

ALBERTA BEACH
MUNICIPAL PLANNING COMMISSION MEETING
BEING HELD ELECTRONICALLY
VIA ZOOM MEETING
ON JULY 21, 2020 AT 7:00 P.M.

AGENDA

1. CALL TO ORDER
2. AGENDA ADDITIONS / DELETIONS
3. AGENDA ADOPTION
4. NEW BUSINESS
 - a. Request for Decision – Development Permit Application #20DP10-01
Plan 201BT, Block 10, Lot 3 (5012 – 57 Street)
Application for gravel landscaping on R1 lot as sited.
5. ADJOURNMENT

4. a

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

Meeting Date: July 21st, 2020

From: Kim Kozak - Development Officer (DO)

To: All Members of Alberta Beach Municipal Planning Commission (MPC)

RECOMMENDATION

That the MPC passes a motion to approve the landscaping on the lot, located at 5012-57th Street, through Development Permit No. 20DP10-01.

BACKGROUND INFORMATION

- The property at Plan 201BT, Block 10, Lot 3, is identified within the Land Use District Map as R-1 – Residential – Single Family District.
- Through a complaint submitted to the municipality in 2019, it was noted that the landowner of 5012-57th Street had spread gravel, and parked industrial equipment on the lands with no approvals.
- The DO mailed out a letter to the landowner stating that the equipment and gravel must be removed from the lands no later than December 15th, 2019.
- The landowner contacted the DO, suggesting they meet at the subject lands on November 23rd, 2019. Through that meeting, the landowner and the DO agreed that all the equipment would be removed from the property. Furthermore, the landowner will submit a development permit application to Alberta Beach, seeking approval to leave the landscaping of gravel material, remain as sited on the property.
- The municipality received a second complaint in 2020, it was noted that the landowner was storing recreational vehicles on the lands with no approvals.
- A letter was mailed out to the landowner on May 18th, 2020, stating that Alberta Beach has not received the development permit application. Furthermore, the letter informed the landowner that the recreational vehicles stored on the property are to be removed no later than June 5th, 2020.
- The landowner submitted the development permit application on June 3rd, 2020, requesting approval to leave the crushed stone on the property as sited.
- A Notice of Proposed Development was mailed out on June 8th, 2020, to residents within 100 feet of the subject lands, stating an application was received and is being considered, to landscape the subject lands with gravel.
- The DO received four comments related to the proposed development.
 - Two residents objected to the proposed development, as they believe the graveled lot resembles an industrial site. Also, one of the residents stated they noticed a neighbour's property adjacent to the subject lands is now flooding, due to the change in the grade of the property;
 - One resident supports the development, as they believe the graveled lot is an improvement from how the lot appear prior to the gravel being placed on the lands; and will reduce the surface runoff from the property flowing onto adjacent properties; and

- Alberta Beach's Public Works Manager/Peace Officer supports the development, as the site looks clean and tidy.
- The DO completed a thorough review of the application and determined the proposed use as discretionary on the grounds that the intended use does not meet the permitted use definition.
- This application is being presented to MPC for consideration as "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."

MUNICIPAL DEVELOPMENT PLAN BYLAW NO. 251-17

The application is consistent with the Municipal Development Plan as the proposed development meets the design criteria within a neighbourhood, for the landscaping has a positive impact on the future development of the parcel.

LAND USE BYLAW NO. 252-17

Section 1.9 – Definitions or Meanings: 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."

Section 1.9 – Definitions or Meanings: Permitted Use means, "the use of land or a building provided for in this Bylaw for which a development permit shall be issued, with or without conditions, upon an application having been made which conforms to the Land Use Bylaw."

Section 1.9 – Definitions or Meanings: Landscaping means "to preserve or change the natural features of a parcel by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, driveways or other structures and materials as used in modern landscape architecture."

Section 3.2 – Development Not Requiring A Development Permit:

"v) landscaping where it will not adversely affect the subject or adjacent properties but does not include changes in grade, stockpiling or excavation."

Section 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.
- 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."

Section 4.8 – Excavation, Stripping and Grading:

6. "As a condition of the development permit, all required landscaping and planting must be carried out to the satisfaction of the Development Authority and within one (1) year (weather permitting) of occupancy or commencement of operation of the proposed development."

CONCLUSION

It is the opinion of the Development Authority that the request to landscape the property with gravel 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:

- The lands were an eye-sore for the previous landscaping on the lot was with grass or dirt in many different areas;
- Gravel is a product used in today's landscaping on properties;
- The gravel material used on the property will help prevent overgrown grass and weeds, creating an appealing curb design;
- The Land Use Bylaw does not support specific commercial or industrial uses within an R-1 – Residential – Single Family District; and
- The parking of industrial equipment, commercial vehicles, or storage of recreation vehicles is neither permitted nor discretionary use within the R-1 – Residential – Single Family District.

Furthermore, landscaping the property with gravel benefits Alberta Beach's Peace Officers, in the way that they will not require to write any Orders to clean the unsightly property or to cut the grass.

For the above reasons, the DO supports the application, and recommends MPC **APPROVE** Development Permit No. 20DP10-01, in accordance with the Development Authority's recommended conditions:

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 not place commercial or industrial equipment, store commercial vehicles, or recreational vehicles on the lands.**
4. **The Applicant shall not use the lands for Commercial or Industrial Use, without the approval from Alberta Beach.**
5. The Applicant shall be financially responsible during the development of any damages by the applicant, their employers, suppliers, agents or, contractors, to any public or private property.
6. The Applicant shall complete the grading of the property to ensure that all surface runoff does not discharge from the site onto adjacent properties.
7. The Applicant, their servants, suppliers, agents, or contractors shall not store any material related to the development on municipal lands, without obtaining the approval from the Public Works Manager of Alberta Beach.
8. The Applicant shall prevent excess soil or debris from being spilled onto the public roadway, and shall not place soil or any other material on adjacent properties without permission in writing from the adjacent property owner(s).
9. The site shall be maintained in a clean and tidy condition during construction. Receptacle for control and disposal of rubbish must be provided, and regularly maintained.
10. That all improvements shall be completed within twelve (12) months of the effective date of this permit.
11. That any changes or additions to this permit may result in submitting a new development permit application.
12. Failure to comply with the conditions of this permit may result in the permit being canceled, suspended, or modified.

NOTES:

1. Any development or activity commenced prior to expiry of the appeal period is done so entirely at the risk of the applicant.
2. This Permit approval authorization for development under the Land Use Bylaw. The applicant is responsible for obtaining any licenses, and/or approvals that may be required prior to commencing any development, from Provincial and/or Federal Departments or Agencies, which may include, but not limited to:

Alberta Environment and Parks, related to any development within 30 metres of a wetland and watercourse;

Alberta Energy Regulator, related to natural gas lines, pipelines, and power lines located on the lands; and

Alberta Utilities and Telecommunications, related to telephone lines and utility services located on the lands.
3. The applicant is reminded that compliance with this approval requires adherence with all approval conditions attached hereto.
4. The applicant is responsible for ensuring compliance with the Restrictive Covenant(s) registered on Title.
5. The landowner is encouraged to consider prohibiting residential fertilizer use on the lands to protect the lake's water quality and wetland habitats.
6. 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.

ATTACHMENTS

1. Complaint with a photo submitted in November 2019
2. Letter to the applicant in November 2019
3. Two photos from first site inspection conducted by DO in 2020
4. Complaint submitted in 2020
5. Two photos from site inspection conducted by DO in 2020
6. Letter to the applicant in May 2020
7. Development Permit Application
8. Two Photos during a drive-by site inspection conducted by DO in 2020
9. Notice of Proposed Development
10. Relevant Sections of Land Use 252-17:
Section 1.9 – Definitions or Meanings – Discretionary Use, Landscaping, and Permitted Use,
Section 3.2 – Development Not Requiring A Development Permit,
Section 3.7 – Decision on Development Permit Applications, and
Section 4.8 – Excavation, Stripping and Grading

Date Report Written: July 6th, 2020

Report Written By: Kim Kozak - Development Officer



AURORA Mesch Complaint Sheet

Date Received: Oct Nov 1/19 Time: _____

Complainant's Name: _____

Phone #: _____ Work #: _____ Cell #: _____

Mailing Address: _____

Municipal Address: _____ Land Description: _____

Nature of Complaint:

5012-57 street.

Lot has been gravelled & is used as a commercial site to store equipment

Complainant's Signature: _____

Office Use: _____

Account/Roll # _____

Complaint Received by: Cathy McCartney

Department Given to: Patrol Public Works

Development Services

NOTES: _____

TO BE COMPLETED & RETURNED TO ADMINISTRATION

Date Completed: _____

Action Taken: _____

Department Signature: _____

Administration Signature: _____

The personal information being collected is being done in accordance with the Municipal Government Act and the Freedom of Information and protection of Privacy act (FOIP) and will be used by Municipal staff for the intended purpose regarding complaint/concern purposes and procedures.





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

November 12, 2019



Re: Unauthorized Development (Outdoor Storage)
5012-57 Street
District: R1 – Residential-Single Family

It has come to our attention that there is unauthorized development of a Gravel mixture parking area and an Outdoor Storage parking area for Heavy Equipment on the above-noted lands registered in your name.

The off-street parking area of a Gravel mixture and the Outdoor Storage of Heavy Equipment is neither a permitted nor a discretionary use within the R1 District. Therefore, the Gravel mixture and the Heavy Equipment must be removed from the lands no later than December 15, 2019.

Included with this letter are pictures of the unauthorized development on the lands.

If you have any questions or concerns, please contact me at 587-988-7668.

Sincerely,

Kim Kozak
Development Officer

Enclosure: 8 pages

cc: Municipal Administrator of Alberta Beach
Alberta Beach Patrol Department





I was informed that if I wanted to make a formal complaint or inquiry it needs to be done by email. My name is ,

My inquiry is on the rule of a maximum one-holiday trailer situated on a residential parcel. The empty lot has a single garage and two huge pull trailers that are on-site as they are using the lot as a weekend camping spot.

As a homeowner, I'm a little concerned about weekend camp spots and not an actual home built on the lot. With the COVID I'm also concern about city weekenders come out to do nothing but have parties.

I was also informed by some residents of Alberta beach, you must have a building over 1000sq on the lot? A few residents and my self have driven around Alberta beach and compared to Val G, I find that some residents are by all means not following the bylaws and nothing is being done about it, this really disheartens me. Prime example, the home behind mine has been in a construction mode for all most a year and a half and the yard looks like a construction dump, and nothing is being done about it. To me, an old garage roofs belong on top of a garage at the dump, not left rotting on the ground with for over a year. I'm tired of sliding/shingles and insulation blowing over into my yard every time the wind picks up.

Don't get me wrong I'm all for improvements on homes and yards and can have all the patients/understanding for homeowners. But the clean up is also apart of the renovations and for a year and a half, I think is pushing it a little...in my opinion.

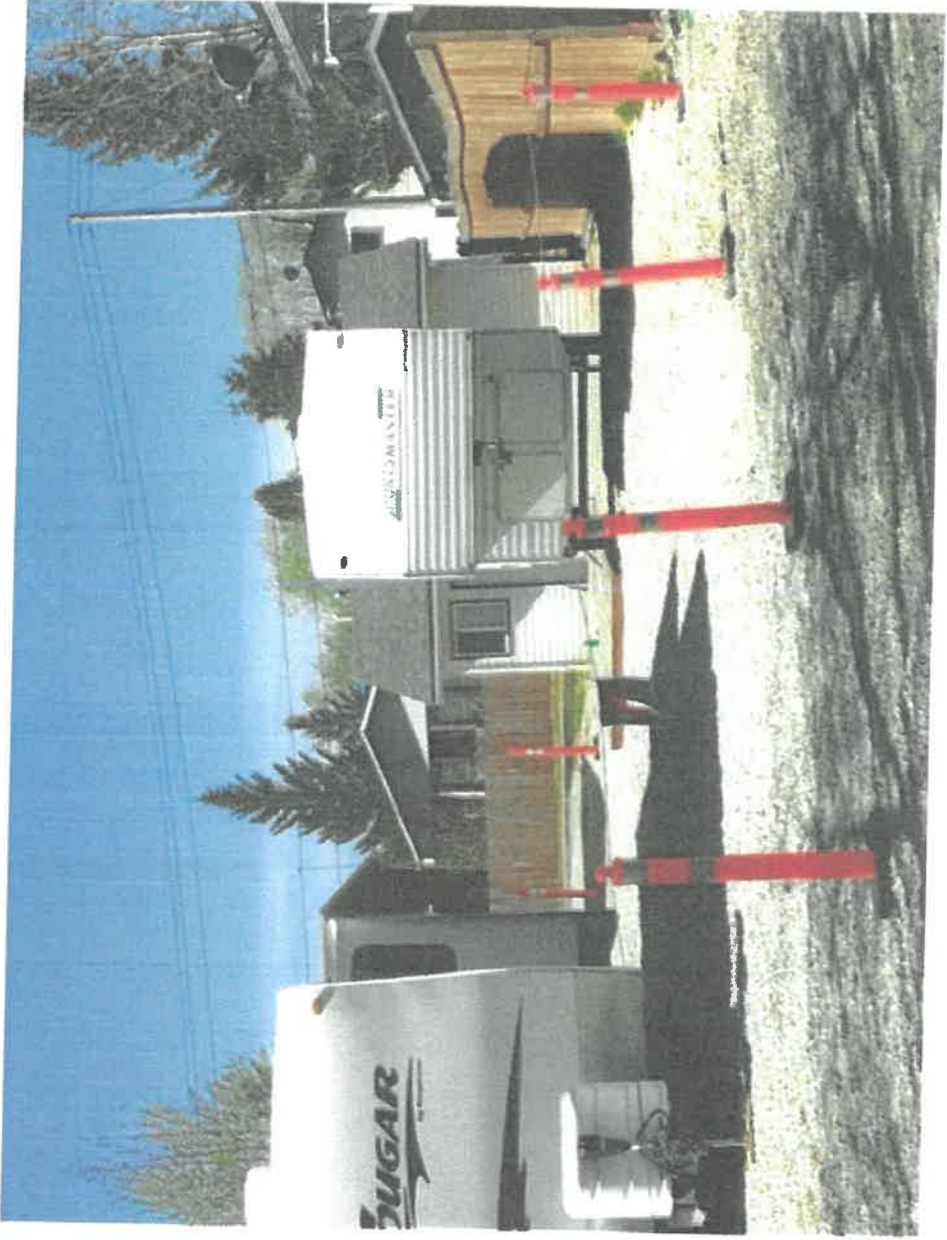
I have also heard that if you have a boat/sea doo lift this year you must apply for a permit to have it in the water if you do not own a waterfront home? Is this correct?

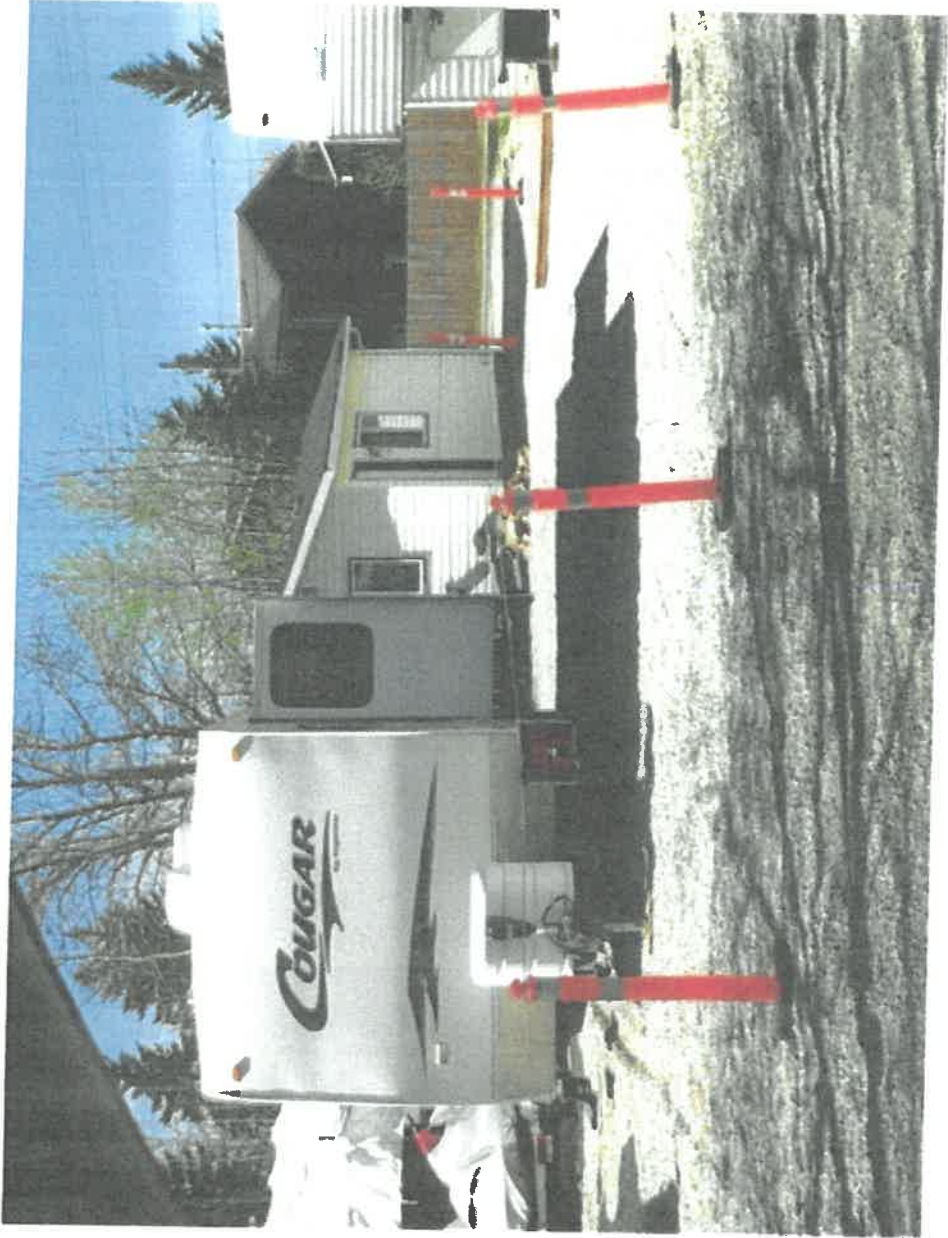
I await your response to my questions.

Thank you very much

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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

May 18, 2020



Re: Unauthorized Development (Outdoor Storage)
5012-57 Street
District: R1 – Residential-Single Family

As you were previously advised, through written correspondence dated November 12, 2019, Alberta Beach received a complaint regarding the GRAVEL PARKING AREA AND AN OUTDOOR STORAGE PARKING AREA of Heavy Equipment on the above-noted lands registered in your name.

Pursuant to Alberta Beach's Land Use Bylaw 252.17, section 3.1 - control of development states, "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."

To date, Alberta Beach has not received the required development permit application for the gravel parking area on the lands. Furthermore, it has come to our attention that recreational vehicles and watercraft are now being parked on the lands.

RECREATIONAL VEHICLE STORAGE is neither a permitted or discretionary use within the R1 district; therefore, the recreational vehicles and watercraft, parked on the lands are to be removed no later than June 5, 2020. The Land Use Bylaw 252-17 defines, "RECREATIONAL VEHICLE STORAGE - means the storage of more than one recreational vehicle including but not limited to motor homes, travel trailers, fifth wheels, truck campers, tent trailers or similar vehicles on a single property."

To negate further action being taken, a development permit application for the gravel parking area must be submitted to Alberta Beach for consideration no later than June 1, 2020. Also, the removal of the recreational vehicles and the watercraft are to be removed from the lands no later than June 5, 2020.

If you have any questions, please contact the undersigned at development@albertabeach.com or 587-988-7668.


Regards,

Kim Kozak
Development Officer

Enclosure: 2 pages

cc: Municipal Administrator of Alberta Beach
Alberta Beach Patrol Department

Add conditions - no parking of R.V.'s
- no commercial use

	<p>Development Permit Application</p> <p>ALBERTA BEACH 4935-50th Avenue PO Box 276 Alberta Beach, Alberta T0E 0A0</p> <p>Phone: (587) 988-7668 (Development Officer) Fax: (780) 924-3313 Email: development@albertabeach.com</p>
<p>R-1 or R-2 New Home Construction or Addition</p>	<p>Cost for Development Permit <u>\$50.00</u> (See page 4) Payment made directly to Alberta Beach. Paid <input checked="" type="checkbox"/> Y / <input type="checkbox"/> 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: _____
Mailing Address: _____

Telephone @ _____ Home: _____ 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: 5012-57 STREET

Lot: 3 Block: 10 Plan: 201 BT

Description of proposed development: REASON OF PROPOSED DEVELOPMENT

IS THAT THE EXISTING HOME WAS REMOVED LEAVING A BADLY MUD HOLE BY ADDING THIS STONE ON TOP WOULD HELP TO DRY THE PLACE UP & BE EASIER TO MANAGE. IN THE INTERIM, IN THE LAST TWO SUMMERS WE HAD MORE THAN ENOUGH RAIN, I GET WATER FROM ALL NEIGHBORS LEAVING THIS PLACE A MUD HOLE. I NEED TO STAY ABOVE GROUND

Estimated cost of development: 2800

Estimated commencement date: _____

Estimated completion date: _____

Lot Width: 15.26

Lot Length: 40.69

Area of Site: _____

Area of existing development: _____

Area of proposed development: _____

Total % of Site Coverage: 70%

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: May 26 2020 Email Address: _____







Notice of Proposed Development

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

June 8, 2020

XXXXXX
XXXXX
XXXXXX

Re: Development Permit No: 20DP10-01
Municipal Address: 5012-57th Street
Legal Land Description: Plan: 201BT, Block: 10, Lot: 3

As a property landowner, that is in close proximity to the above-noted property, you are being notified that Alberta Beach has received a development permit application requesting to landscape the subject lands with gravel.

It is Council's desire to give the adjacent property owners, who may or may not be affected by the proposed development, the opportunity to provide any feedback that they may have regarding the proposed development.

Note that the Development Officer is currently considering this application, and comments provided will be taken into consideration when determining the decision of this application.

Please contact the undersigned at 587-988-7668 if you have any questions regarding the proposed development no later than June 21, 2020.

Sincerely,

Kim Kozak
Development Authority

- "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;

"LANDSCAPING" - means to preserve or change the natural features of a parcel by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, driveways or other structures and materials as used in modern landscape architecture;

"LANDSCAPING SUPPLY" - means the sale of landscaping materials such as soil, gravel, stones, mulch, sod, other similar materials and includes an outdoor display and storage area;

"LANE" - means a public thoroughfare for vehicles, the right-of-way of which does not exceed 10.0 m (32.8 ft.) in width and is not less than 6.0 m (19.7 ft.) wide, and which provides a secondary means of access to a parcel or parcels, or as defined as an alley in the Highway Traffic Act;

"LIVESTOCK" - means cattle, swine, poultry, sheep, goats, horses, game, and similar animals;

"LIVING ROOM" - means any room in a dwelling unit used primarily for the social activities of the occupants and which is designed for general living whether or not combined with specific activities such as dining, food preparation or sleeping;

"LOADING SPACE" - means an off-street space on the same parcel as a building or group of buildings, for the temporary parking of a commercial vehicle while commodities are being loaded or unloaded;

"LOT" - means a parcel of land, the boundaries of which are separately described in a certificate of title, which may or may not be shown on a registered plan of subdivision;

"LOT - LAKEFRONT" - means those lots that extend to the lakeshore, are adjacent to the lakeshore, or would be if not separated from the lakeshore by roads, municipal reserves or environmental reserves. Excludes any existing park or reserve land, public roadways or public utility lots;

"MAIN BUILDING" - see PRINCIPAL BUILDING;

"MAJOR" - means where added as a prefix to a permitted or discretionary use, a use which due to its nature or relatively large size will, at the discretion of the Development Authority, have a large impact on surrounding uses, or which is intended to serve a larger area;

"MAJOR EATING OR DRINKING ESTABLISHMENT" - means development where prepared food and beverages are offered for sale to the public from establishments which are characterized by one or more of the following features: the provision of

"PARCEL WIDTH" - means the distance between the side property lines of a parcel at the minimum permissible front yard, measured parallel to the road or to the tangent on a curved road;

"PARK" - means a parcel of land designated for public use as municipal reserve land or by Resolution or Bylaw of Council;

"PARK MODEL HOME" - means a Recreational Vehicle built on a single chassis with wheels meeting the national building standards code CSA Z241. A Park Model Home can be up to 50.0 m² (538.0 ft²) in floor area or less.

"PARKING FACILITY" - means the area set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking facility;

"PARKING STALL" - means a space set aside for the parking of one vehicle;

"PERMITTED USE" - means the use of land or a building provided for in this Bylaw for which a development permit shall be issued, with or without conditions, upon an application having been made which conforms to the Land Use Bylaw;

"PERSONAL SERVICE" - means a service that is related to the care and appearance of the body, or the cleaning and repair of personal effects, but not including a health or medical clinic;

"PET GROOMING" - means the hygienic and cosmetic care of pets;

"PLACES OF WORSHIP" - means development owned by a religious organization used for worship and related religious, philanthropic, or social activities including rectories, manses, classrooms, dormitories and accessory buildings. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;

"PLANTING" - see LANDSCAPING;

"PREFABRICATED STRUCTURE" - means a large structure consisting of factory-built components that is assembled on-site, which is used to shelter and store goods and equipment but not used for human habitation, such as a Quonset;

"PRINCIPAL BUILDING" - means a building which, in the opinion of the Development Authority,

- a) occupies the major or central portion of a parcel,

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;

- n) signs posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign;
- o) a statutory or official notice of a function of Alberta Beach;
- p) traffic signs authorized by Alberta Beach and/or Alberta Provincial authorities;
- q) a sign or signs posted or exhibited solely for the identification of the land or building on which it is displayed, or to give directions to visitors, including professional, corporate or trade name plates identifying the occupants, if the sign(s) does not exceed 0.19 m^2 (2.0 ft^2) in area, subject to all other orders, bylaws and regulations affecting such signs;
- r) the erection of a maximum of two on-site signs relating to the sale, lease or rental of the buildings, or land to which they are attached provided that:
 - (i) such signs for any single detached dwelling or single detached dwelling parcel does not exceed 0.56 m^2 (6.0 ft^2) in area, and
 - (ii) such signs for a multiple dwelling parcel, a commercial parcel does not exceed 3.0 m^2 (32.0 ft^2); and
 - (iii) such sign shall not be illuminated;
- s) campaign signs for federal, provincial, municipal or school board elections on private properties for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation provided that:
 - (i) such signs are removed within fourteen (14) days after the election date, and
 - (ii) the consent of the property owner or occupant is obtained; and
 - (iii) the such signs do not obstruct or impair vision or traffic, and
 - (iv) such signs are not attached to trees or utility poles, and

- (v) such signs indicate the name and address of the sponsor and the person responsibility for removal;
- t) signs on land or buildings used for religious, educational, cultural, recreational, medical or similar public or quasi-public purposes, provided that:
 - (i) such signs shall not exceed 1.1 m² (12.0 ft²) in area, and
 - (ii) there shall be a limit of one sign for each side of the land or buildings on a different street;
- u) signs of building contractors relating to construction work in progress on the land on which such signs are erected, provided that:
 - (i) such signs do not exceed 3.0 m² (32.0 ft²) in area, and
 - (ii) there shall be a limit of one sign for each boundary of the property under construction which fronts onto a public street, and
 - (iii) such signs shall be removed within fourteen (14) days of occupancy;
- v) landscaping where it will not adversely affect the subject or adjacent properties but does not include changes in grade, stockpiling or excavation;
- w) hard surfacing of any yard area for the purpose of providing vehicular access from a public roadway to an on-site parking stall provided that such hard surfacing does not cause storm drainage to flow onto adjacent properties;
- x) erection of radio towers, antennas, poles, etc. not exceeding 4.5 m (15.0 ft.) in height from grade provided that the structure is not located in the front yard or on public land (i.e. lakefront or beach areas);
- y) a fire pit;

z) flagpoles shall be permitted in the front yard, so long as same are not erected on public land;

aa) a home office, provided that the following are adhered to:

- (i) No individual other than the permanent resident of the dwelling unit operates the home office;
- (ii) No client or customer is received in the dwelling unit for business purposes;
- (iii) The home office does not generate any pedestrian or vehicular traffic;
- (iv) There are no on-site exterior signs or advertisements of the home office;
- (v) No materials, goods or finished products for business purposes are stored on-site;
- (vi) The home office is operated as an accessory use only and must not change the residential character or external appearance of the dwelling unit.

3.3 SAME OR SIMILAR USES

The uses which are listed in the permitted and discretionary use columns under the land use districts are not intended to be exclusive or restrictive. Where a specific use does not conform to the wording of any definition, the Development Authority may, at their discretion, determine that the use conforms to the spirit and intent of the purpose of the land use district and is determined "same" or "similar" to other uses allowed in that land use district. Notwithstanding the above, all uses defined as "same" or "similar" shall be considered discretionary.

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.

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.

3. The landscaping plan shall be provided upon occupancy of the development, a minimum topsoil coverage of 7.6 cm (3.0 in.) and the affected area shall be landscaped to the satisfaction of the Development Authority.
4. In any commercial or industrial land use district, all areas of a parcel not covered by buildings, parking or vehicular maneuvering areas shall be landscaped to the satisfaction of the Development Authority.
5. In any commercial land use district, off-street parking lots shall be landscaped by the planting of trees and/or shrubs in the amount of at least one tree and/or shrub for every 185.8 m² (2000.0 ft².) of parking lot area. The trees and/or shrubbery shall be of a type and size approved by the Development Authority. Trees/shrubbery required shall be located within the parking area in locations where visibility for the safe movement of persons and traffic is not impaired.
6. As a condition of the development permit, all required landscaping and planting must be carried out to the satisfaction of the Development Authority and within one (1) year (weather permitting) of occupancy or commencement of operation of the proposed development.
7. As a condition of a development permit, the Development Authority may require that the developer provide a financial guarantee, in a form acceptable to Alberta Beach, up to the value of the estimated cost of the proposed landscaping/planting to ensure that such landscaping/planting is carried out with reasonable diligence.

4.9 PROJECTIONS OVER YARDS

1. Projections on foundation walls and footings or on piles are deemed to be part of the building and shall not be considered as a projection over a yard.
2. Projections over yards for accessory buildings and garages shall be in accordance with Section 4.10 of this Bylaw.
3. Dwelling Unit eaves shall be considered part of the dwelling and may project over a yard provided the projection is no closer than 1.2 m (3.9 ft.) to a property boundary adjoining a privately owned lot.