1 The combined ground floor area of all buildings on a lot shall be no more than 35% of the total area of the lot.

2.8.2 The areas of concrete pads and at-grade patios, and uncovered decks no more than 0.6 metres (2.0 feet) above grade, shall not be included when the area of a building is calculated.

2.9 Height of Buildings

No building shall exceed 8.5 metres (28.0 feet) in height, measured from grade to the roof peak, excluding chimneys and aerials.

2.10 Recreational Vehicles

- 2.10.1 Except as permitted under Section 2.10.4 of Schedule "C", only one recreational vehicle shall be situated on a lot at any one time.
- 2.10.2 No permit is required for the first seven days in each year that a recreational vehicle is parked on a lot.
- 2.10.3 A recreational vehicle may be parked on a lot for a period in excess of seven days in each year provided that a temporary annual development permit is obtained.
- 2.10.4 Upon receiving two weeks' notice, the Development Authority may issue a permit allowing more than one recreational vehicle on a lot for an extraordinary event, such as a family reunion.
- 2.10.5 A single recreational vehicle may be stored or parked if the owner of both the lot and the recreational vehicle have been issued with a temporary annual development permit, but the vehicle shall not be occupied for more than three weeks per year while standing on the lot.
- 2.10.6 All recreational vehicles shall be located in the rear of the lot.
- 2.10.7 Notwithstanding Section 2.10.5 of Schedule "C", a recreational vehicle may be placed on a lot and used as the principal dwelling while a permanent dwelling, for which a development permit has been issued, is under construction.

2.11 Guest Houses

- 2.11.1 Guest houses shall be of new, conventional construction and good appearance.
- 2.11.2 Guest houses shall not be constructed in the front yard of the lot, in front of the front walls of the main buildings on the two immediately adjacent lots.
- 2.11.3 Guest houses shall have only one storey unless they are built over a garage.
- 2.11.4 A maximum of one guest house shall be allowed on a parcel.

2.11.5 Sleeping accommodation in or above a garage or any other accessory building is deemed to be a guest house and where such accommodation exists, no free-standing guest house shall be constructed on the lot."

5. Schedule "A" Land Use Districts, is hereby amended by districting the following lands, which are currently districted as Direct Control (DC) District in the County of Wetaskiwin Land Use Bylaw No. 1995/54, to the Residential (R1) Low Density District in the Summer Village of Argentia Beach Land Use Bylaw No. 154:

- i. The whole of Legal Subdivision Seven (7) and all those portions of Legal Subdivisions One (1), Two (2) and Eight (8) not covered by the waters of Pigeon Lake, all of Section Fourteen (14) in Township Forty Seven (47) Range One (1) West of the Fifth (5) Meridian as shown on a plan of survey of the said Township signed at Ottawa on the 30th day of March A.D. 1912, containing 35.1 hectares (86.70 acres) more or less excepting thereout Plan 2254EU, Plan 4387KS, Plan 9623958 as shown on Schedule "A" of this Bylaw.

READ A FIRST TIME IN COUNCIL THIS 29 DAY OF July A.D. 2019,

[Signature] _____ [Signature] _____
Mayor CAO



READ A SECOND TIME IN COUNCIL THIS _____, DAY OF _____, A.D. 2019,

Mayor CAO

READ A THIRD TIME IN COUNCIL THIS _____, DAY OF _____, A.D. 2019,

Mayor CAO

NE 14-47-1-W5

NW 13-47-1-W5

NE 13-47-1-W5

SE 14-47-1-W5

PIGEON LAKE

FROM
Direct Control (DC) District (County of Wetaskiwin Land Use Bylaw No. 1995/54)
TO
Residential (R1) - Low Density District (Summer Village of Argentia Beach Land Use Bylaw No. 154)

The whole of Legal Subdivision Seven (7) and all those portions of Legal Subdivisions One (1), Two (2) and Eight (8) not covered by the waters of Pigeon Lake, all of Section Fourteen (14) in Township Forty Seven (47) Range One (1) West of the Fifth (5) Meridian as shown on a plan of survey of the said Township signed at Ottawa on the 30th day of March A.D. 1912, containing 35.1 hectares (86.70 acres) more or less excepting thereout Plan 2254EU, Plan 4387KS, Plan 9623958



Summer Village of Argentia Beach Municipal Boundary

SCHEDULE A
BYLAW 244

SUMMER VILLAGE OF
ARGENTIA BEACH

0 50 100 200



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Digital Information: Geogratix,
 Geodiscover, and Altalis
 Projection: UTM NAD 83 12N

