

ALBERTA BEACH
MUNICIPAL PLANNING COMMISSION MEETING
BEING HELD IN ALBERTA BEACH COUNCIL CHAMBERS
TEMPORARILY LOCATED AT UNIT 5A, 4000 MUSEUM ROAD
JULY 20, 2021 AT 7:00 P.M.

AGENDA

1. CALL TO ORDER
2. AGENDA ADDITIONS
3. AGENDA ADOPTION
4. NEW BUSINESS
 - a. Request for Decision – Development Permit Application #21DP37-01
Lot 13, Block 4, Plan 4696MC (4516 – 46 Street)
Application to allow a sea can to remain as sited for a time period of one year within the rear yard of the property.
 - b. Request for Decision – Development Permit Application #21DP43-01
Lot 1, Block 5, Plan4569HW (4319 – 47 Avenue)
Application to allow for the demolition of an existing older dwelling and the placement of a dwelling that is more than five years from the initial date of construction on the property with a rear yard setback variance from 7.6 m (25 ft.) to 7.26 m (24 ft.).
5. ADJOURNMENT

**ALBERTA BEACH
MUNICIPAL PLANNING COMMISSION (MPC)
REQUEST FOR DECISION**

Date: July 27th, 2021
From: Kim Kozak - Development Officer
To: All Members of Alberta Beach Municipal Planning Commission (MPC)

RECOMMENDATION

That MPC passes a motion to approve Development Permit No. 21DP37-01 to allow a sea can to remain as sited for a time period of one year within the back yard of the property at 4516-46 Street.

BACKGROUND INFORMATION

- The property is identified within the R1 – Single Family Resident District according to the Land Use District Map.
- Development Officer received a complaint in June regarding a shipping container located on the above noted property.
- The Development Officer mailed a letter to the registered landowners informing them the sea can must be removed because the Land Use Bylaw 252-17 does not support sea cans within the R1 District. However, the bylaw does support temporary structures for up to thirty (30) days.
- The landowners explained to the Development Officer that the container is on the property temporarily. The container is being used for extra storage needed because they purchased a smaller home in Alberta Beach. The applicants have advised that they are planning to add an addition to the dwelling.
- The Municipal Planning Commission is authorized to decide all development permit applications as referred by the Development Officer
- The Development Officer is referring this application to the Municipal Planning Commission because in the opinion of the Development Officer the Land Use Bylaw could support the sea can as a temporary building.

MUNICIPAL DEVELOPMENT PLAN (MDP) BYLAW NO. 251-17

The MDP objectives and policies do not pertain specifically to the proposed development within a Residential District.

LAND USE BYLAW (LUB) NO. 252-17

Section 1.9 Definitions or Meanings related to this development:

- “ACCESSORY USE” - means a use of a building or land which the Development Authority decides is incidental and subordinate to the principal use of the parcel on which it is located;
- “BUILDING” - includes any structure, erection, stockpile, sign, or **fixture** that may be built or placed on land;
- “SEA CAN” - means a large container **designed to store goods**, commonly made of metal, and used for transport;
- “STRUCTURE” - means **anything** constructed or erected on the ground, or **attached to something on the ground, and includes all buildings**; and
- “TEMPORARY BUILDING” - means a structure that has been permitted to exist for a **limited time only**.

Section 3.2 Development not Requiring a Development Permit

- e) the erection or placement of a temporary building, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building is removed within thirty (30) days of substantial completion or as determined by the development officer.

Section 3.7 Decision on Development Permit Applications

4. Temporary Permits:

Where a development permit is not required on a permanent basis, the Development Authority may approve the development permit for a specified period of time. The expiry date of all temporary development permits shall be clearly indicated on the notice of decision.

Section 4.25 SEA CANS

As a condition of granting a development permit for a sea can, the Development Authority may require the sea can to conform aesthetically to buildings upon adjacent properties and those within the district. This may include, but is not limited to, buffering it from public view and/or enclosing it entirely within a building.

Section 5.2 R1 Residential – Single Family

2. Permitted Uses

Buildings and uses accessory to permitted uses.

DEVELOPMENT AUTHORITY'S POSITION

In the opinion of the Development Officer the sea can could be considered an accessory use to the principal building and be allowed as a temporary building for the following reasons:

- The sea can in questions is fixed to a shed located on the property, and
- A temporary building has a limited time allowed on the property.

CONCLUSION

The Development Officer supports this application and recommends the Municipal Planning Commission APPROVE Development Permit No. 21DP37-01, in accordance with the Development Officer's recommended conditions and notes:

1. All municipal taxes are paid or current with Alberta Beach.
2. The applicant shall display the enclosed Public Notice for no less than fourteen (14) days after the permit issued, in a conspicuous place on the subject property.
3. The applicant shall be financially responsible for all damages to any public or private property caused by the applicant and/or the applicant's contractors.
4. The development shall be completed in accordance with the drawings submitted as part of the permit application and which forms a part of this approval.
5. The applicant shall ensure the development does not cause surface runoff to discharge from the site onto adjacent properties.
6. The site shall be maintained in a clean and tidy condition.
7. That all development shall be completed within twelve (12) months of the effective date of this permit.

NOTES:

1. *Any development or activity commenced prior to expiry of the appeal period is done entirely at the applicant's risk.*
2. *The Development Permit is valid for twelve (12) months from the Effective Date. If upon expiry, the development or activity has not been substantially commenced or has not been completed, this permit shall be deemed expired (null and void) unless the applicant has secured an extension from the approval authority.*
3. *The applicant is reminded that compliance with this approval requires adherence with all approval conditions attached hereto.*

4. *This Permit approval authorization for development under the Land Use Bylaw but is not an approval under any other applicable regulations. Additional approvals may be required from Provincial and/or Federal Departments or Agencies. The applicant is responsible for making themselves aware of any further requirements and secure approvals where required prior to commencing any development, including but not limited to the following:*

Inspection Agency for building, electrical, plumbing, gas and any other approval required.

Alberta Environment and Parks for any development activities within 30 metres of a wetland or watercourse,

Alberta Energy Resources Conservation Board related to energy resources: oil, natural gas, and pipelines located on the lands; and

Alberta Utilities and Telecommunications related to telephone lines and utility services located on the lands. and

5. *The landowners are encouraged to consider prohibiting residential fertilizer use on the lands to protect the shoreline and lake.*

OR

The Municipal Planning Commission may consider two Alternative Motions, which are:

1. Table Development Permit No. 21DP37-01 pending additional information; or
2. Refuse Development Permit No. 21DP37-01.

ATTACHMENTS

1. Development Permit application
2. Photo of Structure
3. Site Plan
4. Land Use District Map
5. Land Use Bylaw Sections:
 - 1.9 Definitions or Meanings,
 - 3.2 Development not Requiring a Development Permit,
 - 3.7 Decision on Development Permit Applications,
 - 4.25 Sea Cans, and
 - 5.2 R1 – Residential – Single Family



Development Permit Application

ALBERTA BEACH
4935-50th Avenue
PO Box 278
Alberta Beach, Alberta
T0E 0A0

Phone: (587) 988-7668 (Development Officer)
Fax: (780) 924-3313
Email: development@albertabeach.com

**R-1 or R-2 New Home
Construction or Addition**

Cost for Development Permit \$ _____ (See page 4)
Payment made directly to Alberta Beach. Paid – Y / N

I HEREBY MAKE APPLICATION UNDER THE PROVISIONS OF THE LAND USE BYLAW FOR A DEVELOPMENT PERMIT, IN ACCORDANCE WITH THE PLANS AND SUPPORTING INFORMATION SUBMITTED HERewith AND WHICH FORM PART OF THIS APPLICATION.

Name: _____

Mailing Address: _____

Telephone @ Work: _____

Cell
Home: _____

Registered Owner (if different from above): _____

Mailing Address (if different from above): _____

Interest of Applicant (if not the registered owner): _____

This information is being collected under the authority of Sec. 33(c) of the *Freedom of Information and Protection of Privacy (FOIP) Act*. It will be used by the Development Authority to determine a development permit. The personal information provided will be protected in accordance with Part 2 of the Act. If you have any questions regarding the collection, use and disclosure of personal information, please contact the FOIP Coordinator at (780) 924-3181.

Legal Description:

Municipal Address: 4516 46 Street, Alberta Beach, AB T0E0A0

Lot: 13 Block: 4 Plan: 4696 MC

Description of proposed development: temporary storage (Sea Can)
approximately one year

Estimated cost of development: _____

Estimated commencement date: _____

Estimated completion date: _____

Lot Width: _____ Lot Length: _____

Area of Site: _____ Area of existing development: _____

Area of proposed development: _____ Total % of Site Coverage: _____

Owner(s)/Applicants consent to communicate with Alberta Beach and its applicable contractors through electronic means.

Section 608 of the Municipal Government Act, R.S.A. 2000, c.M-26 provides that: *Any document required by this or any other enactment or bylaw to be sent by a person may be sent by any electronic means so long as it is possible to make a copy of the document from the electronic signals used by the electronic means.*

Being the registered owner(s) or Agents for the lands described on Page 1, for the purpose of this Development Permit's decision, I desire to enter into an agreement with Alberta Beach and its applicable contractors to communicate through electronic means:

Name: _____ Signature: _____

Date: June 21/21 Email Address: _____

[REDACTED]
4516 46 Street
Alberta Beach, AB
T0E 0A0

Temporary storage (Sea Can)

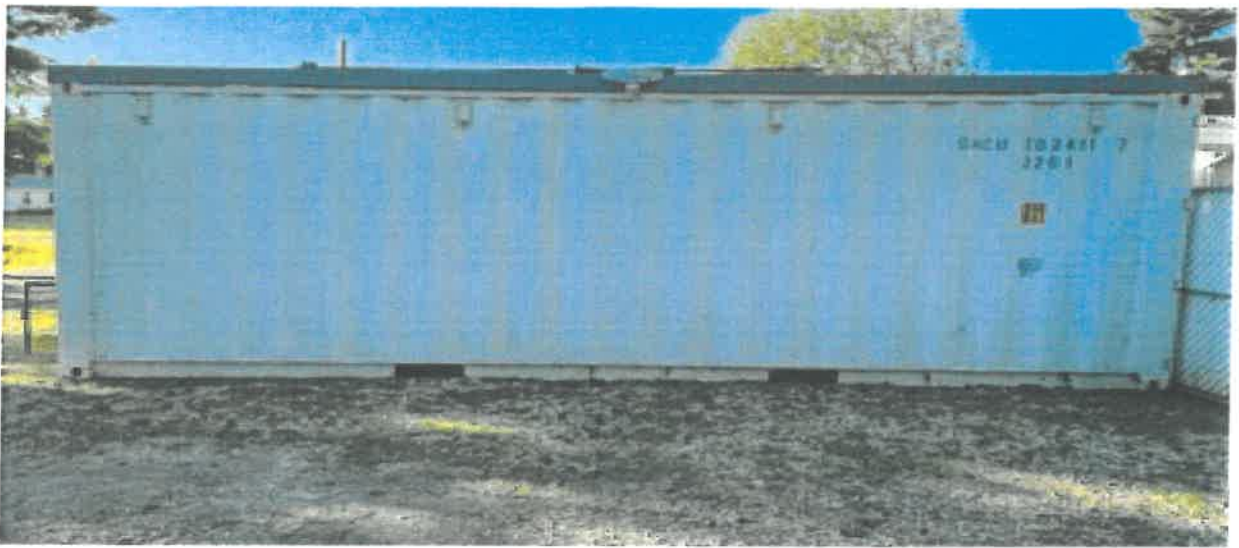
We bought the house in September of 2020. With the house being 24' X 24' (576 sq ft) we brought the Sea Can onto the property for additional storage. We did go through the bylaws prior to bringing the Sea Can but we could not find anything in regards. The Sea Can is 8' X 20' it is white, clean and free of dents.

Our plan is to add onto the house we have reached out to Hawleyholme Renovations out of Gunn and a gentleman by the name of Bela D., I think he is from Onaway, for drawings/blueprints to submit to the office for the addition and we have not heard back from either of these people since March/April of this year. With the cost of lumber, we are at a stand still with the addition to the house. We have reached out to another engineering company, and we are just waiting for a reply. We want to submit engineered drawings to the village office instead of putting squares onto a piece of paper that may not illustrate what our intentions are. We are hoping to start our addition next year.

In the meantime, we need the Sea Can for the extra storage.

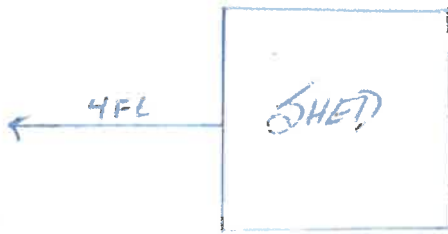
I have attached pictures showing the placement of the Sea Can. It is beside the existing shed that was on the property when we purchased the house. The Sea Can is 8' from the alley and approximately one foot from the shed. We closed off between the shed and Sea Can at the back so we can store our garden tools, child pools, etc. We purchased two 6' fence panels with a gate and attached it from the Sea Can to the house to stop our dog from leaving the yard and from critters entering our yard. We took pictures of the side of the Sea Can that faces the house. As well as the doors (fence panel attached) and the side between the shed and Sea Can showing the use of storage for the garden tools, child pools, etc. We also took a picture from the 46 Street and alley corner of the house showing that Sea Can is not visible.

If the Sea Can needs to be moved forward away from the alley, we would be happy to accommodate.

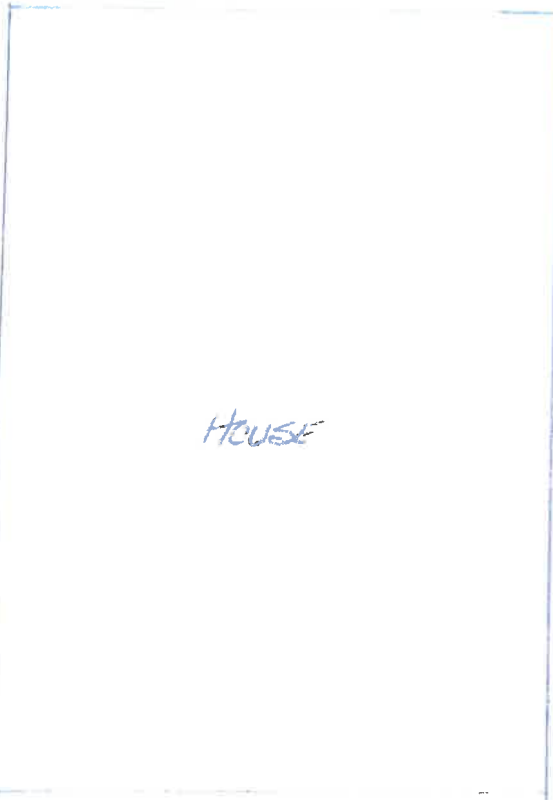




neighbour's fence



Property line ?



3ft

Alley



4/5/16 - 4/6 Sheet
 Alberta Bca
 ABS
 TREC/CFR

1.8 OTHER LEGISLATIVE AND BYLAW REQUIREMENTS

Nothing in this Bylaw affects the duty or obligation of a person to obtain a development permit as required in this Bylaw, or to obtain any other permit, license, or other authorization required by any Bylaw, or Act or any regulation pursuant to those Acts.

1.9 DEFINITIONS OR MEANINGS

In this Bylaw:

"ABUT" or "ABUTTING" - means immediately contiguous or physically touching, and, when used with respect to a lot or site, means that the lot or site physically touches upon another site or lot, and shares a property line or boundary line with it;

"ACCESSORY BUILDING" - means a building which is separate from the principal building on the parcel where both are located and which the Development Authority decides is incidental to that of the principal building, and includes garages, boathouses, fabric shelters and guest houses;

"ACCESSORY USE" - means a use of a building or land which the Development Authority decides is incidental and subordinate to the principal use of the parcel on which it is located;

"ACCESSORY BUILDING OR USE - LAKESHORE" - means an accessory building, structure or use located immediately adjacent to a lakeshore or lake tributary or within the actual water-body proper, and includes but is not limited to a boathouse, pier, dock, erosion protection, boat launch or boardwalk;

"ACT" - means MUNICIPAL GOVERNMENT ACT R.S.A. 2000, Chapter M-26, as amended, and the regulations pursuant thereto;

"ADULT ENTERTAINMENT" - means live or pre-recorded performances that are characterized as being sexual in nature and predominately involving the display or presentation of the nude human body;

four or more persons are provided for compensation pursuant to previous arrangements or agreement;

"BOAT HOUSE" - means an accessory building designed and used primarily for the storage of boats, and which is designed in such a way as to permit the direct removal of boats from the water to the structure;

"BODY RUB CENTRE" - means a Personal Service Shop development where services are provided that involve the physical external manipulation of the soft tissues of the human body that are performed, offered or solicited for a fee in a manner that appeals to or is designed to appeal to erotic or sexual appetites or inclinations. This includes but is not limited to a body rub advertised by any means as "sensual", "sexy or by any other word or any depiction having like meaning or implication;

"BUILDING" - includes any structure, erection, stockpile, sign or fixture that may be built or placed on land;

"BUILDING HEIGHT" - means the vertical distance between grade and the highest point of a building; excluding an elevator housing, a mechanical housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall, a parapet wall, a flagpole or similar device not structurally essential to the building;

"BUILDING SUPPLY CENTRE" - means the sale of building materials including lumber, windows and doors, wiring, plumbing supplies and similar goods, and may include an outdoor display area and outdoor storage;

"BULK FUEL SALE AND DISTRIBUTION" - means the delivery, wholesale and retail sale of petroleum fuel including related storage facilities and vehicle parking;

"CAMPGROUND AND R.V. PARK" - means an area of land developed for the provision of short or long-term accommodation for recreational vehicles, park model homes or tents;

"CANOPY" - means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun;

"CANOPY SIGN" - see SIGN, CANOPY;

"CARPORT" - means a roofed structure used for storing or parking of not more than two private vehicles which has not less than 40% of its total perimeter open and unobstructed;

- (i) the purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title, or
- (ii) in the absence of a person described in paragraph (b)(i) above, the person registered under the Land Titles Act as the owner of the fee simple estate in the land

"REPAIR SERVICE" - means the repair of goods, equipment and appliances excluding motorized vehicles, industrial equipment and other similar equipment;

"RESIDENTIAL SALES CENTRE" - means a temporary or permanent building or structure for the display, marketing and selling of residential lands or buildings, which includes show homes;

"RESTAURANT" means a facility for the primary operation of a full service, sit down, eating establishment but excludes the operation of a purely drinking establishment, bar, lounge, pool hall, casino, video lottery terminals and private liquor outlet;

"RETAIL STORE" - means where goods are offered for sale to customers, and includes artisan shops;

"ROOF SIGN" - see SIGN, ROOF;

"ROW HOUSING" - means a group of three or more dwelling units having a common wall or structural feature, with each unit having direct access to the outside grade, but shall not mean an apartment;

"SEA CAN" - means a large container designed to store goods, commonly made of metal and used for transport;

"SECONDARY SUITE" – means a development consisting of a Dwelling located within, and accessory to, a structure in which the Principal Use is a Single Detached Dwelling; the second storey of a detached garage; or an accessory building or structure. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the Principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the Principal Building, either from a common indoor landing or directly from the side or rear of the structure. This use class includes the Development or

"SIGN, WALL" - means a sign that is attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than 1.0 m (3.3 ft.) from the wall, and which does not project above the roof or parapet;

"SINGLE DETACHED DWELLING" – means a complete building intended to be used as a permanent residence not separated from direct access to the outside by another separate or self-contained portion of a building and has a length to width (or width to length) ratio of no more than 2.0:1.0. Does not include a mobile home, manufactured home, or modular home as defined under this Bylaw;

"SITE" - means or refers to one or more lots or parcels for which an application for a development permit has been made, and may include streets, lanes, walkways and any other land surface upon which development is proposed;

"SOLAR ENERGY COLLECTION SYSTEM" - means a system of one or more buildings or appurtenances to buildings designed to convert solar energy into mechanical or electrical energy and includes solar array, solar panels, free standing, ground and roof mounted;

"SPLIT LEVEL" - means a dwelling that has three separate living areas, each separated from the next by one half-store;

"STATUTORY PLAN" - means a municipal plan, area structure plan or area redevelopment plan pursuant to the Municipal Government Act;

"STOREY" - means the habitable space between the upper face of one floor and the next above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement or cellar shall be considered a storey in calculating the height of a building if the upper face of the floor above it is more than 1.8 m (5.9 ft.) above grade;

"STOREY, HALF" - means that part of any building wholly or partly within the framing of the roof, where the habitable floor area is not more than 70% of the ground floor;

"STREET" - means a right-of-way no less than 10.0 m (32.8 ft.) in width for a public thoroughfare and designed for the use of vehicular or pedestrian traffic, but does not include a lane or as defined as a street in the Highway Traffic Act;

"STRUCTURE" - means anything constructed or erected on the ground, or attached to something on the ground, and includes all buildings;

"SUBDIVISION AND DEVELOPMENT APPEAL BOARD" - means a subdivision and development appeal board appointed pursuant to the Municipal Government Act;

"SUBDIVISION AUTHORITY" - means a subdivision authority established pursuant to Section 623 of the Municipal Government Act. The Council has been authorized by this Bylaw to exercise subdivision authority powers on behalf of the municipality;

"SUBDIVISION OFFICER" means a person authorized to accept, process, and endorse subdivisions on behalf of the subdivision authority pursuant to the provisions of the Municipal Government act;

"SURVEILLANCE SUITE" - means a Recreational Vehicle, Park Model Home, Modular Home or Single Detached Dwelling, as defined in this Bylaw, used as accommodations in conjunction with the Principal Use upon the Lot;

"TEMPORARY BUILDING" - means a structure that has been permitted to exist for a limited time only;

"TEMPORARY LIVING ACCOMMODATION" - means any recreational vehicle, (holiday trailer, motor home, camper or tent trailer) situated on a residential lot, but does not include a Park Model Home;

"THEATRE" - means the showing of films on screens, or the presentation of live entertainment;

"TRAFFIC ISLAND" - means an area or space officially set aside within a street lane or parking lot as prohibited for use by motor vehicles and which is marked or indicated by construction as to be plainly visible at all times;

"TRIPLEX" - means a dwelling containing three dwelling units;

"USE" - means a use of land or a building as determined by the Development Officer and / or Council;

"UTILITY" - means the components of a sewage, storm water or solid waste disposal system, or a telecommunication, electrical power, water, gas or oil distribution system;

"UTILITY BUILDING" - means a building in which the proprietor of a utility company maintains his office or offices and/or maintains or houses any equipment used in connection with the utility;

"VETERINARY CLINIC" - means a facility to provide health services to animals;

"WAREHOUSING" - means the indoor storage of equipment or goods;

PART 3 – DEVELOPMENT PERMITS

3.1 CONTROL OF DEVELOPMENT

No development other than that designated in Section 3.2 of this Bylaw shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

3.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

All development undertaken in the municipality requires an approved development permit prior to commencement, except the following provided the development conforms to all other provisions of this Bylaw:

- a) the carrying out of works of improvement, maintenance or renovation to any building provided that such works do not include structural alterations or additions;
- b) the completion of any development which has lawfully commenced before the passage of this Land Use Bylaw or any amendment thereof, provided that the development is completed in accordance with the terms of any permit granted in respect of it, and provided that the development is completed within the time limit of such a permit or within twelve (12) months of the effective date of the Bylaw, whichever is earlier;
- c) the use of any such development as is referred to in subsection (b) for the purpose for which development was commenced;
- d) the erection or construction of gates, fences, walls or other means of enclosure less than 1.0 m. (3.3 ft.) in height in front yards and less than 2.0 m (6.6 ft.) in other yards, and the maintenance or improvements of any gates, fences or walls or other means of enclosure. No electrical or barbed wire fences shall be permitted within the corporate boundaries of the Village, except within the UR - Urban Reserve District;

- e) the erection or placement of a temporary building, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building is removed within thirty (30) days of substantial completion or as determined by the development officer;
- f) the completion, alteration, maintenance or repair of a street, lane or utility undertaken upon a public thoroughfare or utility easement, or undertaken to connect the same with any lawful use of buildings or land;
- g) any development carried out by or on behalf of the Crown but not including that carried out by or on behalf of a Crown corporation;
- h) any development carried out by or on behalf of the municipality provided that such development complies with all applicable provisions of this Land Use Bylaw;
- i) a portable garden or tool shed not on a fixed foundation on a residential parcel, such building not to exceed 9.3 m² (100.1 ft²) in floor area and 2.5 m (8.2 ft.) in height;
- j) a fabric shelter with a floor area not to exceed 18.6 m² (200.0 ft²) and 2.5 m (8.2 ft.) in height;
- k) a maximum of one (1) recreational vehicle, holiday trailer, motor home, camper or tent trailer, situated on a residential parcel developed with a Single Detached Dwelling or Modular Home, and is located within a required parking stall or on the site in a manner satisfactory to the Development Authority, provided that it is occupied for no longer than seventy-two (72) hours total within a thirty (30) day period, or extended periods as authorized by the Development Authority;
- l) development exempted from requiring a development permit under the Municipal Government Act;
- m) signs posted or exhibited in a building;

9. Notwithstanding other provisions of Section 3.6 of this Bylaw, in accordance with Section 685(3) of the Act, a development permit for a permitted use without variance does not require notification other than to the landowner and applicant.

3.7 DECISION ON DEVELOPMENT PERMIT APPLICATIONS

1. Permitted and Discretionary Use Applications (Non-Direct Control Districts).
 - a) The Development Authority shall be the approving authority for all proposed development, which is listed as either a permitted or discretionary use under a land use district under this Bylaw.
 - b) Upon receipt a completed application for a development permit for a permitted use, the Development Officer shall approve the application with or without conditions, where the proposed use conforms to this Bylaw. Generally, the Development Officer is authorized to approve all permitted use development permit applications.
 - c) Subject to Section 3.7.1(d), the Development Officer is authorized to decide all discretionary use development permit applications which are related to an approved use on the subject property.
 - d) All development permit applications which are discretionary and not related to an approved use on the subject property and/or which require a variance to any quantitative regulation (i.e., side yard setback) contained in this Bylaw shall be referred to the Municipal Planning Commission for decision.
 - e) The Municipal Planning Commission is authorized to decide all development permit applications that are referred to it by the Development Officer.
 - f) When approving a discretionary use application, the Development Authority may attach conditions to the approval to ensure that the proposal conforms to this Bylaw.

2. Variance Provisions:

- a) The Development Authority may conditionally approve a proposed use that does not comply with this Bylaw, if, in its opinion,
 - (i) the proposed development would not,
 - A. unduly interfere with the amenities of the neighbourhood, or
 - B. materially interfere with or affect the use, enjoyment, or value of neighbouring properties, and
 - (ii) the proposed development conforms to the uses prescribed for that land or building in this Bylaw,

- b) Notwithstanding the above, a variance shall be considered only in cases of unnecessary hardship or practical difficulties to the use, character, or situation of land or building which are not generally common to other land in the same district.

- c) When considering a variance to quantitative criteria such as floor area or a site setback, the Development Officer may approve in accordance with this Bylaw a variance up to a maximum of 20% of the stated regulation. Any variance requests in excess of 20% shall be referred to the Municipal Planning Commission.

3. Development Permit Refusals:

When refusing an application for a development permit, the Development Authority shall clearly describe the reasons for the said refusal on the notice of decision.

4. Temporary Permits:

Where a development permit is not required on a permanent basis, the Development Authority may approve the development permit for a specified period of time. The

expiry date of all temporary development permits shall be clearly indicated on the notice of decision.

3.8 DEEMED REFUSALS ON DEVELOPMENT PERMIT APPLICATIONS

In accordance with Section 684 of the Municipal Government Act, an application for a development permit shall at the option of the applicant, be deemed to be refused when the decision of the Development Authority, is not made within forty (40) days of the completed application being received by the Development Authority unless the applicant and the Development Authority have mutually entered into an agreement to extend the forty (40) day period.

3.9 SUSPENSION OR CANCELLATION OF DEVELOPMENT PERMITS

1. If, after a development permit has been issued, the Development Authority becomes aware that:
 - a) the application for the development contains a misrepresentation;
 - b) facts concerning the application or the development were not disclosed at the time the application was considered;
 - c) the development permit was issued in error; or
 - d) the conditions of Development Permit Approval are not being complied with in to the satisfaction of the Development Authority,the Development Authority may suspend or cancel the notice of decision or the development permit by notice, in writing to the holder of it.

2. A person whose development permit is suspended or cancelled under this section may appeal to the Subdivision and Development Appeal Board.

- f) If the building includes a canopy, each tenant will be permitted one under-canopy sign of no more than 0.5 m² (5.38 ft²).

4.24 KEEPING OF ANIMALS

1. No person shall keep or permit to be kept in any part of any yard in any Land Use District any livestock except as described in Alberta Beach Animal Control Bylaw, as amended.
2. No person shall keep or permit to be kept in any part of any yard in any Land Use District any pets or domestic animals of any kind on a commercial basis, that is, for the purpose of breeding or caring in exchange for pay or other compensation or remuneration, unless said keeping occurs within the confines of an approved kennel.
3. In addition to this Section, the regulations in the Residential Districts respecting the keeping of animals will apply.

4.25 SEA CANS

As a condition of granting a development permit for a sea can, the Development Authority may require the sea can to conform aesthetically to buildings upon adjacent properties and those within the District. This may include, but is not limited to, buffering it from public view and/or enclosing it entirely within a building.

4.26 FIRE PITS

Within the corporate limits of Alberta Beach, fire pits must:

5.2 R1 – RESIDENTIAL – SINGLE FAMILY

1. General Purpose of District

This land use district is generally intended to establish areas of single detached housing comprised of standard parcels and dwellings with the opportunity for a secondary suite.

2. Permitted Uses

- Buildings and uses accessory to permitted uses
- Garage Suite
- Garden Suite
- Home Office
- Modular home
- Recreational Vehicles and Temporary Living Accommodations
- Secondary Suites
- Single Detached Dwelling

Discretionary Uses

- Bed & Breakfast
- Buildings and uses accessory to discretionary uses
- Day Home
- Home Occupations
- Parks and playgrounds
- Public or quasi-public uses

- Public utilities required to serve the immediate area

- Show homes

- Other uses which, in the opinion of the Development Authority, are similar to the permitted and discretionary uses.

3. Parcel Coverage

Coverage of all buildings shall not exceed 40% of the total parcel area.

4. Minimum Floor Area (not including attached garage)

- a) Where a lot has an area of less than or equal to 400.0 m² (4305.6 ft²), the minimum floor area shall be 74.3 m² (800.0 ft²);
- b) Where a lot has an area greater than 400.0 m² (4305.6 ft²), the minimum floor area shall be 93.0 m² (1000.0 ft²).

**ALBERTA BEACH
MUNICIPAL PLANNING COMMISSION (MPC)
REQUEST FOR DECISION**

Date: July 20th, 2021
From: Kim Kozak - Development Officer
To: All Members of Alberta Beach Municipal Planning Commission (MPC)

RECOMMENDATION

That MPC passes a motion to approve Development Permit No. 21DP43-01 to allow for the demolition of an existing older dwelling and the placement of a dwelling that is more than five years from the initial date of construction on the property with a rear yard setback variance from 7.6 m (25 ft.) to 7.26 m (24 ft.).

BACKGROUND INFORMATION

- The property is located at 4319-47th Avenue, corner of 47th Avenue and 44th Street within the R1 – Single Family Resident District, as specified in the Land Use District Map.
- The rear yard setback variance technically does not require Municipal Planning Commission decision as the variance is less than 20%, but because of the construction taking place 10 years ago, the Development Officer requests the Municipal Planning Commission to determine the decision.
- Section 4.7.1. of the Land Use Bylaw 252-17 indicates a relocated building or moved-in building shall be allowed within the municipality, which is more than five (5) years old, from the initial construction date and to be used as a dwelling.
- Section 4.79. states, “An approval shall not be granted under Subsection (1) unless the Development Authority is satisfied that: a) The placement or location of the building would meet the requirements of this Bylaw; and b) The building and the parcel meet the requirements of this Bylaw and the land use district in which the building is proposed to be located as well as all applicable building standards of the Alberta Government.”
- In the past five years, the exterior of the dwelling was completely updated with new exterior materials including siding, windows, and roof. The interior was also renovated with upgraded products, such as new flooring.
- The applicant emailed photos of the proposed dwelling on July 4th, 2021, to the Development Officer for confirming the dwelling would be considered compatible within the area. The Development Officer examined the photos and the area where the proposed development would be placed and determined that the character of the dwelling would fit.
- The Development Officer reviewed the application submitted on July 9th and determined the setbacks do not meet the requirements of the Land Use Bylaw 252-17.

- The Development Officer contacted the applicant and met with both registered landowners on July 10th at their property in Alberta Beach to discuss the application.
- Through Section 4.14.5, at the discretion of the Development Authority, one front yard may be considered a side yard; therefore, 44th Street is considered a side yard.
- The location of the proposed dwelling complies with Section 4.14 Corner Site Triangle of the LUB.
- The proposed dwelling is 8.75 m (28.7 ft.) wide and 40.7 ft. long; therefore, the dwelling does not exceed the 2:1 ratio.
- The photos attached of the proposed dwelling shows the home is in excellent condition; however, will require minor repairs, where most relocated dwellings would require.
- Access to the lands will be located off 44th Street.
- The Development Authority may consider applications with a vary of no more than 20% in height and setback. Therefore, the Development Officer does not have the authority to consider the decision on this application.

MUNICIPAL DEVELOPMENT PLAN (MDP) BYLAW NO. 251-17

The application is consistent with the Municipal Development Plan because the proposed development is an example of a range of housing types within a residential community.

LAND USE BYLAW (LUB) NO. 252-17

Section 1.9 Definitions or Meanings related to this development:

- “DEVELOPMENT AUTHORITY” - means a Development Authority established pursuant to Section 624 of the Municipal Government Act and may include one or more of the following: a Development Officer, Municipal Planning Commission, Council, or any other person or organization that has been authorized by Bylaw to exercise development powers on behalf of the municipality;
- “DOUBLE FRONTING PARCEL” - means a corner parcel which is not a flanking parcel, but also includes a parcel which abuts two public streets (except alleys as defined in the Highway Traffic Act, as amended), which are parallel or nearly parallel where abutting the parcel;
- “DWELLING” - means any building used principally for human habitation and which is supported on a permanent foundation extending below ground level, and includes single detached dwellings, but does not include temporary living accommodations;

Section 2.2 ESTABLISHMENT OF MUNICIPAL PLANNING COMMISSION

Section 3.7 Decision on Development Permit Applications

1. Permitted and Discretionary Use Applications (Non-Direct Control Districts).

e) The Municipal Planning Commission is authorized to decide all development permit application that are referred to it by the Development Officer.

Section 4.7 Relocation of Buildings

1. No relocated building or moved-in building shall be allowed within the municipality which is more than five (5) years old from the initial date of manufacture or construction and to be used as a dwelling.

Section 4.13 Corner and Double Fronting Parcels

"For the purposes of determining the setback requirements, the long front yard shall be referred to as the flanking front yard"

Section 4.14 Corner Sight Triangles

"discretion of the Development Authority, one front yard may be considered a side yard"

Section 5.2 R1 Residential – Single Family

3. Parcel Coverage

"not exceed 40% of the total parcel area"

8. Minimum Side Yard Setback

"a) Minimum of 1.5 m (4.9 ft.)."

9. Minimum Rear Yard Setback

"a) Minimum of 7.6 m (24.9 ft.), except in the case of garages as in Section 4.10."

DEVELOPMENT AUTHORITY'S POSITION

In the opinion of the Development Officer, the request to demolish the existing dwelling on the lands and place a dwelling built prior to 2006; however, renovated within the last five years with new siding, metal roof, upgraded construction material would not unduly interfere with the amenities of the neighbourhood, materially interfere with, or affect the use, enjoyment, or value of neighbouring properties for the following reasons:

1. The dwelling will be placed completely on the property;
2. The rear yard is adjacent to the municipal roadway;
3. The characteristic of the proposed dwelling is similar with the other dwellings in the area; and
4. The newer dwelling could help increase market value in the area.

CONCLUSION

The Development Officer supports this application and recommends the Municipal Planning Commission APPROVE Development Permit No. 21DP43-01, in accordance with the Development Officer's recommended conditions and notes:

1. All municipal taxes have been paid or are current with Alberta Beach.
2. The applicant shall display for no less than fourteen (14) days after the permit is issued, in a conspicuous place on the subject property, the enclosed Notice.
3. **The applicant shall provide a refundable security deposit in the amount of \$5000.00.**
4. The applicant shall enter into a servicing agreement for the provision of municipal sewage disposal service (tie-in) to the satisfaction of Alberta Beach. Please contact the Tri-Village Regional Sewage Services Commission system at 780-974-7341 for further details
5. Access construction (including location) must be provided to the satisfaction of the Road Authority being the Village of Alberta Beach. Please contact the Alberta Beach Public Works Department at 780-924-3322 to confirm the location of any proposed driveway access.
6. There shall be no openings in the building below 723.8 m ASL
7. The applicant shall be financially responsible during the demolition and placement of the dwelling, for any damage by the applicant or contractors to any public or private property.
8. The property is to be secured against public entry during the demolition to protect the public from danger.
9. The applicant shall be responsible for contacting all utility providers that may be impacted by this development for the disconnection, reconnection, and relocation of power lines and other utilities.
10. The applicant shall control the dust or other nuisance that would negatively affect the adjacent properties or the adjacent property owner(s) to the Development Officer's satisfaction.
11. The applicant shall prevent excess soil or debris related to the demolition and construction from being spilled on public streets and lanes and shall not place soil or any other material on adjacent properties without permission in writing from the adjacent property owner(s).
12. The applicant shall obtain and comply with the requirements, where applicable, from the appropriate authority, permits relating to building, electricity, plumbing, and all other permit approvals which may be required in connection with the proposed development.
13. The applicant is responsible for the designing and constructing a house foundation drainage system adequate for the existing soil conditions.
14. The applicant shall complete the property's grading to ensure that all surface runoffs do not discharge from the site onto adjacent properties.

15. Sump pumps are required in all Dwellings which require weeping tile. Weeping tile flows must not be connected to the property's sanitary sewer service. Sump pump discharge must be directed outside and to the ground and not flowing toward adjacent private properties.
16. No person shall keep or permit to be kept in any part of a yard any excavation, storage or piling of materials required during construction unless all safety measures are undertaken. The property owner shall assume full responsibility to ensure the situation does not prevail longer than necessary to complete construction.
17. The site shall be maintained in a clean and tidy condition during the demolition and construction. Receptacle for control and disposal of rubbish must be provided, and regularly maintained.
18. The arrangements for the provision of sanitary facilities for the project site, satisfactory to the Development Authority, must be provided and maintained throughout construction.
19. Any changes or additions to this permit shall require a new development permit application.
20. Failure to comply with the conditions of this permit may result in the permit being cancelled, suspended, or modified.
21. That all improvements shall be completed within twelve (12) months of this permit's effective date.

NOTES:

Any development or activity commenced prior to the expiry of the appeal period is done so entirely at the applicants' risk.

*This Permit approval authorization for development under the Land Use Bylaw but is not approved under any other applicable regulations. Additional approvals **may be** required from Provincial and/or Federal Departments and/or Agencies. The applicant is responsible for making themselves aware of any further requirements and secure approvals where required prior to commencing any development, including but not limited to the following:*

Inspection Agency for building, electrical, plumbing, gas, and any other approval required;

Alberta Environment and Parks for any development activities within 30 metres of a wetland or watercourse;

Alberta Energy Resources Conservation Board related to energy resources: oil, natural gas, and pipelines located on the lands; and

Alberta Utilities and Telecommunications related to telephone lines and utility services located on the lands.

The applicant is responsible for ensuring compliance with the Restrictive Covenant(s) registered on Title.

The landowners are encouraged to consider prohibiting residential fertilizer use on the lands.

The development permit is valid for twelve (12) months from the Effective Date. If upon expiry, the development or activity has not been substantially commenced or has not been completed, this permit shall be deemed expired (null and void) unless the applicant has secured an extension from the approval authority.

*This is **NOT A BUILDING PERMIT**, and where required by any regulation, all necessary Safety Code Permits must be secured separately.*

OR

The Municipal Planning Commission may consider two further alternative motions, which are:

1. Table Development Permit No. 21DP43-01 pending additional information; or
2. Refuse Development Permit No. 21DP43-01.

ATTACHMENTS

1. Development Permit Application
2. Land Use District Map
3. Land Use Bylaw Sections
 - 1.9 Definitions or Meanings: Development Authority, Double Fronting Parcel and Dwelling
 - 3.7 Decision on Development Permit Applications
 - 4.7 Relocation of Buildings
 - 5.2 R1 – Residential – Single Family

210P 43-01

	<p align="center">Development Permit Application</p> <p>ALBERTA BEACH 4935-50th Avenue PO Box 278 Alberta Beach, Alberta T0E 0A0</p> <p>Phone: (587) 988-7668 (Development Officer) Fax: (780) 924-3313 Email: development@albertabeach.com</p>
<p align="center">R-1 or R-2 New Home Construction or Addition</p>	<p>Cost for Development Permit \$ _____ (See page 4) Payment made directly to Alberta Beach. Paid - Y / N</p>

I HEREBY MAKE APPLICATION UNDER THE PROVISIONS OF THE LAND USE BYLAW FOR A DEVELOPMENT PERMIT, IN ACCORDANCE WITH THE PLANS AND SUPPORTING INFORMATION SUBMITTED HERewith AND WHICH FORM PART OF THIS APPLICATION.

Name: [redacted] _____

Mailing Address: [redacted] _____

OR [redacted] _____

Telephone @ [redacted] _____ Fax: _____

Registered Owner (if different from above): _____

Mailing Address (if different from above): _____

Interest of Applicant (if not the registered owner): _____

This information is being collected under the authority of Sec. 33(c) of the *Freedom of Information and Protection of Privacy (FOIP) Act*. It will be used by the Development Authority to determine a development permit. The personal information provided will be protected in accordance with Part 2 of the Act. If you have any questions regarding the collection, use and disclosure of personal information, please contact the FOIP Coordinator at (780) 924-3181.

Legal Description:

Municipal Address: 4319 47 Avenue

Lot: 1 _____ Block: 5 _____ Plan: 4569HW _____

Description of proposed development: Demolish existing dwelling, move in replacement dwelling

Estimated cost of development: \$36,000

Estimated commencement date: July 27 -2021

Estimated completion date: Oct 30 2021

Lot Width: 60

Lot Length: 32.43 (100)

Area of Site: 18.6 (60)

Area of existing development: 32.3 x 48.8

Area of proposed development: 40 x 30

Total % of Site Coverage: 30%

Owner(s)/Applicants consent to communicate with Alberta Beach and its applicable contractors through electronic means.

Section 608 of the Municipal Government Act, R.S.A. 2000, c.M-26 provides that: *Any document required by this or any other enactment or bylaw to be sent by a person may be sent by any electronic means so long as it is possible to make a copy of the document from the electronic signals used by the electronic means.*

Being the registered owner(s) or Agents for the lands described on Page 1, for the purpose of this Development Permit's decision, I desire to enter into an agreement with Alberta Beach and its applicable contractors to communicate through electronic means:

Name: _____

Signature: _____

Date: 7.8.21

Email Address: _____

APPLICATION FOR DEVELOPMENT PERMIT (R-1 or R-2)

<u>Principal Building/Addition:</u> <u>(Y/N)</u>	<u>Proposed</u>	<u>Bylaw Requirements</u>	<u>Conforms</u> <u>(Yes or No)</u>
Front Yard Setback: <input type="checkbox"/>	_____	> or = 7.6 M	_____
Lake Front Yard Setback:	_____	> or = 8.0 M	_____
Rear Yard Setback: <input type="checkbox"/>	_____	> or = 7.6 M	_____
Side Yard Setback: 3.84 adjacent to lot 2	_____	> or = 1.5 M	_____
Side Yard Setback: 6.07 adjacent to 44 st	_____	> or = 1.5 M	_____
Floor Area (lots < than 400 M2):	_____	> or = 74.3 M2 (800 Ft2)	_____
Floor Area (lots > than 400 M2): 1168	_____	> or = 93.9 M2 (1000 Ft2)	_____
Site Coverage (all structures): 31%	_____	< or = 40%	_____
Height of Building: 16.5	_____	< or = 9.0 M	_____
No. of Off-Street Parking Stalls: 1	_____	> or = 2 stalls	_____

For NEW HOME CONSTRUCTION – requirements of the “New Home Buyer Protection Act”

- a) Is this an application seeking to construct a new home? YES _____ NO X _____
- b) If YES, please provide details of the builders’ (either contractor or property owner) new home warranty coverage as required by the Province of Alberta _____

- c) If the property owner is electing to proceed with construction – without the required new home warranty coverage – please ensure that the required waiver from the Province of Alberta (www.municipalaffairs.alberta.ca/NHBP) is forwarded with this Development Permit application.
- d) Failure to provide this information to the satisfaction of the Development Officer will result in an immediate denial of the Development Permit application for any new home.

AUTHORIZATION AND RIGHT OF ENTRY:

I/we, _____ am/are the registered owner, or the agent for the registered owner; authorized to act on behalf of the registered owner, and the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to this application for a Development Permit.

As provided for by Sec. 653(2) of the Municipal Government Act I/we also consent to an authorized person(s), designated by the Municipality as the Development Authority, to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application and completion of the proposed development.

Signature(s): _____

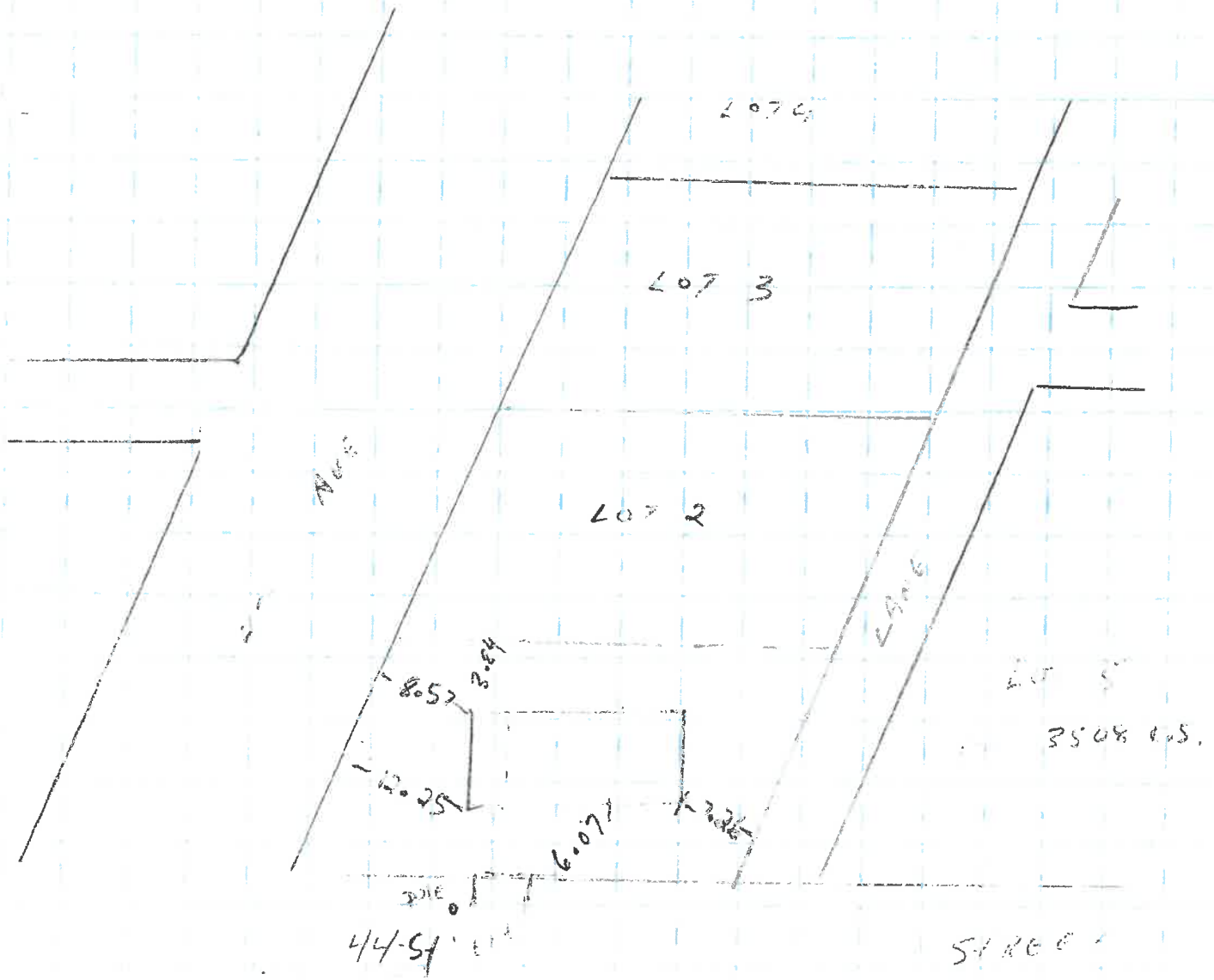
Date 7.9.2021 _____

Acknowledgement of Development Permit Application (must be dated and signed)

I acknowledge that if this development permit application is approved that it is subject to an appeal permit as per Municipal Government Act, RSA 2000, C-26.1 and that the decision could be overturned or amended. I do accept that if I commence development prior to the appeal expiry date, I do so at my "own risk" accepting all legal responsibilities and with all required building permits issued.

7.9.2021 _____
 Date Applicant's Signature

Following for use of Alberta Beach staff		
	YES	NO
Decision Rendered (date)		
Appeal Received (date – if applicable)		
SDAB Hearing held and closed (date)		
Development Permit Approved		
Copy to Assessor (not required if DP not approved)		
Copy to Property File		



House 40.7' x 20.9'
 28.7' x 11.6'

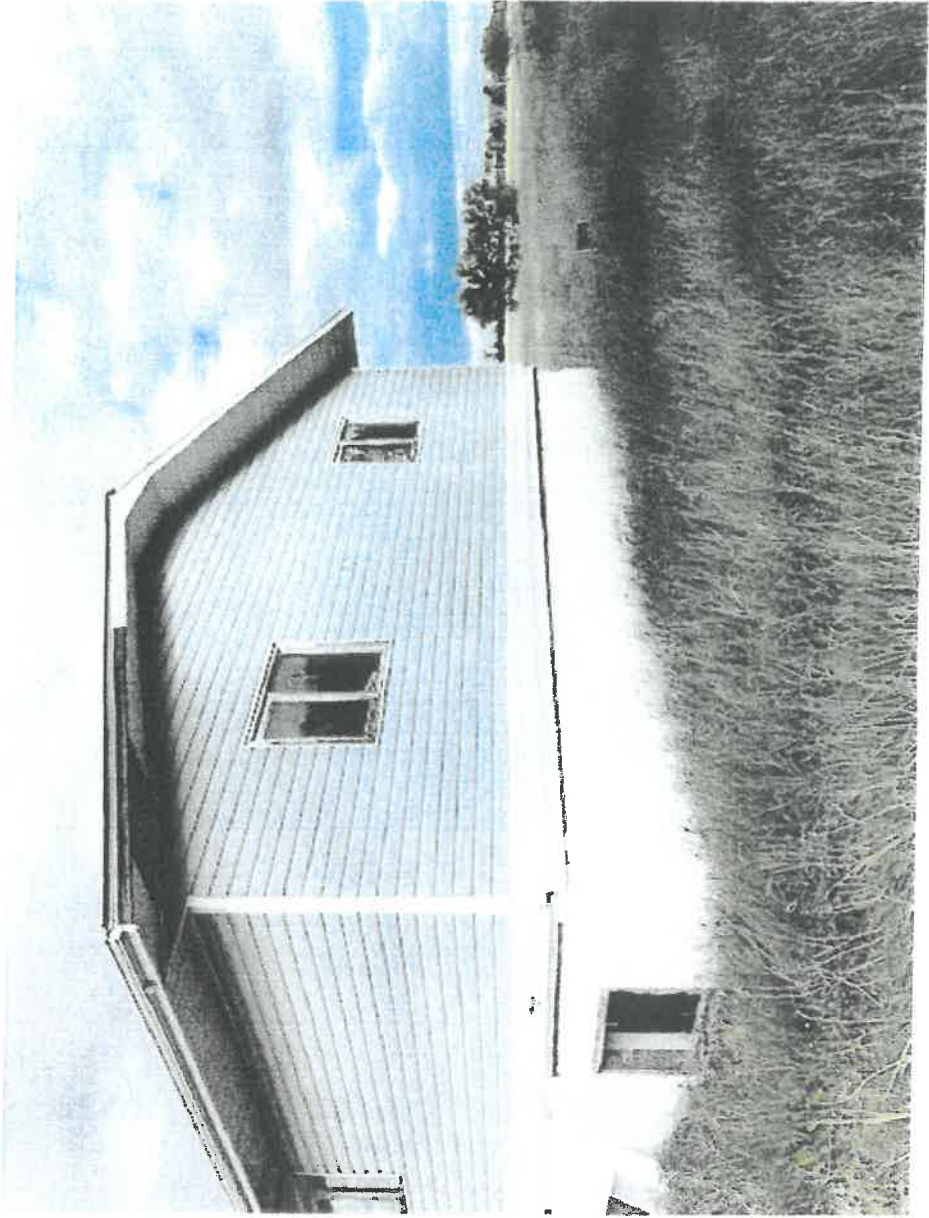
(FS HH)

40.7



(A/B)

(LOT 2)









SU



Subject Lands

- b) in a building or on a parcel used for dwelling purposes, any increase in the number of dwelling units in the building or on the parcel, and any alteration or additions which provide for an increase in the number of dwelling units within the building or on the parcel,
- c) the placing of refuse or waste material on any land,
- d) the resumption of the use for which land or buildings had previously been utilized,
- e) the use of the land for the storage or repair of motor vehicles or other machinery or equipment,
- f) the continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw comes into effect,
- g) the more frequent or intensive use of land for the parking of trailers, bunkhouses, portable dwellings, skid shacks or any other type of portable building whatsoever whether or not the same has been placed or affixed to the land in any way,
- h) the erection of signs,
- i) the recommencement of any use to which the land or buildings had been, previously put, if that use had been discontinued for a period of more than six months, and
- j) removal of top soil, trees and earth and gravel extraction from the land,
- k) the installation of any type of sewage disposal system including, but not limited to, holding tanks and outside privies,
- l) the digging of a well or installation of a water cistern;

“DEVELOPMENT AUTHORITY” - means a Development Authority established pursuant to Section 624 of the Municipal Government Act and may include one or more of the following: a Development Officer, Municipal Planning Commission, Council, or any other person or organization that has been authorized by Bylaw to exercise development powers on behalf of the municipality;

“DEVELOPMENT OFFICER” - means the official or officials of the Municipality with the responsibility of receiving, considering and deciding on applications for development under this Land Use Bylaw;

“DEVELOPMENT PERMIT” - means a certificate or document permitting a specified development and includes, where applicable, a plan or drawing or a set of plans or drawings, specifications or other documents. This permit is separate and distinct from a building permit;

“DISCONTINUED” - means the time at which, in the opinion of the Development Officer, substantial construction activity or a non-conforming use or conforming use has ceased;

“DISCRETIONARY USE” - means a use of land or buildings provided for in the District Regulations of this Bylaw, for which a development permit may be issued with or without conditions;

“DOUBLE FRONTING PARCEL” - means a corner parcel which is not a flanking parcel, but also includes a parcel which abuts two public streets (except alleys as defined in the Highway Traffic Act, as amended), which are parallel or nearly parallel where abutting the parcel;

“DRIVE-IN BUSINESS” - means an establishment which services customers traveling in motor vehicles driven onto the parcel where such business is carried on, where normally the customer either remains in the vehicle for service, or parks his vehicle for a short period for the purpose of doing business at the premises, and includes service stations;

“DUPLEX” – means a dwelling containing two dwelling units and either sharing one common wall in the case of side-by-side units, or having the dwelling area of one located above the dwelling area of the other in the case of vertical units, each with a private entry;

“DWELLING” - means any building used principally for human habitation and which is supported on a permanent foundation extending below ground level, and includes single detached dwellings, but does not include temporary living accommodations;

“DWELLING UNIT” - means a self-contained living premise with cooking, eating, living, sleeping and/or sanitary facilities for domestic use of one or more individuals;

“EASEMENT” - means a right to use land, generally for access to other property or as a right-of-way for a public utility;

“EXCAVATION” - means any breaking of ground, except common household gardening and ground care;

9. Notwithstanding other provisions of Section 3.6 of this Bylaw, in accordance with Section 685(3) of the Act, a development permit for a permitted use without variance does not require notification other than to the landowner and applicant.

3.7 DECISION ON DEVELOPMENT PERMIT APPLICATIONS

1. Permitted and Discretionary Use Applications (Non-Direct Control Districts).

- a) The Development Authority shall be the approving authority for all proposed development, which is listed as either a permitted or discretionary use under a land use district under this Bylaw.
- b) Upon receipt a completed application for a development permit for a permitted use, the Development Officer shall approve the application with or without conditions, where the proposed use conforms to this Bylaw. Generally, the Development Officer is authorized to approve all permitted use development permit applications.
- c) Subject to Section 3.7.1(d), the Development Officer is authorized to decide all discretionary use development permit applications which are related to an approved use on the subject property.
- d) All development permit applications which are discretionary and not related to an approved use on the subject property and/or which require a variance to any quantitative regulation (i.e., side yard setback) contained in this Bylaw shall be referred to the Municipal Planning Commission for decision.
- e) The Municipal Planning Commission is authorized to decide all development permit applications that are referred to it by the Development Officer.
- f) When approving a discretionary use application, the Development Authority may attach conditions to the approval to ensure that the proposal conforms to this Bylaw.

2. Variance Provisions:

- a) The Development Authority may conditionally approve a proposed use that does not comply with this Bylaw, if, in its opinion,
 - (i) the proposed development would not,
 - A. unduly interfere with the amenities of the neighbourhood, or
 - B. materially interfere with or affect the use, enjoyment, or value of neighbouring properties, and
 - (ii) the proposed development conforms to the uses prescribed for that land or building in this Bylaw,

- b) Notwithstanding the above, a variance shall be considered only in cases of unnecessary hardship or practical difficulties to the use, character, or situation of land or building which are not generally common to other land in the same district.

- c) When considering a variance to quantitative criteria such as floor area or a site setback, the Development Officer may approve in accordance with this Bylaw a variance up to a maximum of 20% of the stated regulation. Any variance requests in excess of 20% shall be referred to the Municipal Planning Commission.

3. Development Permit Refusals:

When refusing an application for a development permit, the Development Authority shall clearly describe the reasons for the said refusal on the notice of decision.

4. Temporary Permits:

Where a development permit is not required on a permanent basis, the Development Authority may approve the development permit for a specified period of time. The

expiry date of all temporary development permits shall be clearly indicated on the notice of decision.

3.8 DEEMED REFUSALS ON DEVELOPMENT PERMIT APPLICATIONS

In accordance with Section 684 of the Municipal Government Act, an application for a development permit shall at the option of the applicant, be deemed to be refused when the decision of the Development Authority, is not made within forty (40) days of the completed application being received by the Development Authority unless the applicant and the Development Authority have mutually entered into an agreement to extend the forty (40) day period.

3.9 SUSPENSION OR CANCELLATION OF DEVELOPMENT PERMITS

1. If, after a development permit has been issued, the Development Authority becomes aware that:
 - a) the application for the development contains a misrepresentation;
 - b) facts concerning the application or the development were not disclosed at the time the application was considered;
 - c) the development permit was issued in error; or
 - d) the conditions of Development Permit Approval are not being complied with in to the satisfaction of the Development Authority,the Development Authority may suspend or cancel the notice of decision or the development permit by notice, in writing to the holder of it.

2. A person whose development permit is suspended or cancelled under this section may appeal to the Subdivision and Development Appeal Board.

4.7 RELOCATION OF BUILDINGS

1. No relocated building or moved-in building shall be allowed within the municipality which is more than five (5) years old from the initial date of manufacture or construction and to be used as a dwelling.
2. No person shall:
 - a) place on a parcel a building which has previously been erected or placed on a different parcel, unless the Development Authority approves the placement; or
 - b) alter the location on a parcel of a building which has already been constructed on that parcel,

unless the Development Authority approves the alteration.

Notwithstanding any other provision of this Bylaw, no mobile homes may be moved into the corporate boundaries of Alberta Beach after the date of final adoption of this Bylaw.

3. An application to "relocate" a building may require:
 - a) a colour photograph of the building,
 - b) a statement of the present location of the building,
 - c) a notification of the relocation route, date, and time that the relocation is to take place, and
 - d) a complete site plan showing all buildings located or to be located on the lot.
4. The Development Authority may require, when a development permit is issued for a relocated building, a performance bond or a letter of credit related to the proposed development.

5. The Development Authority may require; when a development permit application is received to relocate a building, a notice in writing be forwarded to all adjacent landowners in the receiving neighbourhood.
6. Any renovations and any conditions imposed by the Development Authority to a relocated building shall be completed within one year of the issuance of the development permit. Non-compliance shall result in the forfeiture of the performance bond or letter of credit.
7. When reviewing development permit applications for moved-in buildings, the Development Authority shall consider the impact of the proposed moved-in building on the aesthetics and value of the adjoining properties.
8. In the case of a building to be relocated, it shall, in the opinion of the Development Authority, be compatible, with respect to age and appearance, with the buildings in the receiving neighbourhood once all required renovations and improvements have been completed.
9. An approval shall not be granted under Subsection (1) unless the Development Authority is satisfied that:
 - a) The placement or location of the building would meet the requirements of this Bylaw; and
 - b) The building and the parcel meet the requirements of this Bylaw and the land use district in which the building is proposed to be located as well as all applicable building standards of the Alberta Government.

4.8 EXCAVATION, STRIPPING AND GRADING

1. In all land use districts, no person shall commence or continue the removal of topsoil, without first obtaining an approved development permit.
2. Pursuant to subsection (1) and in addition to the requirements of Section 3.1 of this Bylaw, development permit applications for landscaping shall be accompanied by a landscaping plan and indicate any existing or proposed retaining wall construction.

5.2 R1 – RESIDENTIAL – SINGLE FAMILY

1. General Purpose of District

This land use district is generally intended to establish areas of single detached housing comprised of standard parcels and dwellings with the opportunity for a secondary suite.

2. Permitted Uses

- Buildings and uses accessory to permitted uses
- Garage Suite
- Garden Suite
- Home Office
- Modular home
- Recreational Vehicles and Temporary Living Accommodations
- Secondary Suites
- Single Detached Dwelling

Discretionary Uses

- Bed & Breakfast
- Buildings and uses accessory to discretionary uses
- Day Home
- Home Occupations
- Parks and playgrounds
- Public or quasi-public uses
- Public utilities required to serve the immediate area
- Show homes
- Other uses which, in the opinion of the Development Authority, are similar to the permitted and discretionary uses.

3. Parcel Coverage

Coverage of all buildings shall not exceed 40% of the total parcel area.

4. Minimum Floor Area (not including attached garage)

- a) Where a lot has an area of less than or equal to 400.0 m² (4305.6 ft²), the minimum floor area shall be 74.3 m² (800.0 ft²);
- b) Where a lot has an area greater than 400.0 m² (4305.6 ft²), the minimum floor area shall be 93.0 m² (1000.0 ft²).

5. Maximum Height

The height of all structures shall not exceed 9.0 m (29.5 ft.) and is subject to the provision of this Bylaw.

6. Minimum Parcel Width and Area

All new parcels to be created shall have a minimum parcel width of 15.0 m (50.0 ft.) and a minimum parcel area not less than 557.4 m² (6000.0 ft²).

7. Minimum Front Yard Setback

- a) Lakefront lots: at the discretion of the Development Officer, but not less than 8.0 m (26.2 ft.).
- b) All other cases: 7.6 m (24.9 ft.).
- c) For accessory buildings see Section 4.10.

8. Minimum Side Yard Setback

- a) Minimum of 1.5 m (4.9 ft.).
- b) For accessory buildings see Section 4.10.

9. Minimum Rear Yard Setback

- a) Minimum of 7.6 m (24.9 ft.), except in the case of garages as in Section 4.10.
- b) For accessory buildings see Section 4.10.

10. Length to Width Ratio

No dwelling in this district shall have a length to width (or width to length) ratio of greater than 2.0 : 1.0. This rule shall not apply to those portions of a dwelling which are deemed by the Development Authority to be either deck or attached garage.

11. Other Provisions

- a) Administrative procedures and regulations: refer to Parts 1-3 of this Bylaw.
- b) General Parcel Provisions: refer to Part 4 of this Bylaw.
- c) Special Land Use Provisions: refer to Part 4 of this Bylaw.
- d) Parking and Loading Regulations: refer to Part 4 of this Bylaw.
- e) Sign Regulations: refer to Part 4 of this Bylaw.