TOWN OF VULCAN

LAND USE BYLAW NO. 1437-15

(Consolidated to Bylaw No. 1535-26, June 2026)

APRIL 2015

Prepared for the Town of Vulcan

By the

OLDMAN RIVER REGIONAL SERVICES COMMISSION

TOWN OF VULCAN

BY-LAW NO. 1437-15

BEING a Bylaw of the Town of Vulcan, in the Province of Alberta, to adopt a Land Use Bylaw.

WHEREAS the Council of the Town of Vulcan wishes to replace Bylaw No. 1333-05, being the current Land Use Bylaw adopted in February of 2006;

AND WHEREAS the purpose of the bylaw is to update the regulations governing land use and development in the town as annexation has created the need to address new land use districts and required standards.

THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Statures of Alberta, 1994, Chapter M-26.1, the Council duly assembled does hereby enact the following:

1. Bylaw No. 1437-15 is adopted in its entirety as the Land Use Bylaw.

2. Bylaw No. 1333-05 and amendments are rescinded.

3. This bylaw comes into effect upon third and final reading hereof.

READ a first time this 23rd day of March A.D., 2015.

Mayor – Tom Grant

Municipal Administrator – Kim Fath

READ a second time this 27th day of April A.D., 2015.

Mayor – Tom Grant

Municipal Administrator – Kim Fath

READ a third time and finally passed this 27th day of April, A.D., 2015.

Mayor – Tom Grant

Municipal Administrator – Kim Fath

Town of Vulcan Land Use Bylaw No. 1437-15 – Amendments

Bylaw No.	Amendment Description	Legal Description	Passed
1447-15	Add to Schedule 1 under Retail Commercial C-1 "Automotive repair" as a discretionary use		14-Sep-15
1454-16	"Transitional Agriculture – TA" to "Industrial – I-1"	Parcel C, Plan 459JK Parcel B, Plan 1453GS	24-May-2016
1458-17	"Industrial – I-1" to "Retail/Commercial – C-1"	Block 60, Plan 8211430	13-Feb-2017
1461-17	Add "Shipping Container" as a discretionary use in the Public – P-1 district		12-Jun-2017
1470-18	"Transitional Agriculture – TA" to "Direct Control – DC" Add Bylaw No. 1470-18 to Schedule 9	Portion of NE 32-16-24-W4M	12-Feb-2018
1475-18	Various amendments to accommodate cannabis related uses in accordance with the applicable Federal and Provincial legislation		9-Oct-2018
1477-18	Add "Office" and "Retail" as permitted uses in the Highway Commercial – C-2 district		10-Dec-2018
1496-21	Amendment to add and clarify administrative procedures as required by the modernized *Municipal Government Act*, and to increase development opportunities by adding uses into land use districts and introducing a new use of specialty manufacturing.		22-Mar-2021
1500-21	"Residential – R1: to Multi-Unit Residential – R-4"	Lot 3, Block 21, Plan 9834GF	12-Oct-2021
1500-A24	Technical amendment to Bylaw 1500-21 to correct the legal description of lands as described in Bylaw 1500-21 for redesignation.	Portion of Lot 4 and Portion of Lot 3, Block 21, Plan 9834GF	9-Dec-2024
1508-22	"Residential R-1" to "Multi-Family Residential R-4"	Lots 2, 3 & 4; Block 13, Plan 0614202 All within NW ¼ SEC 32, TWP 16, RGE 24, W4M	12-Sept-2022
1509-22	Amend minimum floor area requirement for single unit dwellings in R-1 and R-2 District. Amend "Shipping Container, temporary" to be a permitted use in all land use districts. Amend Schedule 3 and Schedule 4 for the temporary use of shipping containers. Various text amendments.		12-Sept-2022
1521-24	Addition of "Previously Occupied Dwelling" as a discretionary use to the Country Residential - R-3 land use district. Addition of "Child Care Facility" as a discretionary use to the Retail/Commercial - C-1 land use district. Define minimum floor area requirement for development within Country Residential-R-3 land use district. Decrease the minimum floor area requirement for development within the Multi-Lot Residential - R-4 land use district. Amend the standards for parking of recreational vehicles to clarify that recreational vehicles are not to be used for permanent living or sleeping accommodations.		24-Jun-2024

Town of Vulcan Land Use Bylaw No. 1437-15 – Amendments

Bylaw No.	Amendment Description	Legal Description	Passed
1447-15	Add to Schedule 1 under Retail Commercial C-1 "Automotive repair" as a discretionary use		14-Sep-15
1454-16	"Transitional Agriculture – TA" to "Industrial – I-1"	Parcel C, Plan 459JK Parcel B, Plan 1453GS	24-May-2016
1458-17	"Industrial – I-1" to "Retail/Commercial – C-1"	Block 60, Plan 8211430	13-Feb-2017
1461-17	Add "Shipping Container" as a discretionary use in the Public – P-1 district		12-Jun-2017
1470-18	"Transitional Agriculture – TA" to "Direct Control – DC" Add Bylaw No. 1470-18 to Schedule 9	Portion of NE 32-16-24-W4M	12-Feb-2018
1475-18	Various amendments to accommodate cannabis related uses in accordance with the applicable Federal and Provincial legislation		9-Oct-2018
1477-18	Add "Office" and "Retail" as permitted uses in the Highway Commercial – C-2 district		10-Dec-2018
1496-21	Amendment to add and clarify administrative procedures as required by the modernized *Municipal Government Act*, and to increase development opportunities by adding uses into land use districts and introducing a new use of specialty manufacturing.		22-Mar-2021
1500-21	"Residential – R1: to Multi-Unit Residential – R-4"	Lot 3, Block 21, Plan 9834GF	12-Oct-2021
1500-A24	Technical amendment to Bylaw 1500-21 to correct the legal description of lands as described in Bylaw 1500-21 for redesignation.	Portion of Lot 4 and Portion of Lot 3, Block 21, Plan 9834GF	9-Dec-2024
1508-22	"Residential R-1" to "Multi-Family Residential R-4"	Lots 2, 3 & 4; Block 13, Plan 0614202 All within NW ¼ SEC 32, TWP 16, RGE 24, W4M	12-Sept-2022
1509-22	Amend minimum floor area requirement for single unit dwellings in R-1 and R-2 District. Amend "Shipping Container, temporary" to be a permitted use in all land use districts. Amend Schedule 3 and Schedule 4 for the temporary use of shipping containers. Various text amendments.		12-Sept-2022
1521-24	Addition of "Previously Occupied Dwelling" as a discretionary use to the Country Residential - R-3 land use district. Addition of "Child Care Facility" as a discretionary use to the Retail/Commercial - C-1 land use district. Define minimum floor area requirement for development within Country Residential-R-3 land use district. Decrease the minimum floor area requirement for development within the Multi-Lot Residential - R-4 land use district. Amend the standards for parking of recreational vehicles to clarify that recreational vehicles are not to be used for permanent living or sleeping accommodations.		24-Jun-2024

TABLE OF CONTENTS

ADMINISTRATION

GENERAL

Section 1 Title ..... Administration | 1
Section 2 Purpose ..... Administration | 1
Section 3 Effective Date ..... Administration | 1
Section 4 Repeal of Former Bylaw ..... Administration | 1
Section 5 Severability ..... Administration | 1
Section 6 Compliance with the Land Use Bylaw ..... Administration | 1
Section 7 Compliance with Other Legislation ..... Administration | 2
Section 8 Rules of Interpretation ..... Administration | 2
Section 9 Measurements and Standards ..... Administration | 2
Section 10 Forms, Fees and Notices ..... Administration | 2
Section 11 Appendices ..... Administration | 3

APPROVING AUTHORITIES

Section 12 Development Authority ..... Administration | 3
Section 13 Development Officer – Powers and Duties ..... Administration | 3
Section 14 Municipal Planning Commission ..... Administration | 5
Section 15 Council ..... Administration | 5
Section 16 Subdivision and Development Appeal Board (SDAB) ..... Administration | 5

DEVELOPMENT IN GENERAL

Section 17 Land Use Districts ..... Administration | 6
Section 18 Suitability of Sites ..... Administration | 6
Section 19 Number of Dwelling Units on a Parcel ..... Administration | 7
Section 20 Non-Conforming Buildings and Uses ..... Administration | 7
Section 21 Development on Non-Conforming Sized Lots ..... Administration | 7
Section 22 Non-Conforming Variances ..... Administration | 7
Section 23 Development Agreements ..... Administration | 8

DEVELOPMENT PERMIT RULES AND PROCEDURES

Section 24 Development Permit – When Required ..... Administration | 9
Section 25 Development Not Requiring a Development Permit ..... Administration | 9
Section 26 Development Permit Application ..... Administration | 9

Section 27 Determination of a Complete Development Permit Application ..... Administration | 10
Section 28 Permitted Use Applications ..... Administration | 11
Section 29 Discretionary Use Applications ..... Administration | 13
Section 30 Direct Control District ..... Administration | 13
Section 31 Similar Use ..... Administration | 14
Section 32 Temporary Use ..... Administration | 14
Section 33 Applications Requesting Variance of Bylaw Provisions ..... Administration | 15
Section 34 Notification of Adjacent Landowners and Persons Likely Affected ..... Administration | 15
Section 35 Notice of Decision ..... Administration | 16
Section 36 Commencement of Development ..... Administration | 17
Section 37 Development Permit Validity ..... Administration | 17
Section 38 Transferability of Development Permit ..... Administration | 18
Section 39 Occupancy Permits ..... Administration | 18
Section 40 Failure to Make a Decision – Deemed Refusal ..... Administration | 18
Section 41 Reapplication for a Development Permit ..... Administration | 18
Section 42 Suspension or Cancellation of a Permit ..... Administration | 19
Section 43 Development and Subdivision Appeals ..... Administration | 19

ENFORCEMENT

Section 44 Notice of Violation ..... Administration | 20
Section 45 Stop Orders ..... Administration | 20
Section 46 Enforcement of Stop Orders ..... Administration | 20
Section 47 Penalties and Right of Entry ..... Administration | 21

AMENDMENTS

Section 48 Amendments to the Land Use Bylaw ..... Administration | 21
Section 49 Land Use Redesignation Application Requirements ..... Administration | 22
Section 50 Redesignation Criteria ..... Administration | 23

SUBDIVISION

Section 51 Subdivision Applications ..... Administration | 24
Section 52 Incomplete Subdivision Applications ..... Administration | 25
Section 53 Lot Design ..... Administration | 25

ADMINISTRATION DEFINITIONS

Section 54 Definitions ..... Administration | 27

Schedule 1 LAND USE DISTRICTS ..... Schedule 1 | 1

Section 1 Division of Municipality ..... Schedule 1 | 1

Districts: Residential – R-1 ..... Schedule 1 | 3
Manufactured Home – R-2 ..... Schedule 1 | 5
Country Residential – R-3 ..... Schedule 1 | 7
Multi-unit Residential – R-4 ..... Schedule 1 | 9
Retail / Commercial – C-1 ..... Schedule 1 | 13
Highway Commercial – C-2 ..... Schedule 1 | 15
Industrial – I-1 ..... Schedule 1 | 17
Direct Control – DC ..... Schedule 1 | 19
Transitional Agriculture – TA ..... Schedule 1 | 21
Public – P-1 ..... Schedule 1 | 23
Airport – AP ..... Schedule 1 | 25

Schedule 2 LAND USE DEFINITIONS ..... Schedule 2 | 1

Schedule 3 DEVELOPMENT NOT REQUIRING A PERMIT ..... Schedule 3 | 1

Schedule 4 GENERAL AND USE SPECIFIC STANDARDS OF DEVELOPMENT ..... Schedule 4 | 1

Section 1 Statutory Plans ..... Schedule 4 | 1
Section 2 Approval of Access ..... Schedule 4 | 1
Section 3 Demolition or Removal of Buildings or Structures ..... Schedule 4 | 1
Section 4 Design and Orientation of Buildings, Structures and Signs ..... Schedule 4 | 2
Section 5 Development of Lands Subject to Subsidence, Undermining or Flooding ..... Schedule 4 | 2
Section 6 Grading and Stormwater Management ..... Schedule 4 | 2
Section 7 Off-street Parking and Loading Requirements ..... Schedule 4 | 3
Section 8 Off-street Parking Design Standards ..... Schedule 4 | 9
Section 9 Site Lighting ..... Schedule 4 | 10
Section 10 Refuse Collection and Storage ..... Schedule 4 | 10
Section 11 Servicing ..... Schedule 4 | 11
Section 12 Alternative Energy Sources ..... Schedule 4 | 11
Section 13 Satellite Dishes and Radio or Television Antenna ..... Schedule 4| 14
Section 14 Shipping Containers ..... Schedule 4| 14
Section 15 Show Homes ..... Schedule 4| 16
Section 16 Municipal Addressing ..... Schedule 4| 17

Schedule 5 RESIDENTIAL STANDARDS OF DEVELOPMENT ..... Schedule 5 | 1

Section 1 Accessory Buildings ..... Schedule 5 | 1
Section 2 Easements ..... Schedule 5 | 1
Section 3 Corner Visibility ..... Schedule 5 | 1
Section 4 Driveways, Off-Street Parking Requirements and Design Standards .. Schedule 5 | 3
Section 5 Fences ..... Schedule 5 | 3
Section 6 Decks and Projections Over Yards ..... Schedule 5 | 4
Section 7 Retaining Walls, Grading and Drainage ..... Schedule 5 | 5
Section 8 Exterior Building Finishes ..... Schedule 5 | 5
Section 9 Exposed Foundations ..... Schedule 5 | 5
Section 10 Private Swimming Pools ..... Schedule 5 | 5
Section 11 Home Occupations ..... Schedule 5 | 6
Section 12 Prefabricated Dwellings ..... Schedule 5 | 9
Section 13 Manufactured Homes ..... Schedule 5 | 10
Section 14 Moved-in Buildings ..... Schedule 5 | 11
Section 15 Previously Occupied Dwellings ..... Schedule 5 | 12
Section 16 Secondary Suite Standards ..... Schedule 5 | 13

Schedule 6 COMMERCIAL / INDUSTRIAL STANDARDS OF DEVELOPMENT ..... Schedule 6 | 1

Section 1 Easements ..... Schedule 6 | 1
Section 2 Corner Visibility ..... Schedule 6 | 1
Section 3 Landscaping and Screening ..... Schedule 6 | 2
Section 4 Fencing ..... Schedule 6 | 3
Section 5 Off-street Parking Requirements and Design Standards ..... Schedule 6 | 3
Section 6 Outdoor Display and Storage ..... Schedule 6 | 4
Section 7 Mitigation of Impacts for Noise, Odors, Vibration, and Air Quality ..... Schedule 6 | 4
Section 8 Accessory Buildings ..... Schedule 6 | 4
Section 9 Moved-in Buildings ..... Schedule 6 | 4
Section 10 Surveillance Suites ..... Schedule 6 | 5
Section 11 Regulations for Mixed-Use Buildings ..... Schedule 6 | 5
Section 12 Gas Bars, Service Stations and Bulk Fuel Stations ..... Schedule 6 | 6
Section 13 Cannabis Production Facility ..... Schedule 6 | 7
Section 14 Retail Cannabis Stores ..... Schedule 6 | 8

Schedule 7 SIGN REGULATIONS ..... Schedule 7 | 1

Section 1 Definitions ..... Schedule 7 | 1
Section 2 Signs Not Requiring a Permit ..... Schedule 7 | 2
Section 3 Details of Application ..... Schedule 7 | 4

Section 4 General Provisions ..... Schedule 7 | 4
Section 5 Fascia Signs ..... Schedule 7 | 5
Section 6 Marquee and Canopy Signs ..... Schedule 7 | 5
Section 7 Projecting Signs ..... Schedule 7 | 5
Section 8 Freestanding Signs ..... Schedule 7 | 6
Section 9 Roof Signs ..... Schedule 7 | 7
Section 10 Mural Signs ..... Schedule 7 | 8
Section 11 Variances ..... Schedule 7 | 8
Section 13 Existing Signs ..... Schedule 7 | 8

Schedule 8 TELECOMMUNICATION ANTENNA SITING PROTOCOL ..... Schedule 8 | 1

Section 1 Municipal Approval ..... Schedule 8 | 1
Section 2 Information Requirements ..... Schedule 8 | 1
Section 3 Notification and Public Consultation Process ..... Schedule 8 | 2

Schedule 9 DIRECT CONTROL BYLAWS ..... Schedule 9 | 1

Appendix A FEES FOR PERMITS, APPEALS AND AMENDMENTS TO BYLAW

Appendix B DEVELOPMENT APPLICATIONS – INFORMATION AND FORMS

Form 1 Development Permit Application
Form 1A Major Development Application Submission Requirements
Form 1B New Residential Development Application Submission Requirements
Form 1C Accessory Building/Structure Development Application
Form 1D Signage Development Application
Form 1E Application for Change of Use
Form 1F Application for Variance/Relaxation
Form 1G Home Occupation Development Application

Appendix C SUBDIVISION AUTHORITY BYLAW NO. 1180
DEVELOPMENT AUTHORITY BYLAW NO. 1448-15

TOWN OF VULCAN
LAND USE BYLAW NO. 1437-15

ADMINISTRATION

GENERAL

SECTION 1 TITLE

1.1 This bylaw may be cited as the "Town of Vulcan Land Use Bylaw."

SECTION 2 PURPOSE

2.1 The purpose of this bylaw is to, amongst other things:

(a) divide the municipality into districts;

(b) prescribe and regulate the use(s) for each district;

(c) establish a method for making decisions on applications for development permits and issuing development permits for a development;

(d) provide the manner in which notice of the issuance of a development permit is to be given; and

(e) implement statutory plans of the municipality, as may be developed.

SECTION 3 EFFECTIVE DATE

3.1 This bylaw shall come into effect upon third and final reading thereof.

SECTION 4 REPEAL OF FORMER BYLAW

4.1 Town of Vulcan Land Use Bylaw No. 1333-05 and amendments thereto are hereby repealed.

SECTION 5 SEVERABILITY

5.1 If any provision of this bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions.

SECTION 6 COMPLIANCE WITH THE LAND USE BYLAW

6.1 No development, other than those designated in Schedule 3 of this bylaw (Development Not Requiring a Development Permit), shall be undertaken within the Town unless a

development application has been approved and a development permit has been issued.

6.2 Notwithstanding subsection 6.1, while a development permit may not be required pursuant to Schedule 3, development shall comply with all regulations of this bylaw.

SECTION 7 COMPLIANCE WITH OTHER LEGISLATION

7.1 Compliance with the requirements of this bylaw does not exempt any person undertaking a development from complying with all applicable municipal, provincial or federal legislation, and respecting any easements, covenants, agreements or other contracts affecting the land or the development.

SECTION 8 RULES OF INTERPRETATION

8.1 Unless otherwise required by the context, words used in the present tense include the future tense, words used in the singular include the plural, and the word person includes a corporation as well as an individual. The *Interpretation Act, Chapter I-8, RSA 2000 as amended,* shall be used in the interpretation of this bylaw. Words have the same meaning whether they are capitalized or not.

8.2 The written regulations of this bylaw take precedence over any graphic or diagram if there is a perceived conflict.

8.3 The Land Use Districts Map takes precedence over any graphic or diagram in the district regulations if there is a perceived conflict.

8.4 All references to engineering requirements shall be prepared by an engineer registered with the Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA).

SECTION 9 MEASURMENTS AND STANDARDS

9.1 All units of measure contained within this bylaw are metric (SI) standards. Imperial measurements and conversions are provided for information only.

SECTION 10 FORMS, FEES AND NOTICES

10.1 For the purposes of administering the provisions of this bylaw, Council may authorize by separate resolution or bylaw as may be applicable, the preparation and use of such fee schedules, forms or notices as in its discretion it may deem necessary. Any such fee schedules, forms or notices are deemed to have the full force and effect of this bylaw in execution of the purpose for which they are designed, authorized and issued.

10.2 Application forms, fees and notices are included in Appendices A and B.

10.3 Refund of application fees requires approval of the Town Council.

10.4 In any case, where the required fee is not listed in the fee schedule, such fee shall be determined by the Development Officer or Municipal Planning Commission and shall be consistent with those fees listed in the schedule for similar developments.

10.5 If development is commenced without a valid development permit, an additional fee in the amount prescribed under the fee schedule shall be payable upon application for the development permit.

SECTION 11 APPENDICES

11.1 Appendices A, B and C attached hereto are for information purposes only and may be amended from time to time as they do not form part of the Town of Vulcan Land Use Bylaw.

APPROVING AUTHORITIES

SECTION 12 DEVELOPMENT AUTHORITY

12.1 The Development Authority is established in accordance with Town of Vulcan Bylaw No. 1448-15 (Appendix C).

12.2 In the absence of the Development Officer, the following are authorized to act in the capacity of Development Officer:

(a) Municipal Planning Commission,

(b) Chief Administrative Officer, or

(c) a designate(s) in accordance with the *Municipal Government Act (MGA)*.

12.3 The Development Officer is an authorized person in accordance with section 624 of the *MGA*.

12.4 The Development Authority shall perform such powers and duties as are specified:

(a) in the Town of Vulcan Development Authority and Subdivision Authority Bylaws;

(b) in this bylaw;

(c) in the *MGA*;

(d) where applicable, by resolution of Council.

12.5 Council shall be the Development Authority within any Direct Control District, unless specifically delegated by bylaw to the Municipal Planning Commission or the Designated Officer acting in the capacity of Development Officer, or another designate(s).

SECTION 13 DEVELOPMENT OFFICER – POWERS AND DUTIES

13.1 The office of the Development Officer is hereby established and such office shall be filled by one or more persons as appointed by resolution of Council.

13.2 The Development Officer:

(a) shall receive and process all applications for development permits and determine whether a development permit application is complete in accordance with section 27;

(b) shall maintain for the inspection of the public during office hours, a copy of this bylaw and all amendments thereto and ensure that copies of the same are available for public purchase;

(c) shall also establish and maintain a register in which shall be recorded the application made for a development permit and the decision made on the application, and contain any such other information as the Municipal Planning Commission considers necessary;

(d) shall consider and decide on applications for a development permit for:

(i) permitted uses that comply with this Land Use Bylaw;

(ii) permitted uses that request one variance of a measurable standard not to exceed 10 percent (10%);

(iii) permitted uses on existing registered lots where the Municipal Planning Commission granted a variance(s) to the minimum lot width, length and/or area requirements as part of a subdivision approval;

(iv) landscaping;

(v) fences, walls or other types of enclosures; and

(vi) demolition;

(e) shall refer to the Municipal Planning Commission all development permit applications for which decision making authority has not been assigned to the Development Officer;

(f) may refer any development application to the Municipal Planning Commission for a decision and may refer any other planning or development matter to the Municipal Planning Commission for its review, comment or advice;

(g) shall notify adjacent landowners and any persons who are likely to be affected by a proposed development in accordance with Section 34 of this bylaw;

(h) shall receive, review, and refer any applications to amend this bylaw to Council;

(i) shall issue the written notice of decision and/or development permit on all development permit applications and any other notices, decisions or orders in accordance with this bylaw;

(j) may receive and consider and decide on requests for time extensions for development permits which the Development Officer has approved and shall refer to the Municipal Planning Commission those requests which the Municipal Planning Commission has approved;

(k) shall provide a regular report to the Municipal Planning Commission summarizing the applications made for a development permit and the decision made on the applications, and any other information as the Municipal Planning Commission considers necessary; and

(l) shall perform any other powers and duties as are specified in this bylaw, the Municipal Planning Commission Bylaw, the *MGA* or by resolution of Council;

(m) shall refer all development applications in a Direct Control District to Council for a decision, unless Council has specifically delegated approval authority to the Development Officer or the Municipal Planning Commission.

SECTION 14 MUNICIPAL PLANNING COMMISSION

14.1 The Municipal Planning Commission may exercise only such powers and duties as are specified in the *MGA*, the Development Authority Bylaw, the Subdivision Authority Bylaw, this bylaw, or by resolution of Council.

14.2 The Municipal Planning Commission shall be responsible for:

(a) considering and deciding upon development permit applications referred to it by the Development Officer;

(b) providing recommendations on planning and development matters referred to it by the Development Officer or Council;

(c) considering and deciding upon requests for time extensions on development permit applications referred to it by the Development Officer;

(d) considering and deciding upon applications for subdivision approval per Town of Vulcan Bylaw No. 1180 (See Appendix C);

(e) processing condominium certificates; and

(f) any other powers and duties as are specified in this bylaw, the Municipal Planning Commission Bylaw, the *MGA* or by resolution of Council.

SECTION 15 COUNCIL

15.1 Council shall be responsible for considering and deciding upon requests for time extensions on subdivision approvals in accordance with section 657 of the *MGA*.

15.2 Council shall be responsible for considering development permit applications within any Direct Control District, except where the decision making authority has been delegated to the Municipal Planning Commission or the Development Officer.

15.3 Council shall be responsible for considering all proposed amendments to this bylaw as outlined in Sections 48 and 50.

SECTION 16 SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)

16.1 The Subdivision and Development Appeal Board is established by separate bylaw pursuant to the *MGA*, and may exercise such powers and duties as are specified in this bylaw, the *MGA* and the Subdivision and Development Appeal Board Bylaw.

DEVELOPMENT IN GENERAL

SECTION 17 LAND USE DISTRICTS

17.1 The Town of Vulcan is divided into those land use districts shown in Schedule 1 on the Land Use Districts Map.

17.2 The one or more uses of land or buildings that are:

(a) permitted uses in each district, with or without conditions; or

(b) discretionary uses in each district, with or without conditions;

are described in Schedule 1.

17.3 A land use that is not listed as a permitted or discretionary use but which is reasonably similar in character and purpose to a permitted or discretionary use in that district may be deemed a similar use by the Development Authority in accordance with Section 31 (Similar Use).

17.4 A land use not listed as a permitted or discretionary use or not deemed a similar use, in a district is a prohibited use and shall be refused.

SECTION 18 SUITABILITY OF SITES

18.1 Notwithstanding that a use of land may be permitted or discretionary or considered similar in nature to a permitted or discretionary use in a land use district, the Development Authority, as applicable, may refuse to approve a subdivision or issue a development permit if the Development Authority is made aware of or if in their opinion, the site of the proposed building or use is not safe or suitable based on the following:

(a) does not have safe legal and physical access to a maintained road in accordance with the Land Use Bylaw, other municipal requirements or those of Alberta Transportation if within 300.0 m (984 ft) of a provincial highway or 800.0 m (2,625 ft) from the centre point of an intersection of a controlled highway and a public road;

(b) has a high water table or soil conditions which make the site unsuitable for foundations and/or sewage disposal systems in accordance with the provincial regulations;

(c) is situated on an unstable slope;

(d) consists of unconsolidated material unsuitable for building;

(e) does not comply with the requirements of the *Alberta Land Stewardship Act*, South Saskatchewan Regional Plan, Subdivision and Development Regulation or any other applicable statutory plans;

(f) is situated over an active or oil or gas well or pipeline;

(g) is unsafe due to contamination by previous land uses;

(h) does not meet the minimum setback requirements from bulk fuel and chemical storage facility;

(i) does not have adequate water and sewer provisions;

(j) does not meet the lot size and/or setback requirements or any other applicable standards or requirements of the Town of Vulcan Land Use Bylaw;

(k) does not meet the industry recommended development guidelines in proximity to railway operations;

(l) does not meet Transport Canada Aerodrome Standards and Recommended Practices in proximity to airport operations;

(m) is subject to any easement, caveat, restrictive covenant or other registered encumbrance which makes it impossible to build on the site.

18.2 Nothing in this section shall prevent the Development Officer or Municipal Planning Commission, as applicable, from issuing a development permit if the Development Authority is satisfied that there is no risk to persons or property or that these concerns will be met by appropriate engineering measures or other mitigating measures and approvals from provincial and/or federal agencies have been obtained, as applicable.

SECTION 19 NUMBER OF DWELLING UNITS ON A PARCEL

19.1 No more than one dwelling unit shall be constructed or located or caused to be constructed or located on a parcel except as provided for in the land use district for which the application is made (e.g. two unit dwellings, multi-unit dwellings, secondary suite, or as permitted in the applicable land use district).

SECTION 20 NON-CONFORMING BUILDINGS AND USES

20.1 A non-conforming building or use may only be continued in accordance with the conditions detailed in section 643 of the *MGA*.

SECTION 21 DEVELOPMENT ON NON-CONFORMING SIZED LOTS

21.1 Development on an existing registered non-conforming sized lot that does not meet the minimum requirements for lot length, width or area specified in the applicable land use district in Schedule 1 may be permitted at the discretion of the Municipal Planning Commission.

21.2 The Development Officer is authorized to permit development on existing registered non-conforming sized lots for permitted uses where the Municipal Planning Commission issued a variance(s) to the minimum requirements for lot length, width and/or area as part of a subdivision approval.

SECTION 22 NON-CONFORMING VARIANCES

22.1 The Municipal Planning Commission is authorized to exercise minor variance powers with respect to non-conforming buildings pursuant to section 643(5)(c) of the *MGA*.

SECTION 23 DEVELOPMENT AGREEMENTS

23.1 The Development Authority may require, with respect to a development that as a condition of issuing a development permit, the applicant enter into an agreement with the municipality, pursuant to section 650(1) of the *MGA*, to do any or all of the following:

(a) to construct or pay for the construction of a road required to give access to the development;

(b) to construct or pay for the construction of a pedestrian walkway system to serve the development and/or connect with existing or proposed pedestrian walkway systems that serve adjacent development;

(c) to install or pay for the installation of public utilities, other than telecommunication systems or works, that are necessary to serve the development;

(d) to construct or pay for the construction of off-street, or other parking facilities and/or loading and unloading facilities;

(e) to pay an off-site levy or redevelopment levy;

(f) to give security to ensure that the terms of the agreement under this section are carried out.

23.2 The Subdivision Authority may require, with respect to a subdivision that as a condition of issuing an approval for a subdivision, the applicant enter into an agreement with the municipality, pursuant to section 655(1)(b) of the *MGA*.

23.3 An agreement referred to in this section may require the applicant for a development permit or subdivision approval to oversize improvements in accordance with section 651 of the *MGA*.

23.4 A municipality may register a caveat under the *Land Titles Act* with respect to an agreement under this section against the certificate of title for the land that is the subject of the development, or for the parcel of land that is the subject of the subdivision.

23.5 If a municipality registers a caveat under this section, the municipality must discharge the caveat when the agreement has been complied with.

23.6 As a condition of subdivision approval, all development agreements may be registered concurrently by caveat onto individual lots being created.

23.7 The Developer shall be responsible for and within 30 days of the presentation of an invoice, pay to the Town all legal and engineering costs, fees, expenses and disbursements incurred by the Town through its solicitors and engineers for all services rendered in connection with the preparation, fulfilment, execution and enforcement of the development agreement.

DEVELOPMENT PERMIT RULES AND PROCEDURES

SECTION 24 DEVELOPMENT PERMIT – WHEN REQUIRED

24.1 Except as otherwise provided for in Schedule 3 (Development Not Requiring a Development Permit), all development shall be required to obtain a development permit.

24.2 In addition to meeting the requirements of this bylaw, it is the responsibility of the applicant to ascertain, obtain and comply with all other approvals and licenses that may be required by other federal, provincial or municipal regulatory departments or agencies. It is further required that copies of all other approvals and licenses be submitted to the Development Authority.

SECTION 25 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

25.1 This subsection does not negate the requirement of obtaining all required permits, as applicable, under the *Safety Codes Act* and any other Provincial or Federal statute.

25.2 This subsection does not negate the requirement of obtaining a business license where required.

25.3 Developments not requiring a municipal development permit are listed in Schedule 3.

25.4 Signs not requiring a municipal development permit are listed in Schedule 7 Section 2.

25.5 If there is a question as to whether a development permit is required for a particular use, the matter shall be referred to the Municipal Planning Commission for a determination.

SECTION 26 DEVELOPMENT PERMIT APPLICATION

26.1 An application for a development permit shall be made to the Development Officer by submitting:

(a) a completed development permit application, signed by the registered owner(s) or authorized by the owner pursuant to subsection 26.2;

(b) the prescribed fee, as set by Council;

(c) a description of the existing and proposed use of the land, building(s) and/or structures and whether it is a new development, an alteration/addition, relocation or change of use and whether the use is temporary in nature;

(d) a site plan acceptable to the Development Officer indicating:

(i) the location of all existing and proposed buildings and structures and registered easements or rights-of-way, dimensioned to property lines and drawn to a satisfactory scale;

(ii) existing and proposed parking and loading areas, driveways, abutting streets, avenues and lanes, and surface drainage patterns;

(iii) where applicable, the location of existing wells, septic tanks, disposal fields, culverts and crossings;

(iv) any additional information as may be stipulated in the standards of development;

(v) any such other information as may be required by the Development Officer or Municipal Planning Commission to evaluate an application including but not limited to: conceptual design schemes, landscaping plans, building plans, drainage plans, servicing and infrastructure plans, soil analysis, geotechnical reports and/or other reports regarding site suitability; Real Property Report; or a surveyors sketch;

(e) documentation from the Alberta Energy Regulator (AER) identifying the presence or absence of abandoned oil and gas wells as required by the Subdivision and Development Regulation.

26.2 An application for a development permit must be made by the registered owner(s) of the land on which the development is proposed. An application may be made by a person who is not the registered owner of the land only with written consent of the owner(s). The Development Officer may request a current title documenting ownership and copies of any registered encumbrance, lien or interest registered on title.

SECTION 27 DETERMINATION OF A COMPLETE DEVELOPMENT PERMIT APPLICATION

27.1 The Development Authority shall, within 20 days after the receipt of a development permit application in accordance with Section 26, determine whether the application is complete.

27.2 The Development Authority may refuse to accept a development permit application where the information required by Section 26 (Development Permit Application) is incomplete or where, in their opinion, the quality of the material supplied is inadequate to properly evaluate the application.

27.3 An application is complete if, in the opinion of the Development Authority, the application contains the documents and other information necessary to review the application.

27.4 The time period referred to in subsection 27.1 may be extended by an agreement in writing between the applicant and the Development Authority.

27.5 If the Development Authority does not make a determination referred to in subsection 27.1 within the time required under subsection 27.1 or 27.4, the application is deemed to be complete.

27.6 If a Development Authority determines that the application is complete, the Development Authority shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail, or electronic means.

27.7 If the Development Authority determines that the application is incomplete, the Development Officer shall issue to the applicant a written notice indicating that the application is incomplete, which specifies:

(a) the outstanding documents and information to be provided, including but not limited to those required by Section 26, and

(b) a submission deadline.

A later submission date may be agreed on by the applicant and the Development Authority in order for the application to be considered complete.

27.8 If the Development Authority determines that the information and documents submitted under subsection 27.7 are complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.

27.9 If the required documents and information under subsection 27.7 have not been submitted to the Development Authority within the timeframe prescribed in the notice issued under subsection 27.7, the Development Officer shall return the application to the applicant accompanied by a written Notice of Refusal stating the application is deemed refused and the reasons for refusal.

27.10 Despite issuance of a Notice of Completeness under subsection 27.6 or 27.8, the Development Authority in the course of reviewing the application may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.

SECTION 28 PERMITTED USE APPLICATIONS

28.1 Upon receipt of a completed application for a development permit for a permitted use that conforms with this bylaw, the Development Officer:

(a) shall approve a development permit with or without conditions, or

(b) may refer the application to the Municipal Planning Commission for a decision.

28.2 Upon receipt of a completed application for a permitted use that requests a limited variance not to exceed 10 percent (10%) of one measurable standard of this bylaw, the Development Officer:

(a) may grant the limited variance not to exceed 10 percent (10%) of one measurable standard of this bylaw and approve the development permit with or without conditions if, in the opinion of the Development Officer, the variance would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; or

(b) may refer the development application involving a request for a limited variance not to exceed 10 percent (10%) of one measurable standard of this bylaw to the Municipal Planning Commission for a decision;

(c) is not required to notify adjacent landowners or persons likely to be affected prior to issuance of a decision on a development permit granting a limited variance under this section.

28.3 Upon receipt of a completed application for a permitted use that requests more than one limited variance, a variance(s) exceeding 10 percent (10%) of any measurable standard of this bylaw or a variance of any other bylaw provision, the Development Officer shall refer the application to the Municipal Planning Commission for a decision pursuant to Section 33 (Applications Requesting Variance of Bylaw Provisions).

28.4 The Development Officer or the Municipal Planning Commission may place any of the following conditions on a development permit for a permitted use:

(a) requirement for applicant to enter into a development agreement;

(b) payment of any applicable off-site levy or redevelopment levy;

(c) geotechnical investigation to ensure that the site is suitable in terms of topography, soil characteristics, flooding, subsidence, mass wasting and erosion;

(d) alteration of a structure or building size or location to ensure any setback requirements of this Land Use Bylaw or the Subdivision and Development Regulation can be met;

(e) any measures to ensure compliance with the requirements of this Land Use Bylaw or any other statutory plan adopted by the Town of Vulcan;

(f) easements and/or encroachment agreements;

(g) provision of public utilities, other than telecommunications systems or works, and vehicular and pedestrian access;

(h) repairs or reinstatement of original condition of any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise altered by development or building operations upon the site, to the satisfaction of the Development Officer or the Municipal Planning Commission;

(i) to give security to ensure the terms of the permit approval under this section are carried out;

(j) time periods stipulating completion of development;

(k) requirement for a lot and/or construction stakeout conducted by an approved surveyor or agent;

(l) any measures to ensure compliance with applicable federal, provincial and/or other municipal legislation and approvals;

(m) the submission of an Environmental Impact Assessment;

(n) obtain any other approval, permit, authorization, consent or license that may be required to develop and/or service the affected land.

SECTION 29 DISCRETIONARY USE APPLICATIONS

29.1 Upon receipt of a completed application for a development permit for a discretionary use or a permitted use that requests more than one variance, a variance(s) exceeding 10 percent (10%) of any measurable standard of this bylaw, or a variance of any other bylaw provision, the Development Officer shall:

(a) refer the application to the Municipal Planning Commission for a decision pursuant to Section 33 (Applications Requesting Variance of Bylaw Provisions);

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 34 (Notification of Adjacent Landowners and Persons Likely Affected).

29.2 After consideration of any response to the notifications of adjacent landowners and other persons likely to be affected, including Vulcan County, government departments and referral agencies as applicable, compatibility and suitability of the proposed use, and any other matters, the Municipal Planning Commission may:

(a) approve a development permit with or without conditions; or

(b) refuse to approve the development permit, stating reasons.

29.3 The Municipal Planning Commission may place any of the conditions stipulated in subsection 28.4 (Permitted Use Applications) on a development permit for a discretionary use in any land use district, in addition to any other conditions necessary to ensure the quality, suitability and compatibility of a development with other existing and approved uses in the area.

SECTION 30 DIRECT CONTROL DISTRICTS

30.1 Upon receipt of a completed application for a development permit in a Direct Control District, the Development Officer shall:

(a) refer the application to Council for a decision, except where the decision making authority has been delegated to the Municipal Planning Commission or the Development Officer; and

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 34 (Notification of Adjacent Landowners and Persons Likely Affected).

30.2 After considering any response to notifications issued under Section 34, Council or the delegated decision making authority may:

(a) approve a development permit with or without conditions; or

(b) refuse to approve the development permit, stating reasons.

30.3 In accordance with section 641(4)(a) of the *MGA*, there is no appeal to the Subdivision and Development Appeal Board for a decision on an application for a development permit in a Direct Control District.

SECTION 31 SIMILAR USE

31.1 Upon receipt of an application for a development permit for a use that is not specifically listed in any land use district, but which may be similar in character and purpose to other uses of land and structures in the land use district in which such use is proposed, the Development Officer may classify the use as either similar to a permitted use or similar to a discretionary use.

31.2 Where a use has been classified similar to a permitted use, the Development Officer may process the application accordingly as a permitted use or refer the application to the Municipal Planning Commission for a decision. The notice of the decision shall be subject to subsection 35.2.

31.3 Where a use has been classified similar to a permitted use and requests more than one limited variance, a variance(s) exceeding 10 percent (10%) of any measurable standard of this bylaw, or a variance of any other bylaw provision, the Development Officer shall:

(a) refer the application to the Municipal Planning Commission for a decision, and

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 34 (Notification of Adjacent Landowners and Persons Likely Affected).

31.4 Where a use has been classified similar to a discretionary use, the Development Officer shall:

(a) refer the application to the Municipal Planning Commission for a decision, and

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 34 (Notification of Adjacent Landowners and Persons Likely Affected).

31.5 Upon referral of an application by the Development Officer for a use that may be similar in character and purpose to a permitted or discretionary use, the Municipal Planning Commission:

(a) shall rule whether or not the proposed use is similar to a use in the land use district in which it is proposed;

(b) if the proposed use is deemed similar to a use in the land use district in which it is proposed, the application shall be reviewed as a discretionary use application;

(c) if the proposed use is not deemed similar to a use in the land use district in which it is proposed, the development permit shall be refused.

SECTION 32 TEMPORARY USE

32.1 Where, in the opinion of the Development Authority, a proposed use is of a temporary nature, it may approve a temporary development permit valid for a period of up to one year for a use, provided the use is listed as a permitted use, discretionary use or deemed similar to a permitted or discretionary use in the applicable land use district.

32.2 Temporary use applications shall be subject to the following conditions:

(a) the applicant or developer is liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period;

(b) the Municipal Planning Commission may require the applicant to submit an irrevocable letter of credit, performance bond or other acceptable form of security guaranteeing the cessation or removal of the temporary use; and

(c) any other conditions as deemed necessary.

32.3 A use deemed temporary in nature shall be processed in accordance with the corresponding Sections 29-32 of this bylaw. Notification of adjacent landowners and other persons likely to be affected, including Vulcan County, government departments and referral agencies shall be in accordance with Section 34 of this bylaw.

SECTION 33 APPLICATIONS REQUESTING VARIANCE OF BYLAW PROVISIONS

33.1 Upon receipt of an application for a development permit that does not comply with this bylaw but in respect of which the Municipal Planning Commission is requested to exercise discretion under subsection 33.3, the Development Officer shall:

(a) refer the application to the Municipal Planning Commission for a decision; and

(b) notify adjacent landowners and other persons likely to be affected, including Vulcan County, government departments and any other referral agency in accordance with Section 34.

33.2 The Development Officer is authorized to exercise discretion for a permitted use where a limited variance to one applicable measurable standard not to exceed 10 percent (10%) is requested, in accordance with subsection 28.2.

33.3 The Municipal Planning Commission is authorized to decide upon an application for a development permit notwithstanding that the proposed development does not comply with this bylaw if, in the opinion of the Municipal Planning Commission, 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;

(c) and the proposed development conforms with the use prescribed for that land or building within Schedule 1.

SECTION 34 NOTIFICATION OF ADJACENT LANDOWNERS AND PERSONS LIKELY AFFECTED

34.1 Where notification of adjacent landowners and other persons likely to be affected is required under Sections 28 to 32, the Development Officer shall:

(a) mail (postal service or electronic) written notice of the application at least 15 days before the meeting of the Municipal Planning Commission to:

(i) adjacent landowners and other persons likely to be affected by the issuance of a development permit;

(ii) Vulcan County if, in the opinion of the Development Officer or the Municipal Planning Commission, the proposed development could have an impact upon land uses in the County or is adjacent to the County boundary; and

(iii) any other persons, government departments or referral agency that is deemed to be affected; or

(b) hand deliver written notice of the application at least five days before the meeting of the Municipal Planning Commission to the persons and agencies specified in subsection 34.1(a); or

(c) publish a notice of the application in a newspaper circulating in the municipality or the Town newsletter at least 10 days before the meeting of the Municipal Planning Commission; or

(d) post a notice of the application in a conspicuous place on the property at least five days before the meeting of the Municipal Planning Commission; or

any combination of the above.

34.2 In all cases, notification shall:

(a) describe the nature and location of the proposed use or development;

(b) state the place and time where the Municipal Planning Commission will meet to consider the application, and state how and when written or oral submissions on the application will be received and considered;

(c) specify the location at which the application can be inspected.

34.3 The Development Authority may refer any development permit application within one-half mile of the Airport district that is 7.6 m (25 ft) or over in height to Transport Canada, Navigation Canada and the Airport Commission for comments in order to ensure the safety of the development and its inhabitants, staff, customers or spectators is not compromised.

SECTION 35 NOTICE OF DECISION

35.1 Upon the decision on a development application for a permitted use that complies with the Land Use Bylaw, the Development Officer shall:

(a) mail (postal service or electronic mail) or hand deliver a written notice of decision to the applicant; and

(b) post a copy of the decision in a prominent place in the Town Office for at least 14 days.

35.2 Upon the decision on all other development permit applications, the Development Officer shall:

(a) mail (postal service or electronic mail) or hand deliver a written notice of decision to the applicant; and

(b) mail a copy of the decision to those originally notified of the development permit application, those that made written submissions, and any other person, government department or agency that may, in the opinion of the Development Officer, likely be affected; or

(c) publish a notice of the decision in a newspaper or the municipal newsletter circulated within the municipality.

SECTION 36 COMMENCEMENT OF DEVELOPMENT

36.1 Despite the issuance of a development permit, no development is authorized to commence until the appeal period has expired in compliance with the following:

(a) until at *least 21 days after the date on which the decision is made and the* notice of the issuance of the permit is posted, published in a newspaper or deemed received, in accordance with section 686(1) of the *Municipal Government Act*;

36.2 If an appeal is made, no development is authorized pending the outcome of the appeal.

36.3 Any development occurring prior to the dates determined under subsections 36.1 and 36.2 is at the risk of the applicant.

SECTION 37 DEVELOPMENT PERMIT VALIDITY

37.1 Unless a development permit is suspended or cancelled, the development must be commenced and carried out with reasonable diligence in the opinion of the Development Officer or the Municipal Planning Commission within 12 months from the date of issuance of the permit, otherwise the permit is no longer valid.

37.2 An application to extend the validity of a development permit may be made at any time prior to the expiration of the approved permit in accordance with subsection 37.3, except for a permit for a temporary use which shall not be extended.

37.3 Upon receipt of a request to extend the validity of a development permit, the validity of a development permit may be extended for up to a period of one year by:

(a) the Development Officer or the Municipal Planning Commission if the permit was issued by the Development Officer,

(b) the Municipal Planning Commission if the permit was issued by the Municipal Planning Commission or approved on appeal by the Subdivision and Development Appeal Board.

37.4 When any use has been discontinued for a period of six months or more, any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued. This section does not apply to non-conforming uses which are regulated under section 643 of the *MGA*.

SECTION 38 TRANSFERABILITY OF DEVELOPMENT PERMIT

38.1 A home occupation permit is non-transferable.

38.2 Any other valid development permit is transferable where the use remains unchanged and the development is affected only by a change of ownership, tenancy, or occupancy. This provision does not apply to a home occupation permit, which is non-transferable.

SECTION 39 OCCUPANCY PERMITS

39.1 The Development Officer, the Municipal Planning Commission, or in a Direct Control District the Council, may require that the holder of a development permit obtain an occupancy permit before a building or use that was the subject of a development permit is occupied and/or the approved use initiated.

SECTION 40 FAILURE TO MAKE A DECISION – DEEMED REFUSAL

40.1 In accordance with section 684 of the *MGA*, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Officer or the Municipal Planning Commission, as the case may be, is not made within 40 days of receipt of the completed application, unless the applicant has entered into an agreement with the Development Officer or the Municipal Planning Commission to extend the 40-day decision period.

SECTION 41 REAPPLICATION FOR A DEVELOPMENT PERMIT

41.1 If an application for a development permit is refused by the Development Officer, the Municipal Planning Commission, or on appeal the Subdivision and Development Appeal Board, the submission of another application for a development permit on the same parcel of land for the same or for a similar use of the land may not be accepted by the Development Officer for at least six months after the date of refusal.

41.2 If an application was refused solely because it did not comply with the standards of this bylaw, or was refused as an incomplete application under section 27, the Development Officer may accept another application on the same parcel of land for the same or similar use before the time period referred to in subsection 41.1 has lapsed, provided the application has been modified to comply with this bylaw.

SECTION 42 SUSPENSION OR CANCELLATION OF A PERMIT

42.1 If, after a development permit has been issued, the Development Officer or the Municipal Planning Commission determines that:

(a) the application contained a misrepresentation,

(b) facts were not disclosed which should have been at the time of consideration of the application for the development permit,

(c) the development permit was issued in error, or

(d) the applicant withdrew the application by way of written notice,

the Development Officer or the Municipal Planning Commission may suspend or cancel the development permit by notice in writing to the holder of it stating the reasons for any suspension or cancellation.

42.2 Upon receipt of the written notification of suspension or cancellation, the applicant must cease all development and activities to which the development permit relates.

42.3 A person whose development permit is suspended or cancelled under this section may appeal within 21 days of the date the notice of cancellation or suspension is received to the appropriate appeal board.

42.4 If a development permit is suspended or cancelled, the Subdivision and Development Appeal Board shall review the application if an appeal is filed by the applicant and either:

(a) reinstate the development permit, or

(b) cancel the development permit if the Development Officer or the Municipal Planning Commission would not have issued the development permit if the facts subsequently disclosed had been known during the consideration of the application, or

(c) reinstate the development permit and may impose such other conditions as are considered necessary to ensure that this bylaw or any statutory plan is complied with.

SECTION 43 DEVELOPMENT AND SUBDIVISION APPEALS

43.1 Any person applying for a development permit or any other person affected by an order, decision or development permit made or issued by the Development Authority, or any development application deemed refused in accordance with section 27, may appeal such an order or decision or deemed refusal to the Subdivision and Development Appeal Board in accordance with the procedures described in the *MGA*.

43.2 In accordance with the *Municipal Government Act* and the procedures outlined, any land owner who applied for subdivision and was refused an approval, or had conditions attached to the approval, or any subdivision application deemed refused in accordance with section 27, may appeal the decision to the Subdivision and Development Appeal

Board, or Municipal Government Board if the circumstances require it. Adjacent or affected land owners have no right to appeal under the MGA.

43.2 An appeal to the Subdivision and Development Appeal Board shall be commenced by serving a written notice of the appeal with reasons to the Subdivision and Development Appeal Board and shall be accompanied by the applicable fees.

ENFORCEMENT

SECTION 44 NOTICE OF VIOLATION

44.1 Where the Development Officer or Municipal Planning Commission finds that a development or use of land or buildings is not in accordance with the *MGA*, the Subdivision and Development Regulation, a development permit or subdivision approval, or this bylaw, the Development Officer may issue a notice of violation to the registered owner or the person in possession of the land or buildings or to the person responsible for the contravention.

44.2 Such notice shall state the following:

(a) nature of the violation,

(b) corrective measures required to comply, and

(c) time period within which such corrective measures must be performed.

SECTION 45 STOP ORDERS

45.1 As set forth in the *MGA*, the Development Authority is authorized to issue an Order under section 645 of the *MGA* if a development, land use or use of a building is not in accordance with the *MGA*, the Subdivision and Development Regulation, a development permit or subdivision approval, or this bylaw.

45.2 A person who receives notice pursuant to subsection 45.1 may appeal the order to the Subdivision and Development Appeal Board in accordance with the *MGA*.

SECTION 46 ENFORCEMENT OF STOP ORDERS

46.1 Pursuant to section 646 of the *MGA*, if a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the designated officer may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.

46.2 The Town may register a caveat under the *Land Titles Act* in respect of an order referred to in subsection 46.1 against the certificate of title for the land that is the subject of an order.

46.3 If a caveat is registered under subsection 46.2, the Town must discharge the caveat when the order has been complied with.

46.4 If compliance with a stop order is not voluntarily effected, the Town may undertake legal action including, but not limited to, seeking injunctive relief from the Alberta Court of Queen's Bench pursuant to section 554 of the *MGA*. In accordance with section 553 of the *MGA*, the expenses and costs of carrying out an order under section 646 of the *MGA* may be added to the tax roll of the parcel of land.

SECTION 47 PENALTIES AND RIGHT OF ENTRY

47.1 Any person who contravenes any provision of this bylaw is guilty of an offence in accordance with Part 13, Division 5, Offences and Penalties of the *MGA* and is liable to a fine of not more than $10,000 or to imprisonment for not more than one year or to both fine and imprisonment.

47.2 In accordance with section 542 of the *MGA*, a Development Officer may, after giving reasonable notice to and obtaining consent from the owner or occupier of land upon which this bylaw or *MGA* authorizes anything to be inspected, remedied or enforced or done by a municipality:

(a) enter on that land at a reasonable time and carry out inspection, enforcement, or action authorized or required by the enactment or bylaw;

(b) request anything to be produced to assist in the inspection, remedy, enforcement or action; and

(c) make copies of anything related to the inspection, remedy, enforcement or action.

47.3 If a person refuses to grant consent or refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in section 542 of the *MGA*, the municipality under the authority of section 543 of the *MGA* may obtain a court order.

AMENDMENTS

SECTION 48 AMENDMENTS TO THE LAND USE BYLAW

48.1 Any person or the Town may initiate amendments to the Town of Vulcan Land Use Bylaw by submitting an application to the Development Officer.

48.2 All applications for amendment shall be submitted using the applicable form in Appendix A, and be accompanied by any additional information, as deemed necessary by the Development Officer to process the application.

48.3 The Development Officer may refuse to accept an application if, in their opinion, the information supplied is not sufficient to make a proper evaluation of the proposed amendment.

48.4 All applications shall be referred to the Municipal Planning Commission for their recommendation prior to forwarding to Council.

48.5 The Development Officer shall forward an application to Council for consideration when satisfied that sufficient information has been provided with the application.

48.6 Public hearing and notification requirements shall be in accordance with section 692 of the *MGA*.

48.7 Where an application for an amendment to the Town of Vulcan Land Use Bylaw has been refused by Council, another application that is the same or similar in nature shall not be accepted until at least 12 months after the date of refusal.

48.8 Where an application has been significantly changed, Town Council may accept an application prior to the end of the 12-month period specified in subsection 48.7.

SECTION 49 LAND USE REDESIGNATION APPLICATION REQUIREMENTS

49.1 A request for redesignation from one land use district to another shall be accompanied by:

(a) a completed application form and the applicable fee;

(b) a copy of the certificate of title for the lands, dated not more than 60 days prior to the date on which the application was made;

(c) a narrative describing the:

(i) proposed designation and future uses(s);

(ii) consistency with the applicable statutory plans;

(iii) compatibility of the proposal with surrounding uses and zoning;

(iv) development potential/suitability of the site, including identification of any constraints and/or hazard areas (e.g. easements, soil conditions, topography, drainage, flood hazard area, steep slopes, etc.);

(v) availability of facilities and services (sewage disposal, domestic water, gas, electricity, fire and police protection, schools, etc.) to serve the subject property while maintaining adequate levels of service to existing development;

(vi) any potential impacts on public roads; and

(vii) any other information deemed necessary by the Development Officer or Council to properly evaluate the proposal;

(d) conceptual lot design, if applicable;

(e) a geotechnical report addressing the following, but not limited to:

(i) slope stability,

(ii) groundwater,

(iii) sewage,

(iv) water table, and

(v) flood hazard analysis,

if deemed necessary by the Development Officer or Council;

(f) an evaluation of surface drainage which may include adjacent properties, if deemed necessary by the Development Officer or Council; and

(g) any other information deemed necessary by the Development Officer or Council to properly evaluate the application.

49.2 An Area Structure Plan or Conceptual Design Scheme shall be required in conjunction with a redesignation application when:

(a) redesignating land from Transitional Agriculture – AT to another district;

(b) redesignating annexed land to a district other than Transitional Agriculture – AT, except where an approved Area Structure Plan or Conceptual Design Scheme defines land use designation(s) for the proposed development area, or unless determined otherwise by Council.

49.3 An Area Structure Plan or Conceptual Design Scheme may be required in conjunction with a redesignation application involving:

(a) industrial development,

(b) large-scale commercial development,

(c) multi-lot residential development resulting in the creation of more than five lots or which has the potential to trigger capacity upgrades or expansion of infrastructure, or

(d) as required by Council.

SECTION 50 REDESIGNATION CRITERIA

50.1 When redesignating land from one land use district to another, Council considerations shall include the following:

(a) compliance with applicable standards and provisions of the Town of Vulcan Land Use Bylaw;

(b) consistency with the Municipal Development Plan and any other adopted statutory plans;

(c) compatibility with adjacent uses;

(d) development potential/suitability of the site;

(e) availability of facilities and services (sewage disposal, domestic water, gas, electricity, police and fire protection, schools, etc.) to serve the subject property and any potential impacts to levels of service to existing and future developments;

(f) cumulative impact to the Town;

(g) potential impacts on public roads;

(h) setback distances contained in the Subdivision and Development Regulation;

(i) supply of suitably-designated land;

(j) public comment and any applicable review agency comments; and

(k) any other matters deemed pertinent.

SUBDIVISION

SECTION 51 SUBDIVISION APPLICATIONS

51.1 An applicant applying for subdivision shall provide the required material and information as requested by the Subdivision Authority or its designate. A completed application shall consist of:

(a) An official application, in the manner and form prescribed, clearly and legibly filled out with all the required information and signatures provided as requested on the form;

(b) The applicable fees paid;

(c) An up-to-date and current copy of the Certificate of Title to the subject land;

(d) A (clear and eligible) diagram, Surveyors sketch or tentative subdivision plan with dimensions and a north arrow, in the manner requested which may include the provision that it be professionally prepared as stipulated;

(e) Provincial abandoned gas well information;

(f) Any such other information as may be required at the discretion of the Subdivision Authority in order to accurately evaluate the application and determine compliance with the land use bylaw or other government regulations. This may include but is not limited to the provision of geotechnical information, soil analysis reports, water reports, soil or slope stability analysis, drainage information, contours and elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and/or the preparation of a conceptual design scheme or an area structure plan may be required from the applicant prior to a decision being rendered on a subdivision application to determine the suitability of the land for the proposed use.

(g) The consent to authorize the Subdivision Authority or its designate to carry out a site inspection on the subject land as authorized in accordance with the *Municipal Government Act* (*MGA*) must also be provided on the submitted application form unless determined not to be needed by the Subdivision Authority.

51.2 In accordance with the *Municipal Government Act* (*MGA*), the Subdivision Authority or those authorized to act on its behalf, shall provide notification to a subdivision applicant within the 20-day prescribed time period, on whether a submitted application is deemed complete, or if it is determined to be deficient, what information is required to be submitted by a specified time period, by sending notification in the following manner:

(a) For an application deemed complete, the applicant shall be notified in writing as part of the formal subdivision application circulation referral letter.

(b) For an application determined to be incomplete, written notification shall be given to the applicant which may be in the form of a letter sent by regular mail to the applicant, or sent by electronic means, or both, or by any other method as may be agreed to between the applicant and Subdivision Authority.

(c) In respect of subsection 51.2(b) for a subdivision application determined to be incomplete, the applicant will be advised in writing as part of the Notice of Incompleteness what the outstanding or required information items that must be submitted by the time specified in the notice.

51.3 Notwithstanding section 51.2, the applicant and Subdivision Authority may agree and sign a time extension agreement in writing in accordance with section 653.1(3) of the *MGA* to extend the 20-day decision time period to determine whether the subdivision application and support information submitted is complete.

51.4 A determination made by the Subdivision Authority that an application is complete for processing does not preclude the ability for the Subdivision Authority to request other information or studies to be submitted by the applicant during the review and processing period, prior to a decision being rendered, or as condition of subdivision approval.

SECTION 52. INCOMPLETE SUBDIVISION APPLICATIONS

52.1 The Subdivision Authority may refuse to accept and process a subdivision application where the information required under section 56 and/or as described in a Notification of Incompleteness has not been submitted, is determined to be deficient, is still incomplete, or in the opinion of the Subdivision Authority the quality of the material supplied is inadequate to properly evaluate the application.

52.2 If the Subdivision Authority makes a determination that the application is refused due to incompleteness, the applicant shall be notified in writing with reasons in the manner as described in subsection 56(2).

52.3 The notification provided for in subsection (b) shall include for the applicant the required information on the filing of an appeal and to which appeal board body the appeal lies, either the local appeal board or provincial Municipal Government Board, in accordance with the parameters of the *MGA*.

SECTION 53 LOT DESIGN

53.1 Through lots or double frontage lots shall be avoided except where essential to separate residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. In such cases, access will be allowed only on the lower classification street.

53.2 Flag lots are prohibited in the R-1, R-2 and R-4 districts. Flag lots or parcels may be permitted in lots exceeding 0.2 ha (0.5 acre) under the following conditions:

(a) the flag lot directly accesses a local or residential street,

(b) the aggregate width of the pole, or poles for two adjacent flag lots, is a minimum of 12.1 m (40 ft) in width with minimum pole width 6.1 m (20 ft).

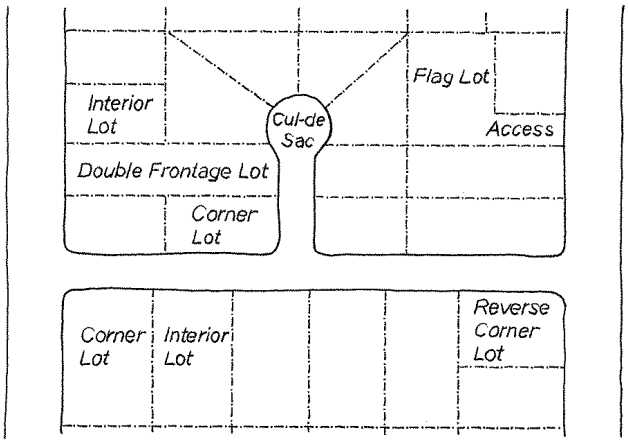


Figure 53.1

53.3 All rectangular lots and, so far as practical, all other lots shall have side lot lines at right angles to straight street lines or radial side lot lines to curved street lines. Unusual or odd-shaped lots having boundary lines that intersect at extreme angles shall be avoided.

53.4 The lot line common to the street right-of-way line shall be the front line. All lots shall face the front line and a similar lot across the street. Wherever feasible, lots should be arranged so that the rear line does not abut the side line of an adjacent lot.

53.5 No lot or parcel shall be created which does not provide for a buildable area as defined by the applicable land use district, except pursuant to an area structure plan.

53.6 The length and width of blocks shall be sufficient to accommodate two tiers of lots with minimum standards specified by the applicable land use district and this section, except where a single row of lots back up to an arterial street. When reviewing proposed lot and block arrangements, the Subdivision Authority shall consider the following factors:

(a) Adequate building sites required: adequate building sites suitable to the special needs of the type of land use (residential, commercial or other) proposed for development shall be provided, taking into consideration topographical and drainage features;

(b) Minimum lot sizes established: minimum land use district and lot requirements defining lot sizes and dimensions shall be accommodated without creating unusable lot remnants;

(c) Safe access required: block layout shall enable development to meet all Town engineering requirements for convenient access, circulation, control and safety of street traffic.

53.7 At the time of subdivision, all corner lots and interior laneway corner lots shall dedicate clear vision triangles as right-of-way.

ADMINISTRATION DEFINITIONS

SECTION 54 ADMINISTRATION DEFINITIONS

The following definitions shall apply to the entire bylaw.

A

ADDITION means construction that increases the footprint of an existing building or structure on the parcel of land. Typically there will be a common connection from the existing building to the addition that includes a foundation of some type beneath the addition.

ADJACENT LAND or ADJACENT means land that is contiguous to a parcel of land proposed for development, subdivision or redesignation and includes land that would be contiguous if not for a road, railway, walkway, watercourse, water body, utility lot, right-of-way, reserve land or other similar feature.

ALBERTA LAND STEWARDSHIP ACT (ALSA) means the *Alberta Land Stewardship Act, Statutes of Alberta, 2009, Chapter A-26.8*. The Act and its Regulation are the legislated legal basis for regional land-use planning in Alberta which, for the Tow of Vulcan, is the South Saskatchewan Regional Plan.

ALTER or ALTERATION means any structural change to a building that results in an increase or decrease in the area or volume of the building; any change in the area frontage, depth, or width of a lot that affects the required yard, landscaped open space, or parking requirements of this bylaw; structural change to a sign; and to discontinue or change the principal use of the site or building with a use defined as being distinct from the discontinued use.

AMENITY AREA means an area(s) within the boundaries of a development intended for recreational purposes. These may include landscaped areas, patios, balconies, swimming pools, beaches, and other similar items that are intended for public use.

APPROVED USE means a use of land and/or building for which a development permit has been issued by the Development Authority or the Subdivision and Development Appeal Board.

AREA REDEVELOPMENT PLAN means a statutory plan, prepared in accordance with sections 634 and 635 of the *Municipal Government Act* for the purpose of all or any of the following:

(a) preserving or improving land and buildings in the area;

(b) rehabilitating buildings in the area;

(c) removing buildings from the area;

(d) constructing or replacing buildings in the area;

(e) establishing, improving or relocating public roadways, public utilities or other services in the area;

(f) any other development in the area.

AREA STRUCTURE PLAN means a statutory plan prepared for the purpose of providing a framework for subsequent subdivision and development of an area of land (*Municipal Government Act*, section 633) and that may be adopted by a Council by bylaw.

B

BALCONY means a platform, attached to and projecting from the face of a principal building with or without a supporting structure above the first storey, normally surrounded by a baluster railing and used as an outdoor porch or sundeck with access only from within the building.

BASEMENT means the portion of a building or structure which is partially or wholly below grade and having its floor below grade by a distance greater than one-half the distance from floor to ceiling.

BERM means a barrier, typically constructed of mounded earth, used to separate incompatible areas, uses, or functions, or to protect a site or development from noise.

BUFFER means open spaces, landscaped areas, fences, walls, hedges, trees, shrubs, berms or other similar features used to physically and/or visually separate incompatible uses, areas, functions, sites, buildings, roadways, districts, etc.

BUILDING has the meaning defined in the *Municipal Government Act* and includes anything constructed or placed on, in, over or under land, but does not include a highway or road or a bridge that forms part of a highway or road.

BUILDING ENVELOPE means the space created on a lot or parcel within which a building may be constructed once the setback requirements for a specific land use district have been considered.

BUILDING GRADE (as applied to the determination of building height) means the average elevation of the finished ground adjacent to the building.

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

BUILDING INSPECTOR means the person or persons hired to be the chief building inspector or building inspectors in and for the Town of Vulcan.

BUILDING PERMIT means a certificate or document issued by the Safety Codes Officer pursuant to provincial legislation authorizing commencement of construction.

BUILDING SETBACK means the shortest distance between the exterior foundation wall of the building and the nearest lot line. Depending on the land use district, the minimum setback will vary.

BUILDING WIDTH, MINIMUM means the minimum horizontal distance of the building's living space measured parallel to the shortest exterior wall of the building and perpendicular to the longest exterior wall of the building and excludes porches, decks, patios, balconies, carports, garages, unheated storage space, porte-cochere and other similar architectural features.

BUSINESS means a commercial, merchandising, or industrial activity or undertaking, a profession, trade, occupation, calling or employment or an activity providing goods or services, whether or not for profit and however organized or formed, including a cooperative or association of persons.

BYLAW means the Land Use Bylaw of the Town of Vulcan.

C

CERTIFICATE OF COMPLIANCE means a document signed by the Development Authority, certifying that a development complies with this bylaw with respect to yard requirements and insofar as represented on an Alberta Land Surveyors' Real Property Report.

CHANGE OF USE means the conversion of land or building, or portion thereof from one land use activity to another in accordance with the permitted or discretionary uses as listed in each land use district.

COMMON WALL means a vertical separation completely dividing a portion of a building from the remainder of the building and creating in effect a building which, from its roof to its lowest level, is separate and complete unto itself for its intended purpose, such wall being owned by one party but jointly used by two parties, one or both of whom is entitled to such use by prior arrangement.

CONCEPTUAL DESIGN SCHEME means a detailed site layout plan for a parcel of land which typically addresses the same requirements as an Area Structure Plan but which is not adopted by bylaw which:

(a) shows the location of any existing or proposed buildings; and

(b) describes the potential effect and/or relationship of the proposed development on the surrounding area and the municipality as a whole; and

(c) provides for access roads, water, sewer, power and other services to the satisfaction of the Municipal Planning Commission or Council.

CONDOMINIUM means a building or structure where there exists a type of ownership of individual units, generally in a multi-unit development or project where the owner possesses an interest as a tenant in common with other owners in accordance with the provisions of the *Condominium Property Act*.

CONDOMINIUM PLAN means a plan of survey registered at a Land Titles Office prepared in accordance with the provisions of the *Condominium Property Act*, Revised Statutes of Alberta 2000, Chapter C-22, as amended.

CORNER VISIBILITY OR CLEAR VISION TRIANGLES means a triangular area on a corner lot that is comprised of two sides which are measured from the intersection corner for a distance specified in this bylaw. The third side of the triangle is a line joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

COUNCIL means Council of the Town of Vulcan.

COUNTY means Vulcan County.

D

DEMOLITION means the pulling down, tearing down or razing of a building or structure.

DEVELOPER means a person or an owner of land in accordance with the Statutes of the Province of Alberta who wishes to alter the title to the property and change the use of the property from its existing use.

DEVELOPMENT in accordance with the *Municipal Government Act* means:

(a) an excavation or stockpile and the creation of either of them;

(b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land;

(c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or

(d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

DEVELOPMENT AGREEMENT means a contractual agreement completed between the municipality and an applicant for a development permit or subdivision approval which specifies the roadways, walkways, public utilities, and other services to be provided by the applicant as a condition of a development permit or subdivision approval, in accordance with the *Municipal Government Act*.

DEVELOPMENT AUTHORITY means the body established by bylaw to act as the development authority in accordance with section 624 of the *Municipal Government Act*.

DEVELOPMENT OFFICER means a person(s) authorized by Council to act as a development authority pursuant to section 624 of the *Municipal Government Act* and in accordance with the Municipal Planning Commission Bylaw.

DEVELOPMENT PERMIT means a permit issued with or without conditions pursuant to this bylaw authorizing a development. A development permit does not constitute a building permit.

DISCRETIONARY USE means the use of land or building(s) provided for in the Land Use Bylaw for which a development permit may be issued, following receipt by the Development Officer of a competed application with appropriate details and fees.

DISTRICT – see LAND USE DISTRICT

E

EASEMENT means a right held by one party in land owned by another, typically for access or to accommodate a public utility.

EAVE means the overhang or extension of a roof line beyond the vertical wall of a building.

EXCAVATION means the process of altering the natural elevation of the ground by grading, cutting, stripping, filling or breaking of ground, but does not include common household gardening and ground care, excavation made for the building of basements, structures, landscaping, or parking for which a development permit has been issued, or extensive agriculture. Gravel pit, mineral extraction and any other similar extractive use are not classified as excavation and are a separate use.

F

FLOOD HAZARD AREA means an area where historic overland flows create a sufficient depth of water to be considered detrimental to land and improvements.

FLOOR AREA means the sum of the gross horizontal area of the several floors and passageways of a building, but not including cellars, attached garages and open porches. All dimensions shall be outside dimensions. Basement floor areas shall be included only where the building contains a basement suite.

FLOOR AREA RATIO means the net floor area divided by the gross lot area.

FOUNDATION means the supporting base structure of a building.

G

GEOTECHNICAL REPORT means a comprehensive site analysis and report prepared by a qualified and registered professional with the Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA).

GRADE, LANDSCAPED (as applied to the determination of height of balconies, decks and architectural features and landscape structures) means the average level of finished landscaped ground under the four principal corners of the balcony, deck, architectural feature or landscape structure. For buildings see BUILDING GRADE.

L

LANDOWNER – see REGISTERED OWNER

LANDSCAPING means the modification, beautification and enhancement of a site or development through the use of the following elements:

(a) natural landscaping consisting of vegetation such as trees, shrubs, hedges, grass, flowers and other ground cover or materials;

(b) hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile and wood, excluding monolithic concrete and asphalt; and

(c) excludes all areas utilized for driveways and parking.

LAND USE DISTRICT means a specifically delineated area or zone within which the development standards of this bylaw govern the use, placement, spacing, and size of land and buildings. All land use

districts referred to in this bylaw are shown on the Land Use District Map found in Schedule 1 to this bylaw.

LANE or LANEWAY means a public thoroughfare, which provides a secondary means of access to a lot or lots.

LOT means a lot as defined in the *Municipal Government Act* and shall include a bare land condominium unit.

LOT AREA means the total horizontal area of a lot.

LOT, CORNER means a lot located at the intersection or junction of two or more streets.

LOT DEPTH means the average horizontal distance between the front and rear lot boundaries.

LOT, DOUBLE FRONTAGE means a site abutting two parallel or approximately parallel streets.

LOT, INTERIOR means any lot other than a corner lot.

LOT, LENGTH means the horizontal distance between the front and rear lot lines vertically projected and measured along the median between the side lot lines.

LOT LINE means the legally defined limits of any lot.

LOT, WIDTH means the horizontal measurement between the side lot lines measured at a point 7.6 m (25 ft) perpendicularly distant from the front boundary of the lot.

M

MAINTENANCE means the upkeep of a building or property that does not involve structural change, the change of use, or the change of intensity of use.

MASS WASTING means a general term describing a variety of processes including, but not limited to slumping, sloughing, fall and flow, by which earth materials are moved by gravity.

MUNICIPAL DEVELOPMENT PLAN means a statutory plan adopted by bylaw in accordance with section 632 of the *Municipal Government Act*.

MUNICIPAL GOVERNMENT ACT (MGA) means the *Municipal Government Act*, Revised Statutes of Alberta, 2000, Chapter M-26, as amended.

MUNICIPAL/SCHOOL RESERVE means the land specified to be municipal and school reserve by the Subdivision Authority pursuant to section 666 of the *Municipal Government Act*.

MUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB) means the committee established, by bylaw, to act as the municipal appeal body for subdivision and development applications.

MUNICIPAL PLANNING COMMISSION (MPC) means the committee authorized by Council to act as the Subdivision Authority pursuant to section 623 of the *Municipal Government Act* and Development Authority pursuant to section 624 of the *Municipal Government Act*, and in accordance with the Development Authority Bylaw.

N

NON-COMPLIANCE means a development constructed, or use undertaken after the adoption of the current Land Use Bylaw and does not comply with the current Land Use Bylaw.

NON-CONFORMING BUILDING means a building:

(a) that is lawfully constructed or lawfully under construction at the date of a Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective; and

(b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw.

NON-CONFORMING USE means a lawful specific use:

(a) being made of land or a building or intended to be made of a building lawfully under construction, at the date of a Land Use Bylaw or any amendment thereof affecting the land or building becomes effective; and

(b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction, will not comply with the Land Use Bylaw.

NON-SERVICED means, in respect to a lot or parcel, that neither a municipal water system nor a municipal sewage system services it.

NUISANCE means any use, prevailing condition or activity which has a detrimental effect on living or working conditions.

O

OCCUPANCY PERMIT means a permit issued by the municipality that authorizes the right to occupy or use a building or structure for its intended use.

OFF-SITE LEVY means the rate established by the municipal Council that will be imposed upon owners and/or developers who are increasing the use of utility services, traffic services, and other services directly attributable to the changes that are proposed to the personal property. The revenues from the off-site levies will be collected by the municipality and used to offset the future capital costs for expanding utility services, transportation network, and other services that have to be expanded in order to service the needs that are proposed for the change in use of the property.

OFF-STREET LOADING SPACE means an open area, not exceeding 9.1 m (30 ft) in width, located in the rear yard space, designed expressly for the parking of haulage vehicles while loading or unloading.

OFF-STREET PARKING means a lot or portion thereof, excluding a public roadway, which is used or intended to be used as a parking area for motor vehicles.

OFF-STREET PARKING SPACE means an off-street area available for the parking of one motor vehicle. Every off-street parking space shall be accessible from a street, lane or other public roadway.

ORIENTATION means the arranging or facing of a building or other structure with respect to the points of the compass.

P

PARCEL means an area of land described in a certificate of title either directly or by reference to a plan and registered with the Alberta Land Titles Office.

PARTIALLY SERVICED LOT means a lot that is provided water or sewer serviced by either:

(a) a municipal water line or a municipal sewer line; or

(b) an incorporated organization or co-operative, recognized by the municipality, that is operating a provincially-approved water or sewer system.

PERMITTED USE means the use of land or building(s) which is permitted in a district for which a development permit shall be issued, following receipt by the Development Officer of a completed application with appropriate details and fees.

PLAN OF SUBDIVISION means a plan of survey prepared in accordance with the relevant provisions of the *Land Titles Act* for the purpose of effecting subdivision.

PRINCIPAL BUILDING means a building which:

(a) occupies the major or central portion of a lot;

(b) is the chief or main building on a lot; or

(c) constitutes, by reason of its use, the primary purpose for which the lot is used.

PRINCIPAL USE means the main purpose, in the opinion of the Development Officer or Municipal Planning Commission, for which a lot is used.

PROHIBITED USE means a development that is not listed as permitted or discretionary, or is not considered similar within a land use district.

PUBLIC ROADWAY means a right-of-way maintained by the Town and is open to the public for the purpose of vehicular traffic.

PUBLIC OPEN SPACE means land, which is not in private ownership and is open to use by the public.

R

RAILWAY means the right-of-way for a public utility as defined in the *Municipal Government Act*.

REAL PROPERTY REPORT (RPR) means a legal document that illustrates in detail the location of all relevant, visible public and private improvements relative to property boundaries prepared by a registered Alberta Land Surveyor.

REGISTERED OWNER means:

(a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or

(b) in the case of any other land:

(i) the purchase 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 (i), the person registered under the *Land Titles Act* as the owner of the fee simple estate in the land.

RIGHT-OF-WAY means an area of land not on a lot that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure (including but not limited to water lines, sewer lines, power lines, and gas lines).

ROAD – see PUBLIC ROADWAY

S

SAFETY CODES means a code, regulations, standard, or body of rules regulating things such as building, electrical systems, elevating devices, gas systems, plumbing or private sewage disposal systems, pressure equipment, fire protection systems and equipment, barrier free design and access in accordance with the *Safety Codes Act,* RSA 2000, Chapter S-1, as amended.

SCREENING means a fence, wall, berm or hedge used to visually separate areas or functions that detract from the street or neighbouring land uses.

SETBACK means the minimum distance required between a property line of a lot and the nearest part of any building foundation, structure, development, excavation or use on the lot and is measured at a right angle to the lot line.

SIMILAR USE means a use of land or building(s) for a purpose that is not provided in any district designated in this bylaw, but is deemed by the Development Officer or Municipal Planning Commission to be similar in character and purpose to another use of land or buildings that is included within the list of uses prescribed for that district.

SITE means that part of a parcel or a group of parcels on which a development exists or which an application for a development permit is being made.

SITE COVERAGE means the percentage of the lot area which is covered by all buildings and structures on the lot.

SITE COVERAGE, PRINCIPAL means the percentage of the lot area which is covered by the principal building including any structure attached to the principal building by an open or enclosed roofed structure, including but not limited to attached garages, carports, verandas, covered balconies, covered decks, and porches.

SITE COVERAGE, ACCESSORY means the percentage of the lot area which is covered by the combined area of all accessory buildings and structures and includes uncovered decks.

SITE PLAN means a plan drawn to scale illustrating the proposed and existing development prepared in accordance with the requirements of this bylaw.

SOUTH SASKATCHEWAN REGIONAL PLAN means the regional plan and regulations established by order of the Lieutenant Governor in Council pursuant to the *Alberta Land Stewardship Act*.

STOP ORDER means an order issued by the Development Officer or Municipal Planning Commission pursuant to section 645 of the *Municipal Government Act*.

STOREY means the space between the top of any floor and the top of the next floor above it and if there is no floor above it, the portion between the top of the floor and the ceiling above it, but does not include a basement.

STREET means a thoroughfare which is used or intended to be used for passage or travel of motor vehicles and includes the sidewalks and land on each side of and contiguous to the prepared surface of the thoroughfare. It does not include lanes.

STRUCTURE means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, billboards and poster panels.

SUBDIVISION AND DEVELOPMENT REGULATION means regulations established by order of the Lieutenant Governor in Council pursuant to section 694 of the *Municipal Government Act*.

SUBDIVISION AUTHORITY means the body established by bylaw to act as the subdivision authority in accordance with section 623 of the *Municipal Government Act*.

SUBDIVISION OR SUBDIVIDE means the division of a parcel by an instrument.

SUBSIDENCE means a localized downward settling or sinking of a land surface.

SUCH AS means includes, but is not limited to the list of items provided.

T

TEMPORARY DEVELOPMENT means a development for which a development permit has been issued for a limited time period.

TOWN means the Town of Vulcan.

U

USE means the purposes for which land or a building is arranged or intended, or for which either land, a building or a structure is, or may be, occupied and maintained.

UTILITIES means any one or more of the following:

(a) systems for the distribution of gas, whether artificial or natural;

(b) facilities for the storage, transmission, treatment, distribution or supply of water or electricity;

(c) facilities for the collection, treatment, movement or disposal of sanitary sewage;

(d) storm water drainage facilities;

(e) any other things prescribed by the Lieutenant Governor in Council by regulation;

but does not include those systems or facilities referred to in clauses (a) to (d) that are exempted by the Lieutenant Governor in Council by regulation.

V

VARIANCE means a relaxation of measurable standards of the bylaw.

W

WAIVER means the relaxation of a development standard as established in this bylaw. For the purpose of this bylaw, only the Municipal Planning Commission or, on appeal, the Subdivision and Development Appeal Board can waive provisions of the Land Use Bylaw.

Y

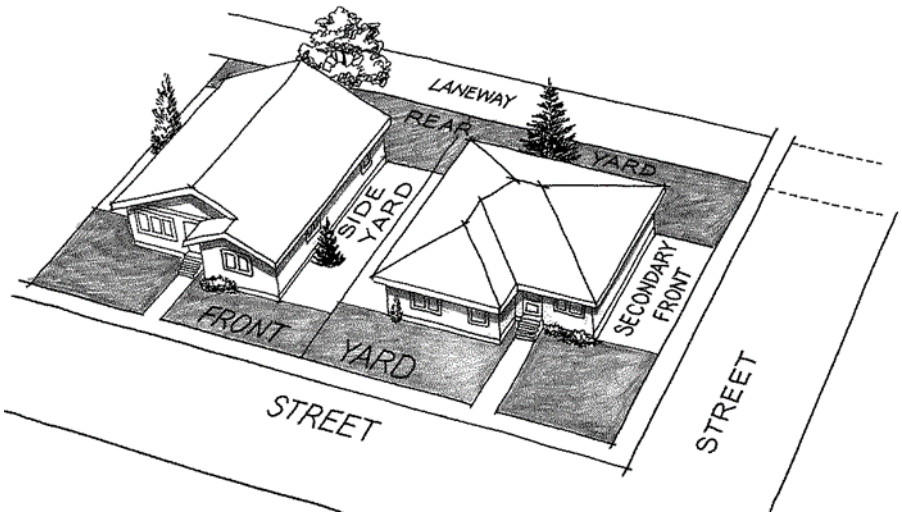
YARD means a part of a lot upon or over which no building or structure other than a boundary fence is erected, unless otherwise hereinafter permitted.

YARD, FRONT means a yard extending across the full width of a lot and situated between the first lot line and the nearest portion of the principal buildings.

YARD, REAR means a yard extending across the full width of a lot and situated between the rear lot line and the nearest portion of the principal building.

YARD, SIDE means a yard extending from the front yard to the rear yard and situated between the side lot lines and the nearest portion of the principal building.

YARD, SECONDARY FRONT means a yard on a corner lot with street frontage, but which is not the frontage where the main entrance to the building or development is oriented or is the yard which is designated the secondary front by the Development Authority.



Z

ZONING – see LAND USE DISTRICT

All other words and expressions not otherwise defined in this Land Use Bylaw have the meaning assigned to them in the *Municipal Government Act*.

Schedule 1

LAND USE DISTRICTS

Schedule 1

LAND USE DISTRICTS

SECTION 1 DIVISION OF MUNICIPALITY

1.1 The municipality is divided into those districts shown on the Land Use Districts Map of this schedule.

1.2 Each district shown on the map referred to in Section 1 of this schedule shall be known by the following identifying names and abbreviation symbols:

RESIDENTIAL	– R-1
MANUFACTURED HOME	– R-2
COUNTRY RESIDENTIAL	– R-3
MULTI-UNIT RESIDENTIAL	– R-4
RETAIL / COMMERCIAL	– C-1
HIGHWAY COMMERCIAL	– C-2
INDUSTRIAL	– I-1
DIRECT CONTROL	– DC
TRANSITIONAL AGRICULTURE	– TA
PUBLIC	– P-1
AIRPORT	– AP

RESIDENTIAL – R-1

INTENT: This district is intended to accommodate single detached residential development on serviced lots in an orderly, economical and attractive manner, while excluding potentially incompatible land uses.

1. PERMITTED USES

Accessory building
Home occupation 1
Shipping container, temporary
Sign (Fascia for home occupation)
Single-unit dwelling
Solar Energy System, roof or wall mounted

DISCRETIONARY USES

Accessory structure
Accessory use
Dwelling, 2-unit
Home occupation 2
Moved-in building
Prefabricated dwelling
Previously occupied dwelling
Public or private utility
Religious assembly
Secondary suite (Attached)
Secondary suite (Detached)
Show home

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft	m	ft	m^2	sq ft
Single-unit dwelling	15.2	50	34.8	110	529.0	5,500
Other use	As required by the MPC					

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Secondary Front		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
Single-unit dwelling	6.1	20	3.0	10	1.5	5	7.0	23
2-unit dwelling	6.1	20	3.0	10	1.5	5	7.0	23
Accessory Building	N/A		N/A		0.6	2	0.6	2
Secondary Suite (Detached) *Laned lot*	N/A		N/A		1.5	5	1.5	5
Secondary Suite (Detached) *Laneless lot*	N/A		N/A		1.5	5	3.0	10
All other uses	As required by the MPC							

4. MAXIMUM SITE COVERAGE

Principal building – 40%

Accessory buildings – 15%

Total combined coverage of all principal and accessory buildings – 55%

Site Specific Requirements for Condominium Plans 0111260, 0212256, and 0414588

Where no accessory buildings are present, the principal building is permitted up to 55% site coverage.

5. MINIMUM FLOOR AREA

Single-unit dwelling – 56.5 m^2 (500 sq ft)

All others – As required by the Development Authority

6. MAXIMUM BUILDINGS HEIGHT

Accessory buildings – 4.6 m (15 ft)

Single-unit dwelling – 10.2 m (33.5 ft)

All others – As required by the Development Authority

7. MINIMUM WIDTH OF PREFABRICATED DWELLINGS

Minimum width – 10.8 m (36 ft)

All other uses – As required by the MPC

8. EXEMPTIONS

The Municipal Planning Commission may approve a development on an existing registered lot the minimum dimensions or area of which are less than those specified in this district provided, however, that the minimum area is at least 232.3 m^2 (2,500 sq ft).

The following schedules and sections are provided for reference only. Other sections of this bylaw may apply to an application; please consult the Development Officer for details.

9. GENERAL AND USE SPECIFIC STANDARDS OF DEVELOPMENT – Schedule 4

Parking – Section 7
Alternative energy – Section 12
Show home – Section 15

10. RESIDENTIAL STANDARDS OF DEVELOPMENT – Schedule 5

Accessory buildings – Section 1
Fences – Section 5
Decks – Section 6
Home Occupations – Section 11
Prefabricated dwelling – Section 12
Moved-in building – Section 14

Previously occupied dwelling – Section 15
Secondary suite – Section 16

11. SIGN REGULATIONS – Schedule 7

MANUFACTURED HOME – R-2

INTENT: This district is intended to provide an area for manufactured homes and to regulate the development and use of land for them and other listed uses.

1. PERMITTED USES

Accessory building
Home occupation 1
Manufactured home
Shipping container, temporary
Sign (Fascia for home occupation)
Solar Energy System, roof or wall mounted

DISCRETIONARY USES

Accessory structure
Accessory use
Home occupation 2
Moved-in building
Prefabricated dwelling
Public or private utility
Secondary suite (Attached)
Secondary suite (Detached)
Show home

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft	m	ft	m^2	sq ft
Manufactured home	15.2	50	30.5	100	464.5	5,000
Other use	As required by the MPC					

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Secondary Front		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
Manufactured home	6.1	20	3.0	10	1.5	5	3.0	10
Accessory building	6.1	20	3.0	10	1.5	5	1.5	5
Secondary Suite (Detached) *Laned lot*	N/A		N/A		1.5	5	1.5	5
Secondary Suite (Detached) *Laneless lot*	N/A		N/A		1.5	5	3.0	10
All other uses	As required by the MPC							

4. MAXIMUM SITE COVERAGE

Principal building – 40%
Accessory buildings – 15%

5. MINIMUM FLOOR AREA

56.5 m^2 (500 sq ft)

6. MAXIMUM BUILDING HEIGHT

All uses – 4.6 m (15 ft)

The following schedules and sections are provided for reference only. Other sections of this bylaw may apply to an application; please consult the Development Officer for details.

7. GENERAL AND USE SPECIFIC STANDARDS OF DEVELOPMENT – Schedule 4

Parking – Section 7
Alternative energy – Section 12
Show home – Section 15

8. RESIDENTIAL STANDARDS OF DEVELOPMENT – Schedule 5

Accessory buildings – Section 1
Fences – Section 5
Decks – Section 6
Home Occupations – Section 11
Prefabricated dwelling – Section 12
Manufactured Homes – Section 13
Moved-in building – Section 14
Secondary suite – Section 16

9. SIGN REGULATIONS – Schedule 7

COUNTRY RESIDENTIAL – R-3

INTENT: This district is intended to allow for the development of larger acreage lots where the primary function of single-unit dwellings is supported by secondary uses.

1. PERMITTED USES

Accessory building (less than 840 sq ft)
Home occupation 1
Shipping container, temporary
Sign (Fascia for home occupation)
Single-unit dwelling
Solar Energy System, roof or wall mounted

DISCRETIONARY USES

Accessory building (greater than 840 sq ft)
Accessory structure
Accessory use
Home occupation 2
Market garden
Moved-in building
Prefabricated dwelling
Previously Occupied Dwelling
Public or private utility
Secondary suite (Attached)
Secondary suite (Detached)
Show home
2-unit dwelling

2. MINIMUM LOT SIZE

0.4 hectares (1.0 acres)

Minimum depth – 76.2 m (250 ft)

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Secondary Front		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
Single-unit dwelling	7.6	25	3.0	10	1.5	5.0	7.0	23
Accessory building or structure	7.6	25	3.0	10	1.5	5.0	7.0	23
Secondary Suite (Detached) *Laned lot*	N/A		N/A		1.5	5	1.5	5
Secondary Suite (Detached) *Laneless lot*	N/A		N/A		1.5	5	3.0	10
All other uses	As required by the MPC							

4. MAXIMUM SITE COVERAGE

Principal building – As required by the Development Authority

Accessory buildings – As required by the Development Authority

5. MINIMUM FLOOR AREA

92.9 m^2 (1000 sq. ft)

6. MAXIMUM BUILDING HEIGHT

Principal building – 10.2 m (33.5 ft)

Accessory buildings – 4.6 m (15 ft)

7. KEEPING OF ANIMALS

The keeping of animals shall be in accordance with the Town of Vulcan's bylaw regarding such.

8. SERVICING STANDARDS

(a) **Sanitary Sewer**

All proposed subdivisions or developments will be required to connect to municipal sanitary sewer at the landowner's cost when it becomes available. As an interim measure, septic fields will be allowed provided percolation tests demonstrate soil suitability.

(b) **Treated Water**

All proposed subdivisions or developments will be required to be serviced by municipal treated water.

(c) **Storm Water**

All proposed subdivisions or developments will be required to address storm water management in the overall design and individual site grading.

(d) **Road Construction**

All internal roadways servicing a proposed development will be required to be built to the Town of Vulcan's standards keeping in mind overland storm water drainage, grading, road maintenance and emergency access.

The following schedules and sections are provided for reference only. Other sections of this bylaw may apply to an application; please consult the Development Officer for details.

9. GENERAL AND USE SPECIFIC STANDARDS OF DEVELOPMENT – Schedule 4

Parking – Section 7
Alternative energy – Section 12
Show home – Section 15

10. RESIDENTIAL STANDARDS OF DEVELOPMENT – Schedule 5

Accessory buildings – Section 1
Fences – Section 5
Decks – Section 6
Home Occupations – Section 11
Prefabricated dwelling – Section 12
Moved-in building – Section 14
Previously occupied dwelling – Section 15
Secondary suite – Section 16

11. SIGN REGULATIONS – Schedule 7

MULTI-UNIT RESIDENTIAL – R4

INTENT: This district is intended to provide residential areas which will accommodate medium density housing within the community where high-quality multi-unit dwelling environments are integrated into either existing or proposed residential neighbourhoods.

1. PERMITTED USES

Accessory building
Home occupation 1
Shipping container, temporary
Sign (Fascia for home occupation)
Solar Energy System, roof or wall mounted

DISCRETIONARY USES

Accessory structure
Accessory use
Apartment building
Assisted living
Boarding house
Day home
Dwelling, 3-unit, 4-unit
Dwelling, row (more than 4 units)
Home occupation 2
Moved-in building
Public or private utility
Senior citizen housing
Show home

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft	m	ft	m^2	sq ft
3, 4-unit and Row dwelling						
– interior lot	6.1	20	30.5	100	185.8	2,000
– corner lot	9.1	30	30.5	100	278.7	3,000
Apartment building	30.5	100	30.5	100	929.0	10,000

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Secondary Front		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
3, 4-unit and Row dwelling	7.6	25	3.0	10	1.5	5	7.6	25
Apartment building	7.6	25	3.0	10	1.5	5	7.6	25
Accessory building	N/A		N/A		1.5	5	7.6	25
All other uses	As required by the MPC							

4. MAXIMUM PERCENTAGE OF LOT COVERAGE

Principal building – 50%

Accessory building – 10% or 111.5 m^2 (1,200 sq ft), whichever is less

Site Specific Requirements for Condominium Plans 0111260, 0212256, and 0414588

Where no accessory buildings are present, the principal building is permitted up to 55% site coverage.

5. MINIMUM FLOOR AREA

3, 4-unit dwelling – 46.5 m^2 (500 sq ft) per unit

Row dwelling – 46.5 m^2 (500 sq ft) per unit

Apartment – 46.5 m^2 (500 sq ft) per unit

All others – As required by the MPC

6. SPECIAL DEVELOPMENT STANDARDS

The side setback requirement does not preclude the building of a 3 or 4-unit dwelling, a row dwelling where each dwelling is separated by a party wall and on a separate title.

7. HIGHER DENSITY RESIDENTIAL

When dealing with proposals for higher density residential development in existing developed neighbourhoods, the following should be considered:

(a) compatibility with the general height, building design and nature of existing houses;

(b) adequate off-street parking;

(c) suitable landscaping and on-site amenities such as playground equipment, etc.;

(d) adequacy and proximity of community facilities such as schools, shopping, recreational facilities and open space;

(e) the ability of municipal utilities to accommodate the proposed density of development; and

(f) possible impact on future land uses and the street system.

The following schedules and sections are provided for reference only. Other sections of this bylaw may apply to an application; please consult the Development Officer for details.

8. GENERAL AND USE SPECIFIC STANDARDS OF DEVELOPMENT – Schedule 4

Parking – Section 7
Alternative energy – Section 12
Shipping container, temporary – Section 14
Show home – Section 15

9. RESIDENTIAL STANDARDS OF DEVELOPMENT – Schedule 5

Accessory buildings – Section 1
Fences – Section 5
Decks – Section 6
Home Occupations – Section 11
Moved-in building – Section 14
Secondary suite – Section 16

10. SIGN REGULATIONS – Schedule 7

RETAIL / COMMERCIAL – C-1

INTENT: This district is intended to provide an area suited to intensive commercial uses, including the redevelopment of existing uses, which are convenient and attractive to pedestrians, while offering ready vehicular access and adequate parking.

1. PERMITTED USES

Accessory building
Amusement facility
Club or fraternal organization
Financial institution
Hotel / Motel
Office
Personal service
Retail
Shipping container, temporary
Sign
Solar Energy System, roof or wall mounted

DISCRETIONARY USES

Accessory structure
Accessory use
Animal care service, small
Automotive repair
Bakery
Car wash
Child Care Facility
Contractor, limited
Convenience store
Entertainment establishment
Farmer's market
Funeral home
Liquor store
Lounge/beverage room/drinking establishment
Medical/health facility
Mixed-use residential
Moved-in building
Outdoor storage
Parking facility
Public and institutional
Publishing, broadcasting or recording establishment
Public or private utility
Religious assembly
Restaurant
Retail cannabis store
Solar Energy System, ground mounted
Specialty manufacturing

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft	m	ft	m^2	sq ft
All Uses	7.6	50	—	—	232.2	2,500

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
All uses	None required		None required		7.6	25

4. MAXIMUM SITE COVERAGE

All buildings – 80%

5. MAXIMUM BUILDING HEIGHT

All buildings – 10.7 m (35 ft)

6. EXEMPTIONS

The Municipal Planning Commission may approve a development on an existing registered lot, the minimum dimensions or area of which are less than those specified in this district provided that the minimum area is at least 139.4 m^2 (1,500 sq ft).

The following schedules and sections are provided for reference only. Other sections of this bylaw may apply to an application; please consult the Development Officer for details.

7. GENERAL AND USE SPECIFIC STANDARDS OF DEVELOPMENT – Schedule 4

Parking – Section 7
Alternative energy – Section 12
Shipping container, temporary – Section 14

8. COMMERCIAL / INDUSTRIAL STANDARDS OF DEVELOPMENT – Schedule 6

Accessory buildings – Section 8
Fences – Section 4
Landscaping – Section 3
Mix-use residential – Section 11
Moved-in building – Section 9

9. SIGN REGULATIONS – Schedule 7

HIGHWAY COMMERCIAL – C-2

INTENT: This district is intended to ensure the sites adjacent to the highway are reserved for appropriate commercial uses.

1. PERMITTED USES

Accessory building
Accessory use [not exceeding 139.4 m^2 (1,500 sq ft)]
Contractor, limited
Hotel / Motel
Office
Public and institutional
Retail
Shipping container, temporary
Sign
Solar Energy System, roof or wall mounted

DISCRETIONARY USES

Accessory structure
Accessory use [exceeding 139.4 m^2 (1,500 sq ft)]
Automotive sales and service
Bulk fuel and chemical storage
Car wash
Contractor, general
Convenience store
Machinery sales rental and service
Farmer's market
Liquor store
Mini storage
Moved-in building
Outdoor storage
Public or private utility
Restaurant
Retail cannabis store
Service station or gas bar
Shipping container
Specialty manufacturing
Truck wash
Wholesale outlet

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft	m	ft	m^2	sq ft
All Uses	47.5	150	45.7	150	2,090.3	22,500

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Secondary Front		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
All uses	7.6	25	7.6	25	6.1	20	6.1	20

4. MAXIMUM SITE COVERAGE

All buildings – 60%

5. MAXIMUM BUILDING HEIGHT

All buildings – 10.7 m (35 ft)

6. EXEMPTIONS

The Municipal Planning Commission may approve a development on an existing registered lot, the minimum dimensions or area of which are less than those specified in this district provided that the minimum area is at least 929.0 m^2 (10,000 sq ft).

The following schedules and sections are provided for reference only. Other sections of this bylaw may apply to an application; please consult the Development Officer for details.

7. GENERAL AND USE SPECIFIC STANDARDS OF DEVELOPMENT – Schedule 4

Parking – Section 7
Alternative energy – Section 12
Shipping container – Section 14

8. COMMERCIAL / INDUSTRIAL STANDARDS OF DEVELOPMENT – Schedule 6

Accessory buildings – Section 8
Fences – Section 4
Landscaping – Section 3
Moved-in building – Section 9
Outdoor storage – Section 6
Service station or gas bar – Section 12

9. SIGN REGULATIONS – Schedule 7

10. TELECOMMUNICATION ANTENNA SITING PROTOCOL – Schedule 8

INDUSTRIAL – I-1

INTENT: This district is intended to encourage the orderly development of this district in a manner compatible with other land uses.

1. PERMITTED USES

Accessory building
Automotive sales and service
Auctioneering facility
Contractor, limited
Equipment sales, rental and service
Farmer's market
Grain elevator
Machinery sales, rental and service
Shipping container, temporary
Sign
Solar Energy System, roof or wall mounted

DISCRETIONARY USES

Abattoir
Accessory structure
Accessory use
Alternative energy, wind
Animal care service, large
Aquaculture
Aquaponics
Auto body and paint shop
Automotive repair
Auto wreckage
Building supply outlet
Bulk fuel and chemical storage
Cannabis production facility
Car wash
Commercial recreation
Contractor, general
Food processing plant
Kennel
Light industrial
Light fabricating shops
Liquor store
Manufacturing and fabrication
Mini storage
Moved-in building
Office
Outdoor storage
Public or private utility
Railway
Retail cannabis store
Service station or gas bar
Shipping container
Solar Energy System, ground mounted
Specialty manufacturing
Surveillance suite
Transportation/delivery service
Transportation dispatch/depot
Truck stop
Truck wash
Waste management sites
Warehouse
Wholesale outlet

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft	m	ft	m^2	sq ft
All Uses	30.5	100	30.5	100	930.3	10,000

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Secondary Front		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
All uses	7.6	25	4.6	15	3.0	10	7.6	25

4. MAXIMUM SITE COVERAGE

All buildings – 60%

The following schedules and sections are provided for reference only. Other sections of this bylaw may apply to an application; please consult the Development Officer for details.

5. GENERAL AND USE SPECIFIC STANDARDS OF DEVELOPMENT – Schedule 4

Parking – Section 7
Alternative energy – Section 12
Shipping container – Section 14

6. COMMERCIAL / INDUSTRIAL STANDARDS OF DEVELOPMENT – Schedule 6

Accessory buildings – Section 8
Fences – Section 4
Bulk fuel, service station or gas bar – Section 12
Landscaping – Section 3
Medical marihuana production facility – Section 13
Moved-in building – Section 9
Outdoor storage – Section 6
Surveillance suite – Section 10

7. SIGN REGULATIONS – Schedule 7

8. TELECOMMUNICATION ANTENNA SITING PROTOCOL – Schedule 8

DIRECT CONTROL – DC

INTENT: This district is intended to provide a means whereby Council may exercise particular control over the use and development of land or building within an area of the municipality; and to provide a means whereby Council may regulate and control the use or development of land or building in any manner it considers necessary.

1. PARAMETERS FOR ADOPTION OF A DIRECT CONTROL DISTRICT

The Council may by bylaw establish such parameters for development as it considers necessary in respect of any site within this District, and in so doing may vary or waive any development regulation or any servicing standards, or issue any directions to the Development Authority it considers appropriate on a Development Permit application. In developing the parameters for a new bylaw Council should consider the following:

(a) **Permitted and Discretionary Uses**

Any use Council considers appropriate.

(b) **Minimum Lot Size**

At the discretion of Council.

(c) **Minimum Setback Requirements**

At the discretion of Council.

(d) **Standards of Development**

A detailed concept plan shall be submitted with the application to the satisfaction of Council.

(e) **Other Standards**

As required by Council.

2. DEVELOPMENT APPROVAL PROCESS

See Administration Section 30.

3. TRACKING

All adopted direct control bylaws will be listed in Schedule 9 for tracking purposes and recorded on the land use district map for reference.

TRANSITIONAL AGRICULTURE – TA

INTENT: This district is intended to limit development in areas along the community's fringe to uses which will not constrain more intensive urban development in the future.

1. PERMITTED USES

Extensive agriculture
Home occupation 1
Shipping container, temporary
Sign (Fascia for home occupation)
Solar Energy System, roof or wall mounted

DISCRETIONARY USES

Accessory building
Accessory use
Animal care service, large
Campground
Intensive horticultural operation
Home occupation 2
Garden centre or greenhouse
Market garden
Prefabricated dwelling
Public or private utility
Shipping container
Single-unit dwelling

2. MINIMUM LOT SIZE

2 hectares (5 acres)

3. SPECIAL REQUIREMENT

The Municipal Planning Commission may require that a discretionary use may only be approved when an area structure plan for the site has been adopted by Council.

4. MINIMUM SETBACK REQUIREMENTS

As required by the Development Officer or Municipal Planning Commission.

5. MAXIMUM SITE COVERAGE

As required by the Development Officer or Municipal Planning Commission.

6. KEEPING OF ANIMALS

The keeping of farm animals shall be governed by the Town of Vulcan's bylaw on such.

The following schedules and sections are provided for reference only. Other sections of this bylaw may apply to an application; please consult the Development Officer for details.

7. GENERAL AND USE SPECIFIC STANDARDS OF DEVELOPMENT – Schedule 4

Parking – Section 7
Alternative energy – Section 12
Shipping container – Section 14

8. RESIDENTIAL STANDARDS OF DEVELOPMENT – Schedule 5

Accessory buildings – Section 1
Fences – Section 5
Decks – Section 6
Home occupations – Section 11
Moved-in building – Section 14

9. SIGN REGULATIONS – Schedule 7

PUBLIC – P-1

INTENT: This district is intended to provide for institutional, public and semi-public uses as well as public land for outdoor recreation and parks which are compatible with each other and with adjoining land use districts.

1. PERMITTED USES

Public and institutional
Public park
Shipping container, temporary
Sign
Solar Energy System, roof or wall mounted

DISCRETIONARY USES

Assisted living
Child care facility
Club or fraternal organization
Commercial recreation
Community association building or community hall
Farmer's market
Golf course
Group care facility
Hospital
Medical/health facility
Public or private utility
Religious assembly
School
Senior citizen housing
Shipping container
Solar Energy System, ground mounted

2. MINIMUM LOT SIZE

As required by the Development Authority.

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Secondary Front		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
Public and institutional	7.6	25	3.0	10	3.0	10	7.6	25
All other uses	As required by the MPC							

4. MAXIMUM SITE COVERAGE

All buildings – 50%

5. MAXIMUM BUILDING HEIGHT

All buildings – 10.7 m (35 ft)

The following schedules and sections are provided for reference only. Other sections of this bylaw may apply to an application; please consult the Development Officer for details.

6. GENERAL AND USE SPECIFIC STANDARDS OF DEVELOPMENT – Schedule 4

Parking – Section 7
Alternative energy – Section 12

7. SIGN REGULATIONS – Schedule 7

AIRPORT – AP

INTENT: This district is intended to ensure for a variety of development to occur within this district in a manner consistent with federal legislation relating to airports and air traffic, and that is compatible with existing and surrounding uses.

1. PERMITTED USES

Airport facility
Extensive agriculture
Shipping container, temporary
Sign
Solar Energy System, roof or wall mounted

DISCRETIONARY USES

Accessory structure
Accessory use
Alternative energy, wind
Intensive horticultural operation
Light industrial
Public or private utility
Shipping container
Solar Energy System, ground mounted

2. MINIMUM LOT SIZE

As required by the Development Authority in consultation with the Airport Commission, Transport Canada and Navigation Canada.

3. MINIMUM SETBACK REQUIREMENTS

As required by the Development Authority in consultation with the Airport Commission, Transport Canada and Navigation Canada.

4. HEIGHT LIMITATIONS

As required by the Development Authority in consultation with the Airport Commission, Transport Canada and Navigation Canada.

The following schedules and sections are provided for reference only. Other sections of this bylaw may apply to an application; please consult the Development Officer for details.

5. GENERAL AND USE SPECIFIC STANDARDS OF DEVELOPMENT – Schedule 4

Parking – Section 7
Alternative energy – Section 12
Shipping container – Section 14

6. COMMERCIAL / INDUSTRIAL STANDARDS OF DEVELOPMENT – Schedule 6

Fences – Section 4
Landscaping – Section 3

7. SIGN REGULATIONS – Schedule 7

Schedule 2

LAND USE DEFINITIONS

Schedule 2

LAND USE DEFINITIONS

A

ABATTOIR means the use of land or buildings as a facility for the confinement and slaughter of animals and may include the processing of meat products.

ACCESSORY BUILDING means any building that is physically separate from the principal building on the lot on which both are located and which is subordinate and incidental to that of the principal building. The use is subordinate and incidental to that of the principal use of the site on which it is located and examples of a typical accessory building are a private garage or shed. No accessory building shall be used for human habitation.

ACCESSORY STRUCTURE means a structure that is detached from the principal building. It is ancillary, incidental, and subordinate to the principal building or use. Typical accessory structures include flagpoles, swimming pools, storage tanks, and satellite dishes. When a structure is attached to the principal building by a roof, a floor, a wall, or a foundation, either above or below grade, it is considered part of the principal building. No accessory structure shall be used for human habitation.

ACCESSORY USE means a use or development customarily incidental and subordinate to the principal use or building and is located on the same parcel as such principal use or building. A principal use must be legally established or approved before an accessory use can be approved.

ADULT ESTABLISHMENT means a development in which a significant portion of the business is to:

(a) display, sell, have in their possession for sale, offer for view, publish, disseminate, give, lease, or otherwise deal in any written or printed matter, pictures, films, sound recordings, machines, mechanical devices, models, facsimiles, or other material and paraphernalia depicting sexual conduct or nudity and which exclude minors by reason of age; and/or

(b) which display for viewing any film or pictures depicting sexual conduct or nudity and which exclude minors by reason of age; and/or

(c) in which any person appears or performs in a manner depicting sexual conduct or involving nudity and from which minors are excluded by reason of age.

AGLC means Alberta Gaming, Liquor and Cannabis Commission.

AIRPORT FACILITY means a development as recognized by Transport Canada that includes aviation related structures and buildings necessary for navigation, maintenance and storage.

ALTERNATIVE ENERGY, WIND means a structure that collects energy derived from the wind and is for the sole consumption of the landowner, resident or occupant.

AMMONIA STORAGE means a development of a building and/or containment facility used for the safe storage of ammonia and ammonia products normally associated with use for agricultural purposes.

AMUSEMENT FACILITY means development for amusement pastimes, and may incorporate eating facilities as an accessory use. Such uses may include but are not limited to, amusement arcades, billiard parlours, bingo halls, bowling alleys, and indoor mini-golf.

ANIMAL CARE SERVICE, LARGE means any development maintained and operated by a licensed veterinarian for the on-site or off-site treatment of animals. The development may also be used for on-site boarding, breeding or training of animals and livestock. The facility may also include outside buildings and pens associated with the service and the supplementary sale of associated animal care products. Typically, this use will include veterinary offices or hospitals, animal shelters, and facilities for impounding and quarantining animals.

ANIMAL CARE SERVICE, SMALL means development for the on-site treatment and/or grooming of small animals such as household pets, where on-site accommodation may be provided and where all care and confinement facilities are enclosed within one particular building. This use may also include the supplementary sale of associated animal products. Typically, this use will include pet grooming salons, pet clinics and veterinary offices.

APARTMENT BUILDING means a development with several self-contained dwelling units (see definition of dwelling unit), each of which occupies a portion of the same building. Such a building will typically consist of five or more apartments for rent includes an area for tenant and visitor parking and have a common entrance.

AQUACULTURE means a development of an agricultural operation, also known as aqua-farming or cultured fish, where the use of land or building produces aquatic organisms such as fish, crustaceans, mollusks and aquatic plants. Aquaculture involves cultivating freshwater and saltwater populations under controlled conditions. This use must comply with all regulation and permitting of Alberta Agriculture.

AQUAPONICS means development of an agricultural operation where the use of land or building combines conventional aquaculture with hydroponics (cultivating plants in water) in a symbiotic environment for food production. This use must comply with all regulation and permitting of Alberta Agriculture.

ASSISTED LIVING means a development with a special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. The facility may include a central or private kitchen, dining, recreational, and other facilities, with separate dwelling units or living quarters, where the emphasis of the facility remains residential.

AUTO BODY AND PAINT SHOP means a development of a building where motor vehicles are repaired and also where motor vehicle bodies and parts, and other metal machines, components, or objects may be painted. Painting of this type shall not be done outdoors, but must be set up in a properly ventilated building. This use may also include an outdoor storage area, towing and impound yard and an office component.

AUTOMOTIVE REPAIR means a development primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups and transmission work, provided it is conducted within a completely enclosed building. Outdoor storage is a separate use.

AUTOMOTIVE SALES AND SERVICE means a development for the retail sale, lease, or rental of new or used automobiles and/or recreational vehicles and/or a facility for the repair and servicing of automobiles and/or recreational vehicles including, but not limited to, mufflers, oil changes, transmissions, engine replacement, glass repair, auto detailing. Such facilities do not include the sale of gas but may include towing services as an accessory use.

AUCTIONEERING FACILITY means a development where animals or goods are regularly bought, sold, or traded to the highest bidder. The facility may also include holding pens and viewing areas, transport facilities, spectator seating, and administrative offices. This definition does not apply to individual sales of animals or goods by private owners.

AUTO WRECKAGE means a development or operation specifically intended for the dismantling of automotive vehicles and the sale of those parts to the general public. Such a facility may include an administrative office, work areas, towing and impound yard, and outdoor storage. The parcel of land on which the facility exists must be completely fenced according to Town standards.

B

BAKERY means a development of a small-scale, on-site production of food products that may include retail sales, display, storage and eating facilities.

BALCONY means an accessory structure where the projecting platform is elevated greater than 0.6 m (2 ft) from grade and usually surrounded by a railing. The platform is attached to or extending horizontally from one or more main walls of a building with one side greater than 1 m (3 ft) in width open to the elements. It may be cantilevered from the building or supported from below.

BED AND BREAKFAST means a development of an accessory use carried out in an owner-occupied dwelling where temporary accommodation is provided to non-residents of the dwelling for remuneration, and where meals, if provided for guests, are prepared in the common kitchen of the principal residence.

BOARDING HOUSE means a development of a private dwelling in which lodgers rent room(s) for one night or even more extended periods of weeks or months. The common parts of the house, such as bathroom(s), kitchen, and living areas, are maintained by the private owner. Meals, laundry or cleaning may be provided as part of the lodging agreement.

BUILDING SUPPLY OUTLET means an industrial premise used for storage, milling, and wholesale sales of a broad range of building materials and tools, and which may include a retail operation. This use includes lumber yards, carpet flooring shops, supply shops, and plumbing, heating, sheet metal, electrical supply shops. It may also include fire and safety supplies, paint stores, and hardware and tool stores.

BULK FUEL AND CHEMICAL STORAGE means development where refined or crude oil, fuel, or liquid or solid chemical is stored, and includes the storage of dangerous/hazardous substances, as defined by the *Alberta Dangerous Goods Transportation and Handling Act* and the Major Industrial Accidents Council of Canada (MAICC). The development may include facilities for cleaning, blending or packaging of bulk oil, fuel or chemicals, but does not include manufacture of any of these products. This use includes supplementary tanker vehicle storage and card lock or key lock fuel distribution facilities.

BUSINESS means a commercial, merchandising, or industrial activity or undertaking, a profession, trade, occupation, calling or employment or an activity providing goods or services, whether or not for profit and however organized or formed, including a cooperative or association of persons.

BUSINESS SUPPORT SERVICE means a development primarily engaged in providing services for other business establishments such as advertising, copying, equipment, financial services, employment services, and other similar services.

C

CAMPGROUND means a development intended for seasonal occupancy by holiday or tent trailers, recreation vehicles, tents and similar equipment and which may include supplementary bathroom and recreational facilities, eating shelters, convenience retail, laundry facilities, and dwelling accommodations for the operator.

CANNABIS means cannabis as defined by the *Federal Cannabis Act*.

CANNABIS ACCESSORIES means accessories that promote the responsible and legal consumption and storage of cannabis.

CANNABIS PRODUCT means a product that contains cannabis.

CANNABIS PRODUCTION FACILITY means development where medical marihuana is grown, processed, packaged, tested, destroyed, stored or loaded for shipping.

CAR WASH means a development providing for the cleaning of motor vehicles but does not include SERVICE STATIONS/GAS BARS.

CARPORT means a partially enclosed accessory structure intended for the shelter of one or more motor vehicles with at least 40 percent (40%) of the total perimeter open and unobstructed.

CEMETERY AND INTERMENT SERVICES means a development for the entombment of the deceased and may include such facilities as crematories, cinerarium, columbarium, mausoleums, memorial parks, burial grounds, cemeteries and gardens of remembrance. See PUBLIC AND INSTITUTIONAL.

CHILD CARE FACILITY means a development used for the provision of care, maintenance and supervision of seven or more children, by persons unrelated to the children by blood or marriage, for periods not exceeding 24 consecutive hours and includes all child-care centres, day cares, nurseries and

after-school or baby-sitting programs which meet the conditions of this definition. Day homes are separate home occupation uses.

CHURCH means a development whose primary purpose is to facilitate meetings of a group of people for public worship or religious services. See RELIGIOUS ASSEMBLY**.**

CLUB OR FRATERNAL ORGANIZATION means a development for the assembly of members of non-profit clubs or organizations, including charitable, social service, ethnic, athletic, business or fraternal organizations. This use may include eating, drinking, entertainment, sports, recreation and amusement facilities as accessory uses but "Campground" is a separate use.

COMMERCIAL RECREATION means a development for recreational activities that charges a fee and is not operated by a public body. Such uses include, but are not limited to, gymnasiums, athletic/sport fields, shooting ranges, paint-ball, go-cart tracks, golf courses and ranges, outdoor min-golf, recreation centres, indoor/outdoor ice rinks, campgrounds retreats and country clubs. Fitness facility is a separate use.

COMMUNITY ASSOCIATION BUILDING or COMMUNITY HALL means a development whose primary purpose is to accommodate use by community group(s). The structure may include such features as meeting rooms, kitchen, stage and open floor area, bar/liquor area, multi-purpose rooms, washrooms, coat room, storage room(s) and administrative offices. Exterior uses may include parking, playground areas, outdoor shelters, and sitting areas.

CONTRACTOR, GENERAL means development used for industrial service support and construction. Typical uses include cleaning and maintenance contractors, building construction, landscaping, concrete, electrical, excavation, drilling heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor use.

CONTRACTOR, LIMITED means a development used for the provision of electrical, plumbing, heating, painting, catering and similar contractor services primarily to individual household and the accessory sales of goods normally associated with the contractor services where all material are kept within an enclosed building, and there are no accessory manufacture activities or fleet storage of more than four vehicles.

CONVENIENCE STORE means a development that sells a limited line of groceries and household goods for the convenience of the neighbourhood.

D

DAY HOME means a home occupation development within a private residence where care, development and supervision are provided for a maximum of six children as defined in the *Early Learning and Child Care Act*, by persons unrelated to the children by blood or marriage, for periods not exceeding 24 consecutive hours. Any child who ordinarily resides in the dwelling is excluded from the total number of children in care.

DECK means an accessory structure consisting of a paved, wooden, or other hard-surfaced area generally adjoining a principal building intended for outdoor living space that is 0.6 m (2 ft) or greater above grade.

DETACHED GARAGE means an accessory building designed and used primarily for the storage of motor vehicles that is not attached or is separate from the principal building.

DRIVE-IN/DRIVE-THROUGH RESTAURANT means a development where food is prepared and served on the premise for sale to the public and includes car attendant and/or drive-through, pick-up service. See RESTAURANT.

DWELLING means a development designed for human habitation and which is intended to be used as a residence for one or more individuals but does not include travel trailers, motor homes, recreational vehicles, or other mobile living units, hotel, motel, dormitory, boarding house, or other similar accommodation. Dwelling includes the following:

> **Single-unit dwelling** means a development containing only one dwelling unit which is to be constructed on site and is to be placed on a basement or permanent slab foundation.
>
> **2-unit dwelling** means a development that contains two separate dwelling units connected either by a common floor/ceiling, or by a common wall (party wall) between units.
>
> **3-unit dwelling** means a development comprised of three dwelling units, each unit having a separate, direct entrance from grade or a landscaped area. Each dwelling unit will be connected either by a common floor/ceiling, or by a common wall (party wall) between units.
>
> **4-unit dwelling** means a development comprised of four dwelling units, each unit having a separate, direct entrance from grade or a landscaped area. Each dwelling unit will be connected either by a common floor/ceiling, or by a common wall (party wall) between units.
>
> **Row dwelling** means development consisting of a building containing a row of four or more dwelling units each sharing a common wall extending from the first floor to the roof, at the side only with no dwelling being place over another in whole or in part. Each dwelling unit shall have separate, individual, and direct access to the building at grade.

DWELLING UNIT means a building or portion thereof designated or used exclusively as the living quarters for one or more persons and contains a kitchen and living, sleeping, and sanitary facility.

E

EATING ESTABLISHMENT means a development where food is prepared and served on the premises for sale to the public and may include supplementary on- or off-premises catering services. This term includes restaurants, cafes, lunch and tea rooms, ice cream parlours, banquet facilities, take-out restaurants and other uses similar in character and nature. See RESTURANT.

EDUCATIONAL FACILITY means a development of instruction offering continuing education or specialized courses of study. Included in the category may be public, private, and commercial institutions. See SCHOOL.

ENTERTAINMENT ESTABLISHMENT means a development such as a theatre, auditorium, lounge or cabaret providing dramatic, musical or other entertainment indoors or outdoors and may include facilities for supplementary food and beverage consumption.

EQUIPMENT SALES, RENTAL AND SERVICE means a development for the retail sale, wholesale distribution, rental and/or service of: hand tools, small construction, farming, gardening and automotive equipment, small machinery parts and office machinery and equipment.

EXTENSIVE AGRICULTURE means a development for the production of crops or livestock or both by expansive cultivation or open grazing only. Barns, quonsets and other similar buildings associated with extensive agriculture are classified as accessory structures. This use does not include agricultural-related industry buildings or uses such as packaging plants, processing plants, agricultural support services or any other similar uses or structures.

F

FARMER'S MARKET means a development where fresh farm or garden produce is sold in a retail or wholesale setting and where goods are typically displayed in bulk bins or stalls for customer selection. This use includes vendors of fruit, vegetables, meat products, baked goods, dry goods, spices and non-food products such as handicrafts, provided that the sale of fresh food products remains the primary function.

FARM SUPPLIES AND SERVICE means a development for the sale, storage and distribution of grain (including grain elevators), livestock feed, fertilizer and chemicals used in agriculture.

FENCE means an accessory structure usually made of wood, rails, bricks or wire intended to mark parcel boundaries and provide yard privacy.

FINANCIAL INSTITUTION means a development primarily for providing the service of banking or lending money, such as a bank, savings and loan institution, or credit union.

FITNESS FACILITY means a development where space, equipment or instruction is provided for people to pursue physical fitness or skills relating to physical activities and may include the incidental sale of products relating to the service provided. See PERSONAL SERVICE.

FOOD PROCESSING PLANT means a development, other than a restaurant or catering establishment, in which agricultural products are prepared, processed, preserved, graded or stored for eventual human consumption, and includes a flour mill, a dairy, a bakery, or an egg grading station, but does not include an abattoir or any premises used for the slaughtering of animals or the boiling of blood, tripe or bones.

FUNERAL HOME means a development used for the arrangement of funerals, the preparation of the deceased for burial or cremation, and the holding of funeral services.

G

GARAGE means an accessory private building or part of the principal building, designed and used primarily for the storage of motor vehicles.

GARDEN CENTRE or GREENHOUSE means a development specially designed and used for the commercial growing of vegetables, flowers or other plants for transplanting or sale. The use may include accessory retail uses on the premises.

GARDEN SHED means an accessory structure to store household and garden equipment and supplies.

GENERAL WAREHOUSING AND STORAGE means a development for the storage of goods, equipment, and/or merchandise. The building may include administrative offices, loading areas, parking areas, storage rooms and the retail sale of goods stored in the warehouse. No outdoor storage is permitted with this use.

GOLF COURSE means a development of varying size where the land is developed primarily to accommodate the game of golf. Accessory uses include a pro shop, driving range, food service, and other commercial uses typically associated with a golf course clubhouse facility.

GRAIN ELEVATOR means a development for the collection, grading, sorting, cleaning, storage, and transshipment of grains. This definition also includes 'inland grain terminals'.

GROUP CARE FACILITY means a development which provides residential accommodation and rehabilitative services to persons who are handicapped, disabled or undergoing rehabilitation and are provided care to meet their needs. Persons are typically referred to a group care facility by hospitals, courts, government agencies or recognized social service agencies or health professionals but may also voluntarily request care. This use includes supervised uses such as group homes, half-way houses, and convalescent homes. This use does not include senior citizen housing or assisted living which are separate uses in this bylaw.

H

HEDGE means a row of closely planted shrubs, bushes, or any kind of plant forming a boundary, enclosure or fence.

HOLIDAY TRAILER – see RECREATIONAL VEHICLE

HOME OCCUPATION means an occupation, trade, profession or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the lot, and which does not change the character thereof or have any exterior evidence of such secondary use.

HOSPITAL means a development providing medical treatment on both an in-patient and out-patient basis and may include provision for outdoor amenity areas, laundry facilities, maintenance buildings and air transport facilities.

HOTEL/MOTEL means a development primarily for sleeping accommodation and ancillary services provided in rooms or suites of rooms which may contain bar/kitchen facilities. The building may also contain commercial or other uses and may offer such additional services as parking facilities or lounge, dining room, room service, health/leisure services, or public convention facilities. An associated restaurant shall be processed as separate use.

I

INTENSIVE HORTICULTURAL OPERATION means a development for the high yield production and/or sale of specialty crops.

K

KENNEL means a development where dogs or cats or other domestic pets are maintained, boarded, bred, trained or cared for or kept for the purposes of sale but excludes an Animal Care Service.

L

LIGHT FABRICATION SHOPS means a development including the assembly of metal parts, such as blacksmith and welding shops, sheet metal shops, machine shops, and boiler shops, that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

LIGHT INDUSTRIAL means a development used for processing, assembly, production or packaging of goods or products, as well as administrative offices and warehousing and wholesale distribution uses which are accessory uses to the above, provided that the use does not generate any detrimental impact, potential health or safety hazard or any nuisance beyond the boundaries of the developed portion of the site or lot upon which it is situated.

LIQUOR STORE means a development licensed under provincial authority for the sale of any or all of beer, wine, or spirits for consumption off premises. Full walls must physically separate the premises from any other business.

LOUNGE / BEVERAGE ROOM / DRINKING ESTABLISHMENT means a development, licensed by the Alberta Gaming and Liquor Commission, in which alcoholic beverages are served for a fee for consumption on the premises, and any preparation or serving of food is accessory thereto, and includes a licensed lounge that is ancillary to a restaurant.

LUMBER YARD means a development where lumber, building materials and supplies, and other building-related goods are stored, displayed and sold. See Building supply outlet.

M

MACHINERY AND EQUIPMENT SALES, RENTAL AND SERVICE means a development where the land and buildings are used for the sale, service and rental of machinery, vehicles and heavy machinery used in the operation, construction or maintenance of buildings, roadways, pipelines, oil fields, mining or forestry operations, and in freight hauling operations. Cleaning, repairing and sale of parts and accessories may be allowed as part of the principal use. Such a facility may include an administrative office, ancillary structures, outdoor work areas, parking, and outdoor storage areas.

MANUFACTURED HOME means a completely self-contained dwelling unit, designed and constructed entirely within a factory setting. Typically it is transported to a site in not more than one piece on its own chassis and wheel system or on a flatbed truck. For the purposes of this bylaw, a manufactured home does not include prefabricated dwellings or park model trailer.

MANUFACTURED HOME COMMUNITY means a comprehensively planned residential development intended for the placement of multiple manufactured homes on a single title.

MANUFACTURING AND FABRICATION means a development where the land and buildings are used for the manufacture or fabrication of products or parts, and also the retail sale of such products or parts to the general public. Such a facility may include an administrative office, ancillary structures, outdoor work areas, parking, and outdoor storage areas.

MARKET GARDEN means a development for the growing of vegetables or fruit for commercial purposes. This use includes an area for the display and sale of goods or produce grown or raised on site.

MEDICAL CANNABIS means a substance used for medical purposes authorized by a license issued under the federal government's Marihuana for Medical Purposes Regulations (MMPR) or any subsequent legislation which may be enacted in substitution.

MEDICAL/HEALTH FACILITY means a development for the provision of human health services without overnight accommodation for patients and may include associated office space. Typical uses include physiotherapy, registered massage therapy, doctor, dentist, optometrist, and chiropractic offices.

MINI STORAGE means a development with compartmentalized buildings or a designated site set up for the storage of equipment, household or business materials, or vehicles, but excludes storage of hazardous goods or materials. Accessory to this use is the exterior screened storage of recreational vehicles, boats, trailers and similar items.

MIXED-USE RESIDENTIAL means a development where a building is used partly for residential and partly for commercial use.

MOBILE HOME – see MANUFACTURED HOME

MODULAR means a prefabricated dwelling unit consisting of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. See PREFABRICATED DWELLING.

MOVED-IN BUILDING means a previously used or existing, established and working non-residential building, which is removed from a site, and then transported and re-established on another site.

PREVIOUSLY OCCUPIED DWELLING – See PREVIOUSLY OCCUPIED DWELLING.

MUSEUM means a development used for the preservation, collection, restoration, display or demonstration of articles of historical significance and may include archival records of a geographic area or of a time period. See INSTITUTIONAL.

O

OFFICE means a development primarily for the provision of professional, management, administrative, consulting, or financial services in an office setting. Typical uses include but are not limited to the offices of lawyers, accountants, travel agents, real estate and insurance firms, planners, clerical and secretarial agencies. This excludes public and institutional uses, the servicing and repair of goods, the sale of goods to the customer on the site, and the manufacturing or handling of a product.

OUTDOOR STORAGE means a development of land with or without attendant buildings for the open, outdoor storage of equipment, materials or vehicles, or processed or unprocessed resources or materials. For the purposes of this bylaw, this definition is limited to those uses that require minimal on-site improvements, service and public amenities or facilities and does not include those goods or materials which are hazardous.

P

PANELIZED DWELLING means a prefabricated dwelling unit consisting of factory built wall panels which are assembled on site. All service systems and connections must comply with Alberta Safety Codes. See PREFABRICATED DWELLING.

PARKING FACILITY means a development including parking areas, parking spaces and parking structures which are defined as follows:

(a) **Parking lot** means a development set aside for and capable of providing space for the parking of a number of motor vehicles at grade;

(b) **Parking space** means a development of a space set aside for and capable of being used for the parking of one motor vehicle; or

(c) **Parking structure** means a development designed for parking automobiles in tiers on a number of levels above each other whether or not above or below the ground.

PARK MODEL TRAILER means a recreational vehicle that is either:

(a) built on a single chassis mounted on wheels designed for infrequent towing by a heavy-duty tow vehicle but is restricted in size and weight so that it does not require a special highway movement permit and conforms to the CSA-Z-240 standard for recreational vehicles; or

(b) a recreational vehicle intended for temporary residence or seasonal use built on a single chassis mounted on wheels, which may be removed and returned to the factory, requiring a special tow vehicle and highway permit to move on the road and conforms to the CSA Z-241 standard for recreational vehicles.

PATIO means an outdoor area of a lot developed and used for leisure or recreation purposes.

PERSONAL SERVICE means a development that provide services to an individual that are related to the care and appearance of the body or the cleaning and repair of personal effects. Typical uses include, but are not limited to, barber shops, beauty salons, hairdressers, manicurists, aestheticians, fitness facility, tailors, dress makers, shoe repair shops, dry cleaning establishments, and laundries but does not include health services.

PORCH means a covered, open accessory structure (unenclosed) that is attached to the exterior of a building, often forming a covered entrance to a doorway. The structure does not have solid walls, but may be screened.

PREFABRICATED DWELLING means a development where a dwelling unit or portions of a dwelling unit that is built in a factory or location other than on the lot intended for year-round occupancy and includes modular, ready-to-move and panelized dwellings. The dwelling is a factory built structure that is transportable in one or more sections, and is used as a place for human habitation; but which is not constructed with a permanent hitch, chassis or other device allowing transport of the unit other than for the purpose of delivery to a permanent site. This definition does not include manufactured homes, park model recreational units, park model trailers or travel trailers.

PREVIOUSLY OCCUPIED DWELLING means a conventional previously or currently occupied home that has been physically removed from one site, transported and re-established on another approved site. This use does not include manufactured homes, prefabricated dwelling, motor home, travel trailer, recreation vehicle and any similar vehicles that are neither intended for permanent residential habitation nor subject to the current provincial building requirements.

PUBLIC AND INSTITUTIONAL means a development for any of the following public or semi-public developments:

(a) tourist information centre;

(b) library;

(c) museum;

(d) government and municipal offices, including post office;

(e) courthouses;

(f) exhibition ground;

(g) incubator business;

(h) protective services, including fire hall, police station, and ambulance service; and

(i) cemetery and interment services.

PUBLIC OR PRIVATE UTILITY means a development that includes any one or more of the following:

(a) systems for the distribution of gas, whether artificial or natural;

(b) facilities for the storage, transmission, treatment, distribution or supply of water;

(c) facilities for the collection, treatment, movement or disposal of sanitary sewage;

(d) storm sewage drainage facilities;

(e) systems for the distribution of artificial light or electric power;

(f) facilities used for the storage of telephone, cable, remote weather stations or internet infrastructure;

(g) any other things prescribed by the Lieutenant Governor in Council by regulation.

PUBLIC PARK means a development for public recreational activities that do not require major buildings or facilities, and includes picnic areas, playgrounds, pedestrian and bicycle paths, landscaped areas and associated public washrooms. This may include public open space, which is not in private ownership and is open to use by the public.

PUBLISHING, BROADCASTING OR RECORDING ESTABLISHMENT means a development for the preparation and/or transmission of printed material and/or audio or visual programming.

Q

QUONSET means an accessory building made from metal having a semicircular roof and/or cross section and end walls.

R

READY-TO-MOVE (RTM) DWELLING means a dwelling unit that would normally be constructed on the site intended for occupancy, but for various reasons, is constructed at an off-site manufacturing facility, construction site, plant site or building yard. It is then loaded and transported as one unit onto the proper moving equipment and delivered to the site intended for occupancy and placed on a concrete slab or basement or other approved foundation. See PREFABRICATED DWELLING.

RECREATIONAL VEHICLE / HOLIDAY TRAILER means a transportable living unit, designed to be moved on its own wheels or by other means (including units permanently mounted on trucks), designed or constructed to be used for sleeping or living purposes on a short-term, temporary basis. Such living units are subject to highway safety standards rather than housing standards. Typical units include, but are not limited to, motor homes, campers, holiday trailers, travel trailers, fifth wheel trailers, tent trailers and park model trailers. These units are not permitted as either temporary or permanent dwellings.

RECREATIONAL VEHICLE STORAGE – see OUTDOOR STORAGE

RECYCLING FACILITY means a development for the purchasing, receiving and/or temporary storage of discarded articles, provided that the use does not generate a detrimental effect or nuisance beyond the parcel or lot upon which it is situated. This use may involve supplementary production of by-products or materials and includes bottle, can, and paper recycling depots.

RELIGIOUS ASSEMBLY means a development used for public meetings, worship and related religious or social activities, and includes accessory rectories, manses, meeting rooms and classrooms. Typical uses would include community or civic halls/clubs, churches, chapels, temples, mosques, synagogues, parish halls and convents.

RESTAURANT means a development where food and beverages are prepared and served. The development may include supplementary alcoholic beverage service and catering services. This term will include restaurants, cafes, diners, lunch and tea rooms, ice cream parlors, banquet facilities, take-out restaurants and such other uses as the Municipal Planning Commission considers similar in character and nature to any one of these uses.

RETAIL means a development where goods, merchandise, substances, articles, and other materials, are offered for sale to the general public and includes limited on-site storage or limited seasonal outdoor sales to support that store's operations. Typical uses include but are not limited to grocery, bakery, hardware, pharmaceutical, appliance, clothing, and sporting goods stores. These uses exclude warehouse sales and the sale of gasoline, heavy agricultural and industrial equipment, alcoholic beverages, or retail stores requiring outdoor storage. Minor government services, such as postal services, are permitted within general retail stores.

RETAIL CANNABIS LICENCE means a licence under the *Gaming, Liquor and Cannabis Act* that authorizes the purchase, sale, transport, possession, and storage of cannabis.

RETAIL CANNABIS STORE means a use where recreational cannabis can be legally sold, and has been licensed by the AGLC. All cannabis that is offered for sale or sold must be from a federally approved and licensed producer. No consumption shall be on premises. This may include ancillary retail sale or rental of cannabis accessories, and where counselling on cannabis may be provided.

S

SCHOOL means a development of instruction offering courses of study. Included in the category are public, private, and separate schools.

SECONDARY SUITE (ATTACHED) means a development of an accessory dwelling unit located within or attached to a single-unit dwelling by a common roof. An attached secondary suite shall have an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure. This use does not include a Boarding House, 2-unit, 3-unit, 4-unit, Row Dwelling, or Manufactured Home.

SECONDARY SUITE (DETACHED) means a development of an accessory dwelling unit located which is located in the rear yard of the same parcel upon which an existing principal dwelling unit is located. This use may be built in conjunction with a detached garage. This use may include a Prefabricated dwelling but does not include a Boarding House, 2-unit, 3-unit, 4-unit, Row Dwelling, or Manufactured Home.

SENIOR CITIZENS HOUSING means a development sponsored and administered by any public agency or any non-profit organization, either of which obtains its financial assistance from Federal, Provincial, or Municipal Governments or agencies or public subscriptions or donation or any combinations thereof. Senior citizen accommodation may include lounge, dining, health care, and recreation facilities. Also see ASSISTED LIVING.

SERVICE STATION or GAS BAR means a development for the retail sale of motor accessories, gasoline or other fuels and the supply of washing, greasing, cleaning and minor repair services for motor vehicles.

SHIPPING CONTAINER means any container that is or was used for transport of goods by means of rail, truck or by sea. These are generally referred to as a C-Container, sea cargo container, sea can or cargo container. Such containers are typically rectangular in shape and are generally made of metal. For the purposes of this bylaw, when such a container is used for any purpose other than transporting freight, it will be considered as a structure, must conform to these regulations and may require a permit.

SHOPPING CENTRE means a development of two or more commercial establishments planned, developed, owned and managed as a unit, having internal access or external access, or both, to any or all establishments and provided with off-street parking and loading facilities on the site. The term SHOPPING MALL shall have the same meaning as the term SHOPPING CENTRE.

SHOW HOME means a development of a finished dwelling unit which has been staged with appliances, furniture, and decorations for the viewing public as a sales tool. A show home may or may not contain a sales office for the development.

SIGN means any object, structure, fixture, placard, device and components, or portion thereof, which is used to advertise, identify, communicate, display, direct or attract attention to an object, matter, thing, person, institution, organization, business, product, service, event or location by any means. Refer to Schedule 7 for all other sign definitions.

SMALL WIND ENERGY CONVERSION SYSTEM (SWECS) means a development that generates electricity from a wind turbine, either building or tower mounted, including associated control and conversion electronics and tower guy wires, which has a limited generation capacity to be used primarily for the applicants own use. See ALTERNATIVE ENERGY, WIND.

SOLAR ENERGY SYSTEM, GROUND MOUNTED means a photovoltaic system using solar panels to collect solar energy from the sun and convert it to electrical, mechanical, thermal, or chemical energy that is

ground -mounted using a self-supporting racking or supporting system that may or may not be connected to the interconnected electrical system for on-site use or selling into the market.

SOLAR ENERGY SYSTEM, ROOF OR WALL MOUNTED means a photovoltaic system using solar panels to collect solar energy from the sun and convert it to electrical, mechanical, thermal, or chemical energy that is primarily intended for sole use and consumption on-site by the landowner, resident, or occupant attached to the roof or wall of a dwelling or accessory building.

SPECIALTY MANUFACTURING means development for small scale on-site production of goods in a building not exceeding 510 m2 (5,490 ft2) gross floor area, including retail sales, display and storage areas. Typical uses include, but are not limited to, breweries, pottery or sculpture studios, furniture makers, and specialty food production.

SURVEILLANCE SUITE means a dwelling unit or sleeping unit, not exceeding 46.5 m^2 (500 sq ft) in size, that is developed in conjunction with a principal use so that the dwelling is a supplementary use to the principal use, and which is used solely to accommodate a person or persons, whose function is to provide surveillance, maintenance and/or security.

T

TELECOMMUNICATION ANTENNA means a structure and any associated system, including all masts, towers and other antenna supporting structures that is used for the transmission, emission or reception of television, radio or telecommunications.

TOURIST INFORMATION CENTRE means a development intended to provide information to the travelling public and may include washroom and picnic facilities and accessory retail sales. See PUBLIC AND INSTITUTIONAL.

TRANSPORTATION/DELIVERY SERVICE means development involving the use of one or more vehicles to transport people, mail, currency, documents, packages and articles for compensation such as a mobile catering service, the rental or lease of vans and trucks, taxi service, limousine or bus service and may include limited storage and repair of the vehicles used. This use does not include towing operations.

TRANSPORTATION DISPATCH/DEPOT means a development for the purpose of storing and/or dispatching trucks, buses, fleet vehicles, and transport vehicles and may include towing operations. The use may also involve the transfer of goods primarily involving the loading and unloading of freight-carrying trucks.

TRAVEL TRAILER – see RECREATIONAL VEHICLE / HOLIDAY TRAILER

TRUCK STOP means a development which a business, service or industry involved in the maintenance, servicing, storage or report of commercial vehicles is conducted or rendered including the dispensing of fuel products, the sale of accessories and/or equipment for trucks and similar commercial vehicles. A truck stop may also include convenience stores and restaurant facilities, and may include overnight accommodation facilities solely for the use of truck crews.

TRUCK WASH means a development of a commercial vehicle washing facility associated with large vehicles such as tractor trailers.

U

USE means the purposes for which land or a building is arranged or intended, or for which either land, a building or a structure is, or may be, occupied and maintained.

UTILITIES – see PUBLIC OR PRIVATE UTILITY

V

VETERINARY CLINIC – see ANIMAL CARE SERVICE

W

WAREHOUSE means a development for the storage of goods, materials or equipment for use by a company.

WASTE MANAGEMENT SITES means a development for the commercial receiving of spent materials, provided that no detrimental effects or nuisances are generated beyond the parcel upon which it is situated. This use includes a dry waste site, a hazardous waste management facility, salvage or scrap yard, and a waste sorting station. This use does not include a Recycling facility or auto wreckage.

WATER TREATMENT PLANT means a development that treats raw water, so that it is safe for human consumption, and then distributes it for human use.

WHOLESALE OUTLETS means a development for the retail sale of a limited range of bulky goods the size and nature of which typically require large floor areas for direct display to the purchaser, and include, but are not limited to, such bulky goods as furniture, carpets and floor coverings, major appliances, paints and wall coverings, light fixtures, plumbing fixtures and building materials and equipment, food, clothing, or other personal goods, wares, substances, articles or things.

All other words and expressions not otherwise defined in this Land Use Bylaw have the meaning assigned to them in the *Municipal Government Act*.

Schedule 3

DEVELOPMENT NOT REQUIRING A PERMIT

Schedule 3

DEVELOPMENT NOT REQUIRING A PERMIT

SECTION 1 DEVELOPMENT NOT REQUIRING A PERMIT

1.1 The following developments shall not require a development permit:

(a) any use or development exempted under section 618(1) of the *MGA*;

(b) any use or development exempted by the Lieutenant Governor in Council pursuant to section 618(4) of the *MGA*;

(c) telecommunication antenna systems that are regulated by Industry Canada subject to Schedule 8 – Telecommunication Antenna Siting Protocol;

(d) the completion of a building which was lawfully under construction at the date this bylaw came into effect provided that the building is completed in accordance with the terms and conditions of any development permit granted;

(e) the completion of a building that did not require a development permit under the previous Land Use Bylaw and which was lawfully under construction provided the building is completed within 12 months from the date this bylaw came into effect.

1.2 The following developments do not require a development permit as long as they **comply with all other provisions of this bylaw**:

(a) the maintenance or repair of any building provided that the work does not include structural alterations or additions;

(b) interior renovations to a building which do not:

(i) create another dwelling unit,

(ii) increase parking requirements, or

(iii) result in the change of use of a building;

(c) the temporary placement or construction of works, plants or machinery needed to construct a development for which a development permit has been issued for the period of those operations;

(d) the maintenance or repair of public works, services and utilities on publicly owned or administered land carried out by or on behalf of federal, provincial, municipal or public authorities;

(e) any accessory building placed on a lot which is 9.3 m^2 (100 sq ft) or less in area that is not on a permanent foundation or soft covered / tarpaulin structures having an area not more than 9.3 m^2 (100 sq ft) or less in area;

(f) in all districts the erection, maintenance or alteration of a fence, gate, wall, hedge or other means of enclosure that does not exceed 0.9 m (3 ft) in height in any front yard and 1.8 m (6 ft) in height in any secondary front, rear or side yard;

(g) in the Industrial land use district, the erection, maintenance or alteration of a fence, gate, wall hedge, or other means of enclosure that does not exceed 2.4 m (8 ft) in height in any rear or side yard;

(h) landscaping that was not required as part of the original development permit;

(i) any sign listed in Schedule 7 Section 2;

(j) any satellite dish less than 0.9 m (3 ft) in diameter;

(k) temporary outdoor swimming pools and above ground hot tubs;

(l) the installation of cement or other hard surface material not covered or partially covered by a roof or shelter;

(m) excavation, grading, stripping, or stockpile provided it is part of a development for which a development permit has been issued or is addressed in a signed Development Agreement with the Town of Vulcan;

(n) the construction of uncovered decks or patios less than 0.6 m (2 ft) in height to ground level; and

(o) in all districts, the temporary placement of one shipping container for a single period of use, which shall not exceed 14 days.

If there is a doubt to whether a development is of a kind listed above, the matter shall be decided by the Municipal Planning Commission.

Schedule 4

GENERAL AND USE SPECIFIC STANDARDS OF DEVELOPMENT

Schedule 4

GENERAL AND USE SPECIFIC STANDARDS OF DEVELOPMENT

Except for more specific, alternative, or contradictory standards as may be set forth within the Residential Standards found in Schedule 5 or the Commercial/Industrial Standards found in Schedule 6, the following standards apply to all uses in all districts.

SECTION 1 STATUTORY PLANS

1.1 Where the policies, rules or procedures indicated in a statutory plan vary, supplement, reduce, replace or qualify the requirements of this bylaw for a particular district or districts, the policies, rules or procedures indicated in the statutory plan shall take precedence.

SECTION 2 APPROVAL OF ACCESS

2.1 Location of the access to each development from a public roadway should be shown on the plot plan submitted with the application for a development permit and is subject to the approval of the Development Officer or Municipal Planning Commission.

SECTION 3 DEMOLITION OR REMOVAL OF BUILDINGS OR STRUCTURES

3.1 No person shall commence or cause to be commenced the demolition or removal of any building or structure, or portion thereof, until all necessary permits have been obtained.

3.2 A development permit must be obtained for the demolition or removal of any building or structure greater than 11.1 m^2 (120 sq ft) in size.

3.3 Whenever a development permit is issued for the demolition or removal of a building or structure, it shall be a condition of the permit that the lot shall be cleared, with all debris removed, and left in a graded condition upon completion of the demolition or removal to the satisfaction of the Development Authority.

3.4 When a development permit is to be approved for the demolition or removal of a building or structure, the Development Authority may require the applicant to provide a cash deposit, irrevocable letter of credit or other acceptable form of security in such amount as to cover the costs of reclamation to any public utility or Town property.

3.5 Whenever a demolition or removal of a building or structure is carried out, the property owner shall, at his own expense, protect any wall, structure, sidewalk or roadway liable to be affected by such demolition or removal, including those on neighbouring properties, from damage or displacement. Further, the property owner shall ensure that adequate measures are taken by way of fencing and screening to ensure public safety.

3.6 The applicant shall be responsible for obtaining all necessary Safety Codes approvals and utility service disconnections before demolition or removal of buildings or structures.

3.7 All demolition materials shall be deposited in an approved waste disposal site.

SECTION 4 DESIGN AND ORIENTATION OF BUILDINGS, STRUCTURES AND SIGNS

4.1 The design, character and appearance of buildings, structures or signs should be consistent with the intent of the land use district in which the building is located and compatible with other buildings in the vicinity.

4.2 The Development Authority may regulate the exterior finish of buildings, structures or signs to improve the quality of any proposed development within any land use district.

4.3 The maximum allowable height above the average finished surface level of the surrounding ground of the exposed portion of a concrete or block foundation may be limited by the Development Authority.

4.4 Subject to the requirements of the Safety Codes, the Development Authority may require that buildings be physically accessible to disabled persons.

4.5 If a building is to be located on a lot with more than one street frontage or on a lot with potential for further subdivision, the Development Authority may regulate the orientation and location of the building as a condition of development approval.

SECTION 5 DEVELOPMENT OF LANDS SUBJECT TO SUBSIDENCE, UNDERMINING OR FLOODING

5.1 If, in the opinion of the Development Authority, land upon which development is proposed is subject to subsidence, mass wasting, flooding or undermining the Development Authority may require the applicant to submit a structural building plan prepared and sealed by an engineer, and/or a slope stability analysis, and/or geotechnical report, and/or flood mapping prepared by an engineer demonstrating that any potential hazards can be mitigated.

SECTION 6 GRADING AND STORMWATER MANAGEMENT

6.1 The Development Authority may require as a condition of development approval:

(a) engineered grading and drainage plans for the development and legal survey demonstrating that engineered grades have been met;

(b) grading and other measures, as appropriate, to control surface drainage, reduce or eliminate grade difference between adjacent lots, and minimize erosion or slope instability;

(c) the final grades of the development must be approved by the Development Authority before the issuance of a building permit;

(d) the applicant is responsible for ensuring adherence to final grades.

6.2 The construction of a retaining wall whenever, in the opinion of the Development Authority, significant differences in grade exist or will exist between the lot being developed and any adjacent lot or roadway. Where a retaining wall is required, the applicant shall submit to the Development Officer plans identifying the design and specifications of development for review and approval by the accredited Safety Codes Officer.

6.3 Roof and surface drainage shall be directed either to the public roadway fronting the property, or as approved by the Development Authority, to a rear or side property boundary or as approved in an engineered stormwater management plan.

6.4 When discharging, storm water connections or sump hoses must be greater than 1.8 m (6 ft) from the front property line.

SECTION 7 OFF-STREET PARKING AND LOADING REQUIREMENTS

7.1 The off-street parking and loading requirements and design standards apply to:

(a) all new buildings and uses; and

(b) the expansion or enlargement of existing buildings or uses.

7.2 In the case of expansion or enlargement of an existing building or use, additional off-street parking spaces will be required to serve the expanded or enlarged area only, not the entire building or use.

Residential Parking Requirements

7.3 The following is to be used to calculate the off-street parking spaces required for a proposed development:

Table 4.7.1: Residential Minimum Required Off-street Parking

RESIDENTIAL	
Bed and breakfast	1 space per guest room
Boarding or lodging home	1 space per sleeping unit
Child care facility	1 pick-up/drop-off space per 10 children plus 1 space per employee
Dwellings:	
- All Single-unit dwellings [(a)]	2 spaces per dwelling unit
- 2 unit, 3-unit, 4-unit	2 spaces per dwelling unit
- Row (more than 4 units)	2 spaces per dwelling unit plus 1 visitor parking space for every 2 dwelling units
Secondary suite	2 spaces
All Other uses	As required by the Municipal Planning Commission

(a) For the purpose of this table, Single-unit dwellings include:

Stick built dwelling *Ready-to-move dwelling*
Modular dwelling *Manufactured home*
Prefabricated dwelling *Previously occupied dwelling*

7.4 Parking areas are to be accessible, designed and delineated in a manner which will provide for orderly parking.

7.5 Parking areas are to be constructed in a manner which will permit adequate drainage, snow removal, and maintenance.

7.6 Unless the development permit for a new residence also includes a garage, the Municipal Planning Commission may require the two required parking spaces be hard surfaced with a material limited to concrete, asphalt or paving stones and installed prior to occupancy.

7.7 Off-street parking may be located in the front yard provided the parking space is not situated directly in front of the residence.

7.8 Parking of recreation vehicles shall be as follows:

(a) No person shall keep or permit the storage of a recreational vehicle in any part of a front yard between November 1 and March 31 of each year;

(b) Year round storage for recreation vehicles shall be provided on a designated parking pad in the rear or side yard only;

(c) Notwithstanding subsection (b), between April 1 and October 31, a recreational vehicle may be parked temporarily on a designated parking pad subject to Section 7.7;

(d) Notwithstanding subsections (a), (b) or (c), if the recreational vehicle is the sole means of transportation for the occupants of the household the recreational vehicle may be parked year round as provided in subsection (c);

(e) A recreational vehicle parked within any district shall not be used for permanent living or sleeping accommodation.

Payment In Lieu of Providing Off-Street Parking

7.9 The option of payment in lieu of providing off-street parking spaces shall apply to the downtown core only (Figure 4.7.1) and is subject to the following:

(a) at the option of the Municipal Planning Commission a developer may, subject to the approval of Council, pay the Town such amount of money on such terms as the Council considers reasonable in return for the equivalent public parking space to be provided by the Town elsewhere in the land use district;

(b) a fund to be known as the "Off-Street Parking Fund" is hereby established;

(c) any money received by the Town in lieu of providing off-street parking spaces shall be paid into the "Off-Street Parking Fund", and such money shall be used for the development of off-street parking facilities in the land use district from which the funds are derived;

(d) the amount of money to be paid into the "Off-Street Parking Fund" shall be a per stall charge, based on the costs involved in the land acquisition, facility construction and facility maintenance. The number of stalls to be used in the calculation of a per stall charge shall be based on the parking requirements in this schedule.

Minimum Required Off-Street Parking

7.10 Tables 4.7.1 and 4.7.2 are to be used to calculate the minimum number of off-street parking spaces a use is required to provide.

7.11 Off-street parking requirements based on floor area are to be computed on the gross floor area (GFA) of the building.

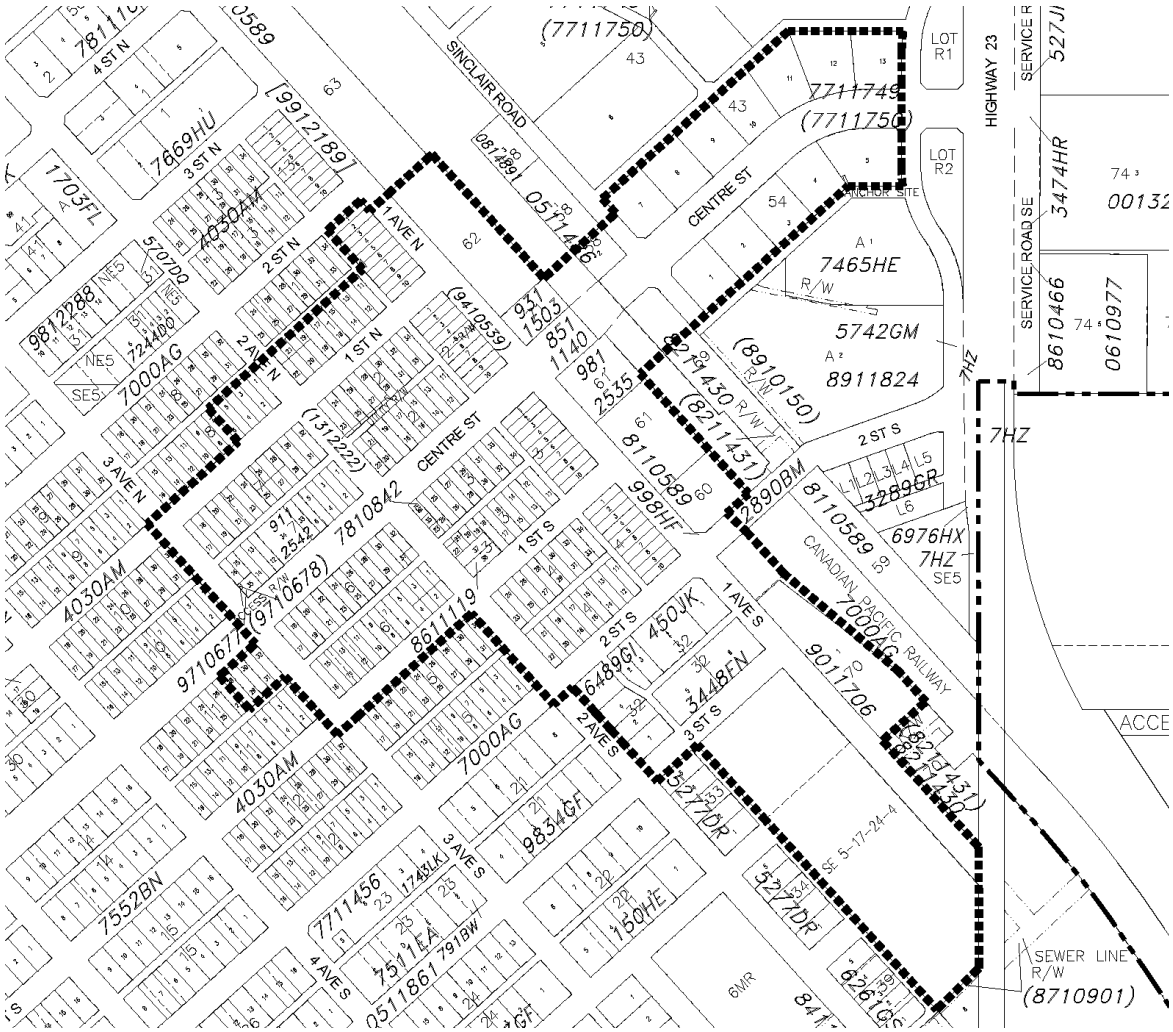


Figure 4.7.1

7.12 Calculation of off-street parking requirements resulting in a fractional number of 0.5 or greater shall be rounded up and rounded down when resulting in a fractional number of 0.49 or less.

7.13 A multiple use development must provide parking in an amount equal to the number of spaces for all uses, except where a shared parking provision is approved by the Development Authority.

7.14 A shared parking provision based upon the proposed sharing of parking spaces between two or more uses must include a written agreement between the owners on record. Where such off-site parking is approved, a caveat may be registered against the lot to guarantee the continuous use of the site for parking.

7.15 Where a use is not listed, minimum required off-street parking shall be provided as required by the Development Authority having regard to the listed use that is most similar to the proposed use. As an alternative, the Development Authority may require a parking study to be prepared by a qualified professional at the applicant's expense to determine the parking requirements for a use not listed in Tables 4.7.1 and 4.7.2.

7.16 All required parking spaces are to be provided on the same lot as the building or use, except where the Development Authority may permit off-site parking spaces to be provided on a lot within 152.4 m (500 ft) of the building or use if, in the Development Authority's opinion, it is impractical to provide parking on the same lot as the building or use. Where such off-site parking is approved, a caveat may be registered against the lot to guarantee the continuous use of the site for parking.

Barrier-free Parking

7.17 The minimum number of barrier-free parking spaces to be provided for the disabled is to be a portion of the total number of off-street parking spaces required, in accordance with Table 4.7.3: Barrier-Free Parking Spaces.

Table 4.7.2 : Non-Residential Minimum Required Off-street Parking

USE	MINIMUM PARKING SPACES
PUBLIC	
Campground, public or private	As required by the Development Authority
Cemetery	As required by the Development Authority
Child care facility	1 space per employee
Clubs or fraternal organization	1 space/5.1 m^2 (55 sq ft) of patron use area plus 1 space per employee
Community building or hall	1 space/5 seating spaces plus 1 space per employee
Educational facility or school	3 spaces per classroom
Exhibition ground	As required by the Development Authority
Funeral home	1 space/5 seating spaces plus 1 space per employee
Group care facility	1 space per employee
Institutional	1 space/46.5 m^2 (500 sq ft) of GFA
Parks and playgrounds	As required by the Development Authority
Religious assembly	As required by the Development Authority

USE	MINIMUM PARKING SPACES
COMMERCIAL/INDUSTRIAL	
Accessory structures and uses	As required by the Development Authority
Amusement facility	1 space/20 m^2 (215 sq ft) of GFA
Animal care service, small and large	1 space/46.5 m^2 (500 sq ft) of GFA
Auto body and paint shop	1 space/46.5 m^2 (500 sq ft) of GFA
Automotive repair	1 space/46.5 m^2 (500 sq ft) of GFA
Automotive sales and service	1 space/46.5 m^2 (500 sq ft) of GFA
Bed and breakfast	1 space per guest room
Bulk fuel station	1 space/46.5 m^2 (500 sq ft) of GFA
Car wash	1 space per employee
Contractor, general or limited	1 space/65 m^2 (700 sq ft) of GFA
Convenience store	1 space/27.9 m^2 (300 sq ft) of GFA
Drive-in/drive-through use	1 space/5.1 m^2 (55 sq ft) of seating area plus 1 space per employee
Entertainment establishment	1 space/5.1 m^2 (55 sq ft) of patron use area plus 1 space per employee
Equipment sales, rental and service	1 space/65 m^2 (700 sq ft) of GFA
Financial institution	1 space/37.2 m^2 (400 sq ft) of GFA
Funeral home	1 space/5 seating spaces plus 1 space per employee
Garden centre or greenhouse	1 space/65 m^2 (700 sq ft) of GFA
General warehousing and storage	1 space/65 m^2 (700 sq ft) of GFA
Golf course	4 spaces per golf hole
Hotel/motel	1 space per guest room
Intensive horticultural operation	1 space/65 m^2 (700 sq ft) of GFA
Light industrial / light fabrication shops / Manufacturing and fabrication	1 space/65 m^2 (700 sq ft) of GFA
Liquor store	1 space/37.2 m^2 (400 sq ft) of GFA
Lumber yard	1 space/65 m^2 (700 sq ft) of GFA
Medical health facility	1 space per staff member and 1 space per examination room
Mini storage	As required by the Development Authority
Office, business support service	1 space/46.5 m^2 (500 sq ft) of GFA
Outdoor storage	As required by the Development Authority
Personal service	1 space/37.2 m^2 (400 sq ft) of GFA
Recreation facility	1 space/27.9 m^2 (300 sq ft) of GFA
Restaurant	1 space per 4 seats plus employee parking
Retail	1 space/37.2 m^2 (400 sq ft) of GFA
Retail cannabis store	1 space/37.2 m^2 (400 sq ft) of GFA
Retail, grocery store	1 space/37.2 m^2 (400 sq ft) of GFA
Service station or gas bar	1 space/37.2 m^2 (400 sq ft) of GFA
Specialty manufacturing	1 space/46.5 m2 (500 sq ft) of GFA
Truck transportation/dispatch depot	1 space/65 m^2 (700 sq ft) of GFA
Truck stop	As required by the Development Authority
Truck wash	1 space per employee
Waste disposal facility	As required by the Development Authority

Note: GFA is defined as Gross Floor Area.

7.18 Each barrier-free parking space for the disabled should be:

(a) at least 3.7 m (12 ft) wide;

(b) have a firm, slip-resistant and level surface;

(c) be clearly marked as being for the use of persons with disabilities only.

7.19 Where there are two or more adjacent barrier-free parking stalls, a 1.5 m (5 ft) wide access aisle may be provided between the stalls.

7.20 Barrier-free parking stalls shall be clearly identifiable in accordance with Safety Codes.

7.21 There must be a well-lit, distinguishable, barrier-free path of travel from the parking areas to the building entrance.

7.22 It is recommended that an additional number of spaces be considered when the purpose or use of the building facilities may cause an increase in the number of seniors or persons with disabilities who require accessible parking, such as, but not limited to, medical services and restaurants.

Table 4.7.3: Barrier-Free Parking Spaces

Number of parking spaces required for a use	Number of barrier-free spaces required for a use by persons with disabilities
0-10	0*
11-25	1
26-50	2
51-100	3
for each additional increment of 100 or part thereof	one additional stall

* Development is encouraged to provide at least one barrier-free parking space for use by persons with disabilities.

Loading Space Requirements

7.23 One loading space is to be provided for each loading door.

7.24 The minimum dimensions for a loading space is to be 3.0 m (10 ft) by 9.1 m (30 ft) with an overhead clearance of 3.9 m (13 ft).

7.25 Each loading area should provide a doorway into the building sufficient to meet the needs of the use within the building.

7.26 Each loading area is to be designed in such a manner that it will not interfere with convenient and safe pedestrian movement, traffic flow or parking.

7.27 The Development Authority may require additional loading areas or doors if, in the Development Authority's opinion, such additional areas or doors are deemed necessary.

7.28 The Development Authority may consider a joint loading area for two or more uses if, in the Development Authority's opinion, such a loading area would facilitate orderly development or relieve congestion in the immediate area.

Stacking Spaces for Drive-through Uses

7.29 In addition to the off-street parking requirements, a drive-through use is required to provide the following minimum stacking spaces:

(a) Restaurant use: 30.5 m (100 ft) from order box to pick-up window

(b) Gas station: 9.1 m (30 ft) from each end on pump island

(c) Bank machine: 22.9 m (75 ft) from bank machine window

(d) Car wash: 15.2 m (50 ft) from car wash entrance

(e) Other: As determined by the Development Authority

7.30 The minimum stacking space requirements in subsection 7.29 may be varied by the Development Authority depending upon the intensity of the proposed development.

SECTION 8 OFF-STREET PARKING DESIGN STANDARDS

8.1 Off-street parking areas are to be accessible and designed in a manner which will provide for orderly parking in accordance with the minimum parking space dimensions as found in Table 4.8.1 and Figure 4.8.1.

Table 4.8.1: Minimum Parking Space Dimensions

A: Parking Angle	B: Stall Width		C: Stall Depth		D: Aisle Width	
Degrees	**m**	**ft**	**m**	**ft**	**m**	**ft**
0	2.4	8.0	6.7	22	3.7	12
30	2.7	9.0	5.5	18	3.5	11
45	2.6	8.5	6.1	20	3.9	13
60	2.6	8.5	6.4	21	5.5	18
90	2.9	9.5	5.6	18.5	7.3	24

Minimum Parking Space Dimensions

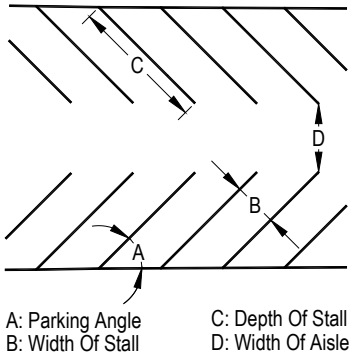


Figure 4.8.1

8.2 Parking space designs proposing tandem or stacked parking to a maximum of two vehicles per stall may be approved by the Development Authority provided the spaces are for employee parking only.

8.3 The stall width and depth requirements for an off-street parking space may be reduced by the Development Authority where spaces are designed to accommodate compact vehicle parking.

8.4 Where a use or development may need to accommodate over-sized vehicles such as tractor-trailers, large recreational vehicles, buses or other similar vehicles, the Development Authority may require larger parking space and aisle dimensions.

8.5 Off-street parking areas are to be constructed in a manner which will permit adequate drainage, snow removal, and maintenance.

8.6 Off-street parking spaces adjacent to a road right-of-way are to provide bumper blocks, curbing or other similar protective feature to ensure public safety and prevent vehicle overhang.

8.7 The Development Authority may require that off-street parking areas or portions thereof be paved as a condition of approval.

SECTION 9 SITE LIGHTING

9.1 Site lighting may be required as a condition of development and is recommended to be located, oriented and shielded where it does not adversely affect adjacent properties.

SECTION 10 REFUSE COLLECTION AND STORAGE

10.1 Refuse and garbage are to be kept in a suitably-sized enclosure for each use within each land use district.

10.2 Refuse and garbage areas are to be effectively screened until such time as collection and disposal is possible.

10.3 All refuse on any construction site should be properly screened or placed in an approved enclosure until removed for disposal.

SECTION 11 SERVICING

11.1 All development shall be required to connect to both the municipal water supply and sewerage system where the municipal services are, in the opinion of the Municipal Planning Commission, reasonably available. Where no municipal servicing is reasonably available, development approval shall be subject to compliance with Regional Health Authority and Alberta Safety Codes standards for unserviced parcels. Prior to development approval, the applicant may be required to submit a soils analysis and report to demonstrate the suitability of the site for on-site septic.

SECTION 12 ALTERNATIVE ENERGY SOURCES

12.1 The Development Authority is authorized to issue development approvals for alternative energy sources pursuant to Schedule 1.

SOLAR COLLECTOR

12.2 A solar collector attached to a wall or roof of a building shall only be allowed in land use districts where listed as a Permitted or Discretionary Use in Schedule 1 subject to the following:

(a) A solar collector mounted on a roof:

(i) may project a maximum of 1.3 m (4 ft) from the surface of the roof and is not to exceed the maximum height requirements of the applicable land use district; and

(ii) must not extend beyond the outermost edge of the roof.

(b) A solar collector mounted to a wall:

(i) must be located such that it does not create undue glare on neighbouring property or public roadways;

(ii) may project a maximum of 1.5 m (5 ft) from the surface of the wall, when the wall faces the rear property line, subject to the setback requirements of the applicable land use district; and

(iii) may project a maximum of 0.6 m (2 ft) from the surface of the wall when the wall faces the front, secondary front or side property line, subject to the setback requirements of the applicable land use district.

12.3 A free-standing solar collector or a solar collector mounted to any structure other than a roof or wall of a building shall only be allowed in land use districts where listed as a Permitted or Discretionary Use in Schedule 1subject to the following:

(a) the collector must be located such that it does not create undue glare on neighbouring property or public roadways; and

(b) the collector must not exceed 1.8 m (6 ft) in height above existing grade.

SMALL WIND ENERGY SYSTEMS

Information Requirements

12.4 An application for a development permit for a proposed alternative energy, wind use or a small wind energy conversion system (SWECS) must be completed and submitted to the Development Officer accompanied by:

(a) a site plan acceptable to the Development Officer indicating the exact location of the SWECS on the parcel and all buildings and structures, registered easements or rights-of-way, and any overhead utilities, dimensioned to the property lines and drawn to a satisfactory scale;

(b) existing and proposed parking and loading areas, driveways, abutting streets, avenues and lanes, and surface drainage patterns;

(c) photographs and plans of the proposed SWECS indicating:

- rated output in kilowatts,
- safety features and noise characteristics,
- turbine height,
- blade diameter and rotor clearance,
- nature and function of over speed controls which are provided, and
- estimated lifespan;

(d) specifications on the foundation and anchor design, including the location and anchoring of any guy wires;

(e) engineered plans, prepared by a professional engineer, for SWECS that are mounted or attached to any building demonstrating that the building can support the SWECS; and

(f) any security measures proposed to ensure public safety and security.

Referrals

12.5 Prior to making a decision on a development permit application for a SWECS, the Development Authority may require that the application be referred to the following agencies and departments:

(a) Transport Canada,

(b) NAVCanada,

(c) Alberta Transportation, and

(d) any other federal or provincial agencies or departments deemed necessary.

General Development Standards

All SWECS development is subject to the following general standards:

12.6 The SWECS may be allowed as an alternative energy, wind use which is a discretionary use in accordance with Schedule 1.

12.7 The SWECS are to be setback from all property lines a distance equal to the height of the system.

12.8 The blade clearance of any SWECS is not to be less than 4.6 m (15 ft) above grade.

12.9 Any climbing apparatus associated with the SWECS is to be a minimum of 4.6 m (15 ft) above grade.

12.10 Any guy wires associated with a SWECS are to be accommodated entirely within the parcel and must be clearly visible from grade to a height of 1.8 m (6 ft).

12.11 The sound produced by the SWECS under normal operating conditions, as measured at the property line shall not exceed 60 dBA or 6 dBA over the background noise, whichever is greater.

12.12 The SWECS shall not display advertising or other marketing.

12.13 The SWECS shall not be artificially illuminated except as required by a federal or provincial agency or department.

12.14 The manufacturer's identification, technical, warning, and emergency contact information must be affixed no lower than 0.9 m (3 ft) from the base of the tower and not higher than 1.5 m (5 ft) from the base of the tower.

12.15 The Development Authority may regulate the maximum number of SWECS permitted on a lot.

12.16 The Development Authority may require as a condition of approval that any SWECS be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of the SWECS to the satisfaction of the Development Authority.

12.17 The Development Authority may require as a condition of approval that any SWECS be surrounded by a security fence with a lockable gate not less than 1.8 m (6 ft) in height.

12.18 Prior to the installation of a SWECS the applicant or landowner shall obtain:

(a) all relevant federal and provincial permits and permissions;

(b) an electrical permit, and if applicable, a building permit;

(c) wire service provider approval for SWECS with a rated output of less than 10 kW that are proposed to be connected to the grid; and

(d) Alberta Utilities Commission approval for SWECS with a rate output greater than 10 kW that are proposed to be connected to the grid.

12.19 All components of the SWECS, including any electrical components, shall comply with the Canadian National Standards and shall bear the appropriate certification marks.

12.20 The SWECS system must be installed by a certified electrical contractor prior to operation.

12.21 Where the SWECS has been inactive for more than six consecutive months the applicant or landowner is required to decommission and remove the system at their expense. If the SWECS is not decommissioned and removed after six months of inactivity, the Town may undertake enforcement action.

Decommissioning

12.22 Prior to removal of the SWECS the applicant or landowner shall submit documentation to the Development Officer demonstrating that the system has been disconnected from any electrical utilities.

12.23 All refuse associated with the decommissioning and dismantling of the SWECS shall be removed from the property and disposed of appropriately.

12.24 Upon removal of the SWECS the property shall be restored to its pre-construction condition to the satisfaction of the Development Officer.

Review of Permits

12.25 Town Council may consider reviewing the impacts of Small Wind Energy Systems after the issuance of 25 development permits within the municipality.

SECTION 13 SATELLITE DISHES AND RADIO OR TELEVISION ANTENNA

13.1 In all residential land use districts and the Transitional Agriculture – TA district:

(a) satellite dishes greater than 0.9 m (3 ft) in diameter or radio or television antenna shall be classified as an accessory structure and are to be placed in the rear or side yard;

(b) satellite dishes greater than 0.9 m (3 ft) in diameter are not to be mounted or attached to the roof of any dwelling or accessory building and shall not be illuminated or contain advertising other than the manufacturer's trademark or logo.

13.2 The Development Authority may approve the installation of a satellite dish on the roof of any building or portion thereof if, in its opinion, such an installation does not:

(a) constitute a public safety hazard,

(b) compromise the structural integrity of the building, or

(c) may be unreasonably obtrusive.

13.3 Radio and television antennas, which are not regulated by Industry Canada, are classified as an accessory structure. See Schedule 8 for those regulated by Industry Canada.

SECTION 14 SHIPPING CONTAINERS

14.1 Shipping containers shall only be allowed in land use districts where listed as a Permitted or Discretionary Use in Schedule 1. Shipping containers are prohibited in all other districts.

14.2 All shipping container are subject to the following general standards:

(a) An application for a development permit for a proposed shipping container must be completed and submitted to the Development Officer accompanied by the applicable application fee and a minimum of two recent colour photographs of each container (one end view and one side view).

(b) There shall be a legal primary use on the property where the shipping container is proposed.

(c) Shipping containers are permitted to be used for storage only and shall not be used as a building or a construction material.

(d) A maximum of three (3) shipping containers may be permitted on a lot.

(e) The Development Authority may regulate the maximum height of shipping containers.

(f) The Development Authority may require as a condition of approval that a shipping container(s) be screened from view or landscaped to make it aesthetically pleasing.

(g) The Development Authority may require as a condition of approval that any shipping container be sandblasted and/or painted a neutral or complementary colour to match the existing building(s) on the property.

(h) The Development Authority may require as a condition of approval that the exterior of the shipping container be kept clean and regularly painted in a neutral or complementary colour to match the existing building(s) on the property.

(i) The Development Authority may regulate the time period for which a development permit for a shipping container(s) is valid through the issuance of a temporary permit.

(j) Removal of the shipping container(s) at the expiration of the permit shall be at the expense of the applicant and/or landowner. The Development Authority may require as a condition of approval the posting of a security deposit guaranteeing the removal of the container and/or compliance with the conditions of the permit.

14.3 A permanent shipping container is subject to the following additional provisions:

(a) the maximum lot coverage and setback requirements for accessory structures in the applicable land use district;

(b) the shipping container may only be permitted in the rear or side yards with a side yard setback of 3.0 m (10 ft) and a rear yard setback of 6.1 m (20 ft); and

(c) the shipping container shall not display advertising, company logos, names or other marketing without an approved sign permit.

14.4 As per Schedule 3: Development Not Requiring a Development Permit, the temporary use of a single shipping container is exempt from the development approval process provided that:

(a) the temporary shipping container does not exceed a single period of use, which shall be not more than 14 days;

(b) the temporary shipping container is situated entirely within the property that it serves;

(c) the applicant is responsible for ensuring that the shipping container is removed from the parcel upon expiration of the temporary permit; and

(d) Where more than one shipping container is desired, or where a shipping container is desired for longer than the prescribed exemption period, the Development Authority may authorize the temporary use of a shipping container(s) for a period up to 90 days, as a permitted use, by issuing a temporary development permit.

(i) Setbacks for a temporary shipping container(s) under this section shall be as required by the Development Authority and in no case less than 0.9 m (3 ft.) from a property line.

(ii) The posting of security may be required as a condition of development approval.

(iii) Applications requesting to exceed the prescribed 90 day period shall be treated as a variance request.

(iv) One time extension may be approved for a temporary shipping container and shall be dealt with by the original approving authority.

(v) The approval of a shipping container(s) under this section is not subject to the notification and referral requirements under Administrative Section 32 of this Bylaw unless a variance is requested under subsection d(iii).

SECTION 15 SHOW HOMES

15.1 The construction of or use of a new, unoccupied dwelling unit for the purpose of a show home for the sale or marketing of other dwelling units by a builder or developer within a subdivision or development may be approved as a temporary use in all residential land use districts and the commercial land use district.

15.2 A dwelling occupied as a residence shall not be used as a show home, sales office or as a facility to demonstrate a builder's construction quality or methods.

15.3 The show home shall not be open to the public for viewing until the road accessing the show home is developed to municipal standards.

15.4 There shall be a sign posted at the show home identifying it as such.

15.5 The advertised hours that the show home is open to the public are not to be earlier than 9:00 a.m. or later than 9:00 p.m.

15.6 Conditions of the permit do not limit the private showing by appointment of the show home at any time.

15.7 The conversion of a show home to a dwelling unit requires an application approval for the change of use.

SECTION 16 MUNICIPAL ADDRESSING

16.1 All principal buildings must display the municipal address on the front of the structure where it can be easily read from the street during day or night time hours.

16.2 All garages with alley access must display the municipal address.

Schedule 5

RESIDENTIAL STANDARDS OF DEVELOPMENT

Schedule 5

RESIDENTIAL STANDARDS OF DEVELOPMENT

The following standards are applicable to residential development. Sections 1-11 are applicable to all residential development types. Sections 12-16 are applicable to specific residential development types.

SECTION 1 ACCESORY BUILDINGS

1.1 Accessory buildings or uses shall not be established, constructed or placed on a lot until such time that the lot has a principal building or structure in place on the lot.

1.2 Accessory buildings shall be located at least 1.2 m (4 ft) from the principal building.

1.3 Accessory buildings shall be constructed such that eaves shall be no closer than 0.6 m (2 ft) from a side lot line or rear lot line and all drainage is conducted to the appropriate storm drain via the applicant's own property.

1.4 Accessory buildings or structures, excepting a fence in accordance with this bylaw, shall not to be located in the front or secondary front yard in relation to the principal building.

1.5 Quonsets, quonset-style buildings or semicircular metal structures shall not be permitted as accessory buildings in the Residential – R1 land use district.

1.6 All moved-in buildings shall be subject to the provisions of this section and the provisions of Section 14.

1.7 Carports attached to an accessory building shall comply with the provisions for accessory buildings. Carports attached to a principal dwelling or building shall comply with the provisions for principal dwelling or building.

1.8 Each residential title within the R-1 and R-2 districts shall be limited to three (3) accessory buildings and only one of which may be a garage.

SECTION 2 EASEMENTS

2.1 All permanent structures shall be located a minimum of 3.0 m (10 ft), or such greater distance as required by the Development Authority, from an easement registered for the protection of municipal water mains and sewer mains or any other infrastructure, as determined by the municipality.

2.2 No structures shall be located within a registered easement.

SECTION 3 CORNER VISIBILITY

3.1 Street Corner Visibility

On a corner lot, nothing shall be erected, placed, planted or allowed to grow in a manner which may restrict traffic visibility at street intersections, between 0.9 m (3 ft) and 3.0 m (10 ft) above the centre line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property line 6.1 m (20 ft) from the point of intersection (see Figures 5.3.1 and 5.3.2 where Dimension A = 6.1 m along each property line).

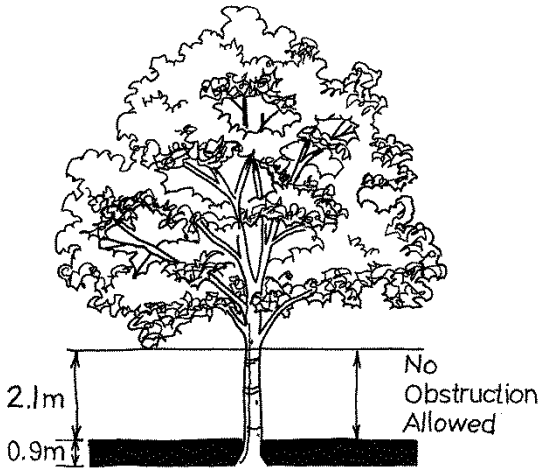


Figure 5.3.1

3.2 Rear Lane Visibility

The Municipal Planning Commission may impose conditions on a development to ensure that adequate visibility and safety of both pedestrians and vehicles is maintained for vehicles entering and exiting rear laneways.

The Municipal Planning Commission may request that a minimum 1.5 m (5 ft) clear vision triangle be provided for lots backing onto the intersection of a rear laneway and public roadway (see Figure 5.3.2 where Dimension B = 1.5 m along each property line).

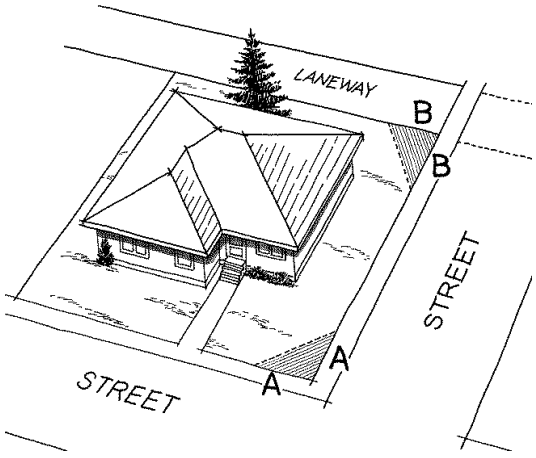


Figure 5.3.2

SECTION 4 DRIVEWAYS, OFF-STREET PARKING REQUIREMENTS AND DESIGN STANDARDS

4.1 Vehicular access for corner lots shall generally be limited to locations along a minor street or cul-de-sac.

4.2 In residential districts where a subject property does not provide a side yard sufficient for a driveway, then one off-street parking pad may be permitted in the front yard to a maximum of 6.1 m (20 ft) in width.

4.3 Only one driveway per lot should be permitted for single unit residential developments, including manufactured homes.

4.4 Driveways shall be a minimum of 3.0 m (10 ft) and a maximum of 6.1 m (20 ft) in width, unless otherwise approved by the Municipal Planning Commission on the basis of merit.

4.5 Driveways shall be a minimum of 3.0 m (10 ft) from the entrance to a lane (see Figure 5.4.1 Dimension B), and 4.6 m (15 ft) from the intersection of two public roadways (see Figure 5.4.1 Dimension A).

4.6 Driveways, parking pads or hard surfaced areas (e.g. paving stones, sidewalks) that cover more than 25 percent (25%) of the total lot area require a development permit.

4.7 Refer to Schedule 4, General and Use Specific Standards of Development, Section 8.

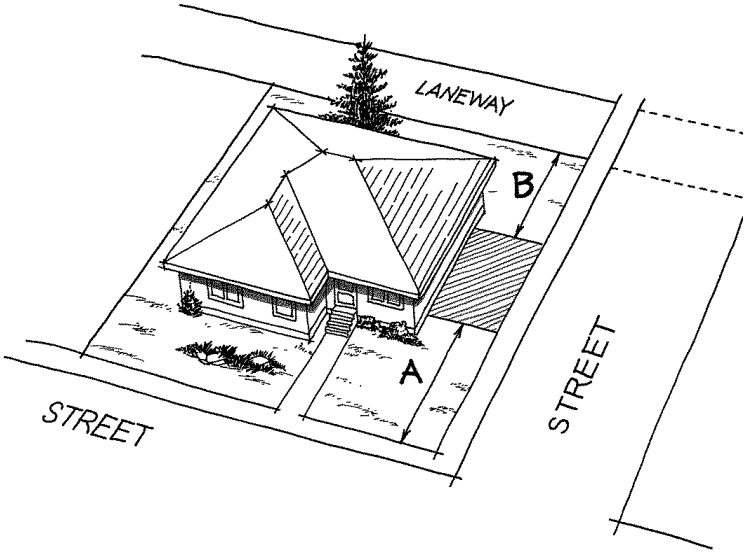


Figure 5.4.1

SECTION 5 FENCES

5.1 No fence, wall, hedge or any combination thereof shall extend more than 0.9 m (3 ft) above the ground in any front yard area, as illustrated in Figure 5.5.1 labeled as B, without a development permit approved by the Municipal Planning Commission.

5.2 Fences in the secondary front, rear and side yards shall be 1.8 m (6 ft) in height or less (see Figure 5.5.1 where Dimension A = 1.8 m).

5.3 Fence height shall be measured as the vertical distance from average grade to the highest portion of the fence. Average grade is defined as the average of the highest and lowest grades adjacent to the portion of the lot where the fence will be placed.

5.4 Where a permit is required, the Municipal Planning Commission may regulate the types of materials and colours used for a fence.

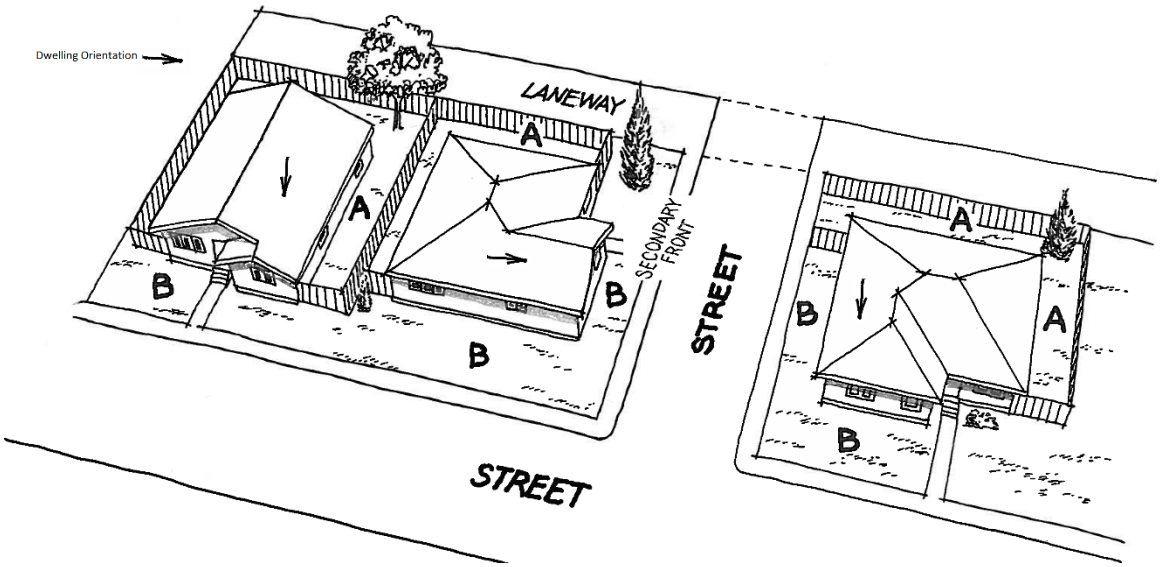


Figure 5.5.1

SECTION 6 DECKS AND PROJECTIONS OVER YARDS

6.1 A development permit is required for the construction of a deck if it will be 0.6 m (2 ft) or greater in height (see Figure 5.6.1).

6.2 All covered decks require a development permit.

6.3 For the purposes of calculating site coverage requirements, where a structure is attached to the principal building, it shall be deemed part of the principal building and subject to principal building requirements.

6.4 Decks must be located in a manner such as to preserve the privacy of adjacent properties.

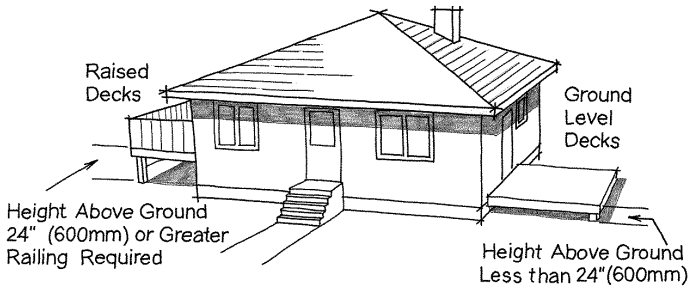


Figure 5.6.1

6.5 **Projections Over Yards**

The portions of and attachments to a principal building (subject to the relevant provisions of Safety Codes) which may project over or on a yard are:

(a) a cornice, belt course, sill, canopy or eave which projects over a yard a distance not exceeding one-half the width of the smallest yard requirement for the site;

(b) a chimney which is not more than 1.2 m (4 ft) wide and projects 0.6 m (2 ft) or less over a yard;

(c) entrance steps above the surface of a front yard with a landing of less than 3.7 m² (40 sq ft) or without a landing if they do not project more than 2.4 m (8 ft).

SECTION 7 RETAINING WALLS, GRADING AND DRAINAGE

7.1 The Municipal Planning Commission may require:

(a) the construction of a retaining wall, including submittal of an engineered design as a condition of development if significant differences in grade exist or will exist between the lot to be developed and adjacent parcels;

(b) the provision of engineered grading and drainage plans for the development;

(c) special grading and/or paving to prevent drainage problems with neighbouring lots as a condition of a development permit.

SECTION 8 EXTERIOR BUILDING FINISHES

8.1 The Municipal Planning Commission may require that specific finishing materials and colour tones be utilized to maintain the compatibility of any:

(a) proposed development with surrounding or adjacent developments,

(b) proposed additions or ancillary structures with existing buildings on the same lot.

SECTION 9 EXPOSED FOUNDATIONS

9.1 The maximum allowable height above the average finished surface level of the surrounding ground of the exposed portion of a concrete or block foundation may be regulated by the Municipal Planning Commission.

SECTION 10 PRIVATE SWIMMING POOLS

10.1 Private swimming pools shall be classified as an accessory structure.

10.2 Any private swimming pool with a design depth greater than 0.6 m (2 ft) shall be constructed and fenced in accordance with Safety Codes requirements.

10.3 Temporary above ground swimming pools and above ground hot tubs do not require a development permit, but are subject to Safety Codes and may require a building permit.

10.4 Construction of an in-ground swimming pool and swimming pools that are attached to a deck require a development permit and are subject to the following additional standards:

(a) placement of a swimming pool shall be limited to the side and rear yard only,

(b) swimming pools are subject to the setback requirements for accessory structures in the applicable land use district, and

(c) swimming pools are subject to the maximum lot coverage requirements for accessory structures in the applicable land use district.

SECTION 11 HOME OCCUPATIONS

The intent of this section is to provide regulations respecting Home occupations, as defined, in accordance with the following objectives:

- to protect residential areas and districts from incompatible non-residential land uses;
- to ensure that commercial and industrial uses are located in appropriate commercial or industrial districts.

General Standards

11.1 All home occupations shall be categorized as either Home occupation 1 or Home occupation 2.

11.2 Day homes and Bed and breakfasts shall be categorized as a Home occupation 2.

11.3 A home occupation shall be incidental and subordinate to the principal residential use of the dwelling and shall not change the external appearance or character of the dwelling. There shall be no business activities associated with the home occupation conducted on the lot outside the dwelling or accessory structure.

11.4 Allowances for home occupations are intended to foster small-scale business. Home occupations will be encouraged to relocate to a suitable commercial or industrial district when they become incompatible with a residential area or become unsuitable as a home occupation.

11.5 A Home occupation 2 shall not be permitted, if in the opinion of the Development Authority, the use would be more appropriately located within a commercial or industrial district.

11.6 The business operator shall be a full-time resident of the dwelling.

11.7 Unless otherwise approved by the Municipal Planning Commission, not more than one home occupation is permitted on a lot.

11.8 The use must not generate more vehicular or pedestrian traffic and vehicular parking than normal within the district.

11.9 No offensive noise, vibration, electrical interference, smoke, dust, odours, heat or glare shall be produced by the use.

11.10 No use shall cause an increase in the demand placed on any one or more utilities (water, sewer, garbage, etc.) such that the combined total consumption for a dwelling and its home occupation exceed the normal demand for residences in the area. Should the demand exceed the average, a commercial consumption rate may be placed on the dwelling.

11.11 Home occupations shall not include any use that would, in the opinion of the Development Authority, materially interfere with or affect the use or enjoyment of neighbouring properties.

11.12 Signage advertising a Home occupation 1 or 2 is limited to one sign located in the window or attached to the residence in the form of a name plate not exceeding 0.09 m^2 (1 sq ft) or such greater size as deemed appropriate by the Development Authority.

11.13 The Development Authority may regulate the hours of operation, the number of customer visits, outdoor storage and screening and landscaping requirements for outdoor storage.

11.14 The development permit for the use shall be valid only for the period of time the property is occupied by the applicant for such approved use and is not transferable to another location or another person.

11.15 The issuance of a development permit in no way exempts the applicant from obtaining a business license from the Town and any other Provincial approvals that may be required.

11.16 The Development Authority may consider the parking, maintenance or storage of one commercial vehicle with a gross weight not exceeding 1000 kg (1 ton) on the site or any adjoining lands.

11.17 The Development Authority may restrict the parking of any commercial trailers on site or on public roadways in residential areas.

11.18 Any changes to an approved home occupation require the approval of the Municipal Planning Commission.

Home Occupation 1 Standards

11.19 An application for a Home occupation 1 complying with the conditions listed below may be approved by the Development Officer:

(a) the use involves phone and office only,

(b) the use involves no outdoor storage,

(c) there is no display of goods on the interior of the residence,

(d) all sales occur off the premises,

(e) there is no client traffic to the dwelling,

(f) the use complies with the general standards found in Sections 11.1 - 11.18 of this schedule.

If there is a doubt as to whether a proposed home occupation is a Home occupation 1, then the Development Officer may refer the application to the Municipal Planning Commission for a decision.

Home Occupation 2 Standards

11.20 The Municipal Planning Commission is to decide upon any Home occupation 2 complying with the conditions listed below:

(a) there is a limited volume of on-premises sales,

(b) any proposed storage is not exposed to public view,

(c) there is a limited display of products proposed for the inside of the building,

(d) there is a limited amount of client traffic to the dwelling,

(e) the use complies with the general standards found in Sections 11.1 - 11.18 of this schedule.

11.21 A Home occupation 2 shall not be approved where a secondary suite has been developed, unless it is proven to the satisfaction of the Development Authority that the amount of traffic generated is limited and adequate parking is available without adversely affecting the neighbourhood.

11.22 A Home occupation 2 development permit may be issued as a temporary development permit that may be renewed annually or on a timeline specified in the approval by the Municipal Planning Commission.

Home Occupation 2: Day Homes Standards

11.23 A day home shall be categorized as a Home occupation 2. The use of a dwelling for day home is subject to the following criteria:

(a) shall not require any alterations to the principal building unless the alterations are approved by the Development Authority and Safety or Fire Codes Officer;

(b) shall not create a nuisance by way of noise, parking or traffic generation;

(c) the applicant shall be responsible for complying with the *Child Care Licensing Act* and obtaining all necessary approvals required from regulatory agencies;

(d) the issuance of a development permit in no way exempts the applicant from obtaining a business license from the Town and any other Provincial approvals that may be required.

Home Occupation 2: Bed and Breakfast Accommodation Standards

11.24 The use of a dwelling for bed and breakfast accommodation is subject to the following criteria:

(a) shall not require any alterations to the principal building unless the alterations are approved by the Development Authority and Safety or Fire Codes Officer;

(b) shall not create a nuisance by way of noise, parking or traffic generation;

(c) shall not occupy more than 30 percent (30%) of the dwelling unit or provide for more than three guest rooms in addition to the family of the owner, whichever is less;

(d) shall not sell meals or alcoholic beverages to non-overnight guests;

(e) shall not include a kitchen in any room rented;

(f) one on-site parking space per guest room may be required, however on-street parking may be accepted by the Development Authority.

SECTION 12 PREFABRICATED DWELLINGS

12.1 A prefabricated dwelling is required to meet the following criteria:

(a) factory-built unit that meets CSA standards (CSA A-277) or has been certified by a Professional Engineer to comply with national Building Code, Alberta Edition;

(b) dwelling is securely fastened and placed on a basement, concrete slab, concrete strip footing, or pile or pier footing;

(c) minimum floor area shall be the minimum floor area defined in the applicable land use district;

(d) minimum width of dwelling – 10.9 m (36 ft);

(e) maximum length of dwelling – 20.1 m (66 ft);

(f) maximum height of exposed foundation above finished grade – 0.6 m (2 ft);

(g) Where a prefabricated dwelling is to be used as a Secondary Suite (Detached), the minimum floor area of the dwelling unit shall meet the minimum requirements for Secondary Suites as defined in Section 16 and the minimum width of the dwelling shall be as determined by the Development Authority.

12.2 A development permit for a prefabricated dwelling may be issued by the Development Authority provided that:

(a) the design, character, and appearance (including roof lines/material and exterior finish) of prefabricated homes shall be consistent with the purpose of the district in which the building is located and shall take into account any other buildings existing in the vicinity;

(b) to ensure compatibility of housing types, the variation of roof lines between prefabricated dwellings and conventional homes may be limited;

(c) at the discretion of the Development Authority, the exterior finish, colour and roofing material may be stipulated as a condition of approval;

(d) the basement access is housed within an approved enclosure.

(e) the dwelling shall conform to any architectural controls that may apply.

12.3 As a condition of approval the Development Authority, at their discretion, may place other conditions on a development permit including the requirement that the developer provide landscaping, fencing, address drainage issues, or other such matters it considers necessary if, in his or its opinion, they would serve to improve the quality or compatibility of any proposed development.

12.4 The building and the land upon which it is to be located shall be subject to all conditions and regulations specified for the particular land use district set out in the Land Use Bylaw.

12.5 The applicant/developer must submit professional building plans illustrating in colour the exterior design, floor plan, elevations and setbacks.

12.6 The quality of the completed building shall be at least equal to the quality of the other buildings in the area.

12.7 If there is any doubt as to the required standards being met, the Development Officer may refer the application to the Municipal Planning Commission for a decision.

12.8 The Development Authority may require a security deposit to ensure the conditions of the development permit for a principal building are met.

SECTION 13 MANUFACTURED HOMES

Standards and Requirements

13.1 The Development Authority may require a security deposit to ensure the conditions of the development permit for a manufactured home are met.

13.2 Only the following shall be considered eligible manufactured homes:

(a) new factory-built units;

(b) used factory-built units to a maximum of 15 years old and in a good state of repair (to the satisfaction of the Development Authority). Any application for a development permit to locate a used manufactured home:

(i) shall include recent colour photographs of all elevations including additions, and

(ii) shall require a personal inspection by the Development Officer or building inspector to determine the unit's suitability;

(c) Canadian Standards Association (CSA) certified units or units bearing the Alberta Building Label (CSA A-277 or Z-240 building labels).

Foundations, Roof Lines and Additions

13.3 All manufactured shall be placed on continuous concrete or concrete block foundations capable of supporting the maximum anticipated load in conformity with provincial legislation and CMHC regulations.

13.4 A basement for a manufactured home may be permitted provided the access to the basement is housed within an approved enclosure.

13.5 Manufactured units not provided with a basement shall be placed not less than 0.3 m (1 ft) and not more than 0.6 m (2 ft) higher than the average finished grade of the surrounding ground.

13.6 To ensure compatibility of housing types, the variation of roof lines between double-wide manufactured homes and conventional homes may be limited.

13.7 All manufactured home additions shall be of a design and finish which will complement the unit.

General Appearance

13.8 The wheels, hitches and other running gear shall be removed from a manufactured home immediately after the placement of the home.

13.9 The yard area of each lot shall be developed and landscaped when construction has been completed to the satisfaction of the Development Authority.

13.10 Any portion of a concrete block foundation above grade shall be parged unless otherwise finished with an approved material.

SECTION 14 MOVED-IN BUILDINGS

The intent of this schedule is to ensure that moved-in buildings, through the adherence to building conditions and regulations, do not create a land use conflict.

All moved-in buildings shall comply with the following:

14.1 A report by a qualified building inspector acceptable to the Municipal Planning Commission and recent colour photographs of all exterior sides shall be filed before any application will be considered.

14.2 A fee shall be charged for the above required inspection and report if done by the Town of Vulcan building inspector.

14.3 The building and the land upon which it is to be located shall be subject to all conditions and regulations specified for the particular district as set out in this bylaw.

14.4 The building, when completed, shall meet all requirements of the *Alberta Safety Codes Act*.

14.5 The value of the completed building shall be comparable to, or better than the average value of the other buildings in the immediate area.

14.6 The applicant shall submit a plan for access, landscaping and building exterior improvements with the initial application.

14.7 The building shall comply with all provincial health and fire regulations and with all applicable municipal bylaws.

14.8 The building shall not be moved until the expiration of the appeal period as set in this bylaw.

14.9 The Municipal Planning Commission shall establish a limit for the time of completion and full compliance with all stipulated requirements at the time of the approval of the application not to exceed one year.

14.10 The Municipal Planning Commission shall require a deposit to the Town of Vulcan to be made by the applicant in an amount as set out in the current Rates & Fees Bylaw.

14.11 A final inspection and report by the building inspector or Designated Officer shall be made to establish full compliance with all requirements for the issuance of an occupancy permit and for return of the applicant's deposit.

SECTION 15 PREVIOUSLY OCCUPIED DWELLINGS

The intent of these standards is to ensure that previously occupied dwellings, through the adherence to building and safety codes, conditions and regulations, do not create a land use conflict.

All previously occupied dwellings shall comply with the following:

15.1 A report by a qualified building inspector acceptable to the Municipal Planning Commission shall be filed with the application.

15.2 Recent colour photographs of all exterior sides shall be filed with the application. The aesthetics of the building shall meet the Municipal Planning Commission requirements for the area it is applying to as well as meet the communities' architectural scheme and colour.

15.3 A security deposit of $1,000 must accompany the application. Once all requirements and inspections have been met and the home has been moved in accordance to the standards, then the deposit will be fully returned less interest.

15.4 The building and the land upon which it is to be located shall be subject to all conditions and land use district regulations specified for the particular district as set out in this bylaw. Each application will be reviewed as a case-by-case study to ensure that it meets the all guidelines as set out by this policy.

15.5 The building, when completed, shall meet all requirements of the *Alberta Safety Codes Act*.

15.6 The value of the completed building shall be comparable to, or better than the average value of the other buildings in the immediate area.

15.7 The applicant shall submit a plan for access, landscaping and building exterior improvements with the initial application.

15.8 The building shall comply with all provincial health and fire regulations and with all applicable municipal bylaws.

15.9 The building shall not be moved into town until the expiration of the appeal period as set in this bylaw.

15.10 The Municipal Planning Commission shall establish a limit for the time of completion and full compliance with all stipulated requirements at the time of the approval of the application not to exceed one year.

15.11 The Municipal Planning Commission shall require a deposit to the Town of Vulcan to be made by the applicant in an amount as set out in Appendix B of Land Use Bylaw.

15.12 A final inspection and report by the building inspector or Designated Officer shall be made to establish full compliance with all requirements for the issuance of an occupancy permit and for return of the applicant's deposit.

SECTION 16 SECONDARY SUITE STANDARDS

Secondary Suite (Attached) means the development of an accessory dwelling unit located within or attached to a single-unit dwelling by a common roof. An attached secondary suite shall have an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure. This use does not include a Boarding House, 2-unit, 3-unit, 4-unit, Row Dwelling, or Manufactured Home.

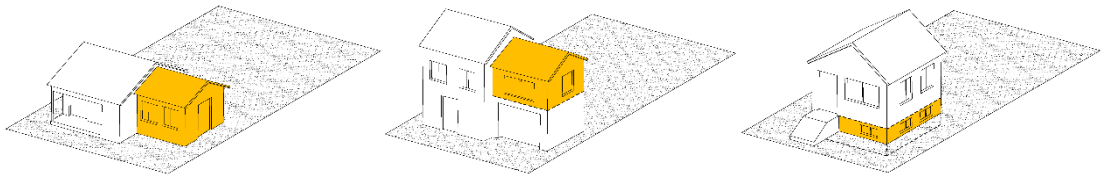


Figure 5.16.1

Secondary Suite (Detached) means the development of an accessory dwelling unit which is located in the rear yard of the same parcel upon which an existing principal dwelling unit is located. This use may be built in conjunction with a detached garage. This use may include a Prefabricated Dwelling but does not include a Boarding House, 2-unit, 3-unit, 4-unit, Row Dwelling, or Manufactured Home.

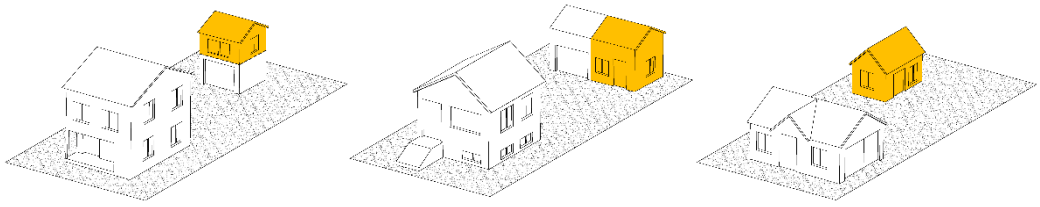


Figure 5.16.2

16.1 A secondary suite shall have cooking facilities, food preparation area, sleeping and sanitary facilities, which are physically separate from those of the principal dwelling.

16.2 This use does not include a Boarding House, 2-unit, 3-unit, 4-unit, Row Dwelling, or Manufactured Home.

16.3 The minimum lot size for a parcel containing a secondary suite is 529.5 m^2 (5700 sq ft).

16.4 The minimum floor area for a secondary suite shall be not less than 30.2 m^2 (323 sq ft).

16.5 Only one secondary suite, attached or detached, may be developed in conjunction with a principal dwelling.

16.6 A secondary suite shall not be developed within the same principal dwelling containing a Home Occupation 2, unless it is proven to the satisfaction of the Development Authority that the amount of traffic generated is limited and adequate parking is available without adversely affecting the neighbourhood.

16.7 The secondary suite shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

16.8 Variances or waivers of setbacks shall not be granted to develop a secondary suite.

16.9 The secondary suite shall have full utility services through service connections from the principal dwelling unit.

16.10 The following standards shall apply to Secondary Suite (Attached):

(a) the setbacks for the secondary suite shall comply with the minimum setbacks for the principal dwelling;

(b) the secondary suite shall be developed in such a manner that the exterior of the principal dwelling containing the secondary suite shall appear as a single dwelling;

(c) the entrance to the secondary suite shall be separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure.

16.11 The following standards shall apply to Secondary Suite (Detached):

(a) the maximum floor area is 79 m^2 (850 sq ft) (other than stairways or a common landing);

(b) the maximum building height is 7.5 m (25 ft) and in no case shall the secondary suite exceed the height of the principal dwelling;

(c) the minimum building setbacks are as stipulated in the applicable land use district. Where a secondary suite is built in conjunction with a garage, the setbacks for secondary suites shall apply and the setbacks for accessory buildings will not be utilized;

(d) the minimum separation from the principal dwelling shall be 3.0 m (9.84 ft);

(e) the maximum lot coverage of a secondary suite shall be limited to the area as stipulated for an accessory building in the applicable land use district;

(f) a secondary suite shall not be located on a parcel unless a single-unit dwelling is already erected on the site.

(g) a detached secondary suite shall remain subordinate to the single-unit dwelling;

(h) the exterior finish of the secondary suite, including but not limited to, materials, textures, and colours, shall match or compliment the exterior finish of the principal dwelling, to the satisfaction of the Development Authority;

(i) if the detached secondary suite is built in conjunction with a garage, the secondary suite shall have an entrance separate from the entrance to the garage, either from a common indoor landing or from the exterior of the structure;

(j) the secondary suite shall be constructed on a permanent foundation.

16.12 Development of a secondary suite shall adhere to the Alberta Safety Codes as a condition of approval.

16.13 Minimum Parking requirements for all secondary suites are:

(a) Suite 70 m^2 (750 sq ft) or less: 1 parking stall

(b) Suite over 70 m^2 (750 sq ft): 2 parking stalls

Schedule 6

COMMERCIAL / INDUSTRIAL STANDARDS OF DEVELOPMENT

Schedule 6

COMMERICAL / INDUSTRIAL STANDARDS OF DEVELOPMENT

SECTION 1 EASEMENTS

1.1 All permanent structures shall be located a minimum of 3.0 m (10 ft), or such greater distance as required by the Development Authority, from an easement registered for the protection of municipal water mains and sewer mains or any other such infrastructure, as determined by the municipality.

1.2 No structures shall be located within a registered easement.

SECTION 2 CORNER VISIBILITY

2.1 **Street Corner Visibility**

On a corner lot, nothing shall be erected, placed, planted or allowed to grow in a manner which may restrict traffic visibility at street intersections, between 0.9 m (3 ft) and 3.0 m (10 ft) above the centre line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property line 6.1 m (20 ft) from the point of intersection (see Figures 6.2.1 and 6.2.2).

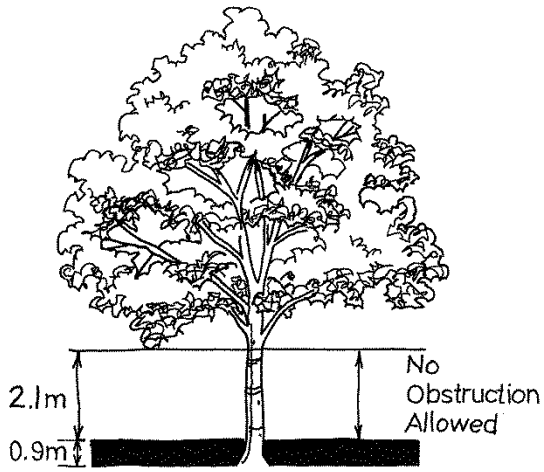


Figure 6.2.1

2.2 **Rear Lane Visibility**

The Municipal Planning Commission may impose conditions on a development to ensure that adequate visibility and safety of both pedestrians and vehicles is maintained for vehicles entering and exiting rear lanes.

The Municipal Planning Commission may request that a minimum 1.5 m (5 ft) clear vision triangle be provided for lots backing onto the intersection of a rear lane and public roadway.

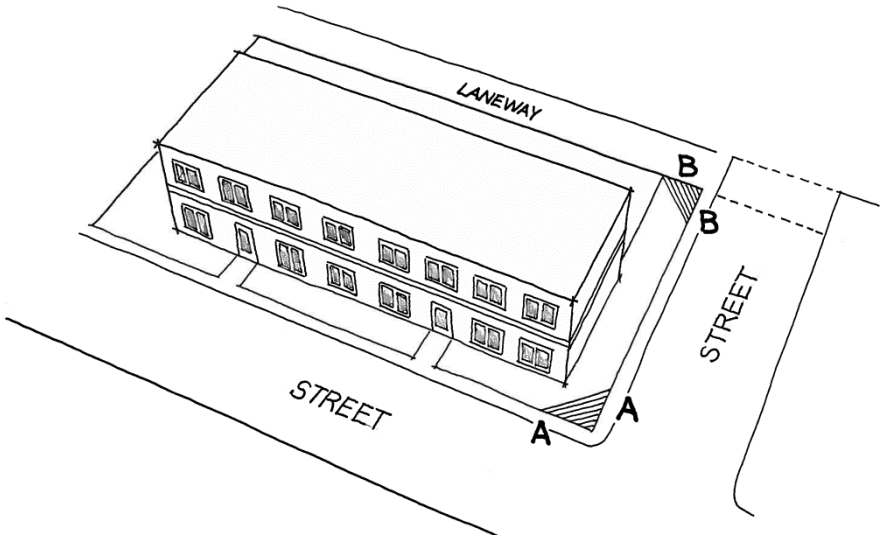


Figure 6.2.2

SECTION 3 LANDSCAPING AND SCREENING

3.1 A landscaping plan shall be submitted with the development permit application for any principal use. The Development Authority may require that a landscaping plan be prepared by a professional. An irrigation plan may also be required.

3.2 Within the front setback and secondary front setback, a minimum landscaped strip of 3.0 m (10 ft) in width along the entire lot frontage (excepting driveways, sidewalks, and walkways) is required. The strip shall be comprehensively landscaped to the satisfaction of the Development Authority.

3.3 The Development Authority may require the prescribed minimum 7.6 m (25 ft) setback between an industrial and residential use to be landscaped and/or fenced depending on the intensity of the proposed use.

3.4 Development along Highways 534 and 23 may be subject to enhanced landscaping standards to ensure attractive development adjacent to entryways into the community.

3.5 Off-street parking lots shall be landscaped and/or screened to the satisfaction of the Development Authority.

3.6 Where off-street parking is adjacent to a residential use, the Development Authority may require a minimum 3.0 m (10 ft) landscaped buffer between the property line and the adjacent use.

3.7 Where an industrial lot is adjacent to a residential use, all ground mounted mechanical equipment shall be concealed by fencing and/or landscaping to the satisfaction of the Development Authority.

3.8 Landscaping shall consist of any combination of the following to the satisfaction of the Development Authority:

(a) vegetation (e.g. trees, shrubs, lawn, flowers);

(b) ground cover (e.g. large feature rocks, bark chip, field stone, crushed rock, or other similar features);

(c) buffering (e.g. berming, terracing, paving stones);

(d) outdoor amenity features (e.g. benches, walkways, raised planters);

(e) innovative landscaping features, as approved by the Development Authority.

3.9 No cottonwood tree of any species or variety shall be planted in the municipality.

SECTION 4 FENCING

4.1 No fence, wall, gate, hedge or other means of enclosure shall extend more than 2.4 m (8 ft) in height in any side or rear yard. A fence, wall, gate, hedge or other means of enclosure that exceeds 0.9 m (3 ft) in height within a front yard or secondary front yard requires approval by the Development Authority.

4.2 Fence height shall be measured as the vertical distance from average grade to the highest portion of the fence. Average grade is defined as the average of the highest and lowest grades adjacent to the portion of the lot where the fence will be placed.

4.3 The use of barbed wire below a height of 1.8 m (6 ft) is not permitted. A maximum of 0.6 m (2 ft) barbed wire above the 2.4 m (8 ft) fence height is permitted.

4.4 The use of razor wire is not permitted.

4.5 Fencing shall not be permitted to be constructed within any developed or undeveloped roadway or laneway right-of-way. Removal of such fencing will be at the property owner's expense.

4.6 Where a permit is required for fencing, the Development Authority may regulate the material types and colours used for the fence.

4.7 Refer also to Section 2, for clear vision triangle requirements.

SECTION 5 OFF-STREET PARKING REQUIREMENTS AND DESIGN STANDARDS

5.1 Refer to Schedule 5, General and Use Specific Standards of Development, Section 8.

SECTION 6 OUTDOOR DISPLAY AND STORAGE

6.1 Temporary outdoor display of goods, materials, and equipment for advertising and sale purposes may be permitted in the front yard provided the display is not located within any required setback, landscape area or buffer.

6.2 The Development Authority may impose conditions related to screening, buffering or landscaping of any outdoor display areas.

6.3 Outdoor storage areas shall not be permitted within the front, secondary front or side setback.

6.4 Outdoor storage areas adjacent to a residential lot shall be effectively screened by an opaque fence of at least 1.8 m (6 ft) in height or other suitable screening to the satisfaction of the Development Authority.

SECTION 7 MITIGATION OF IMPACTS FROM NOISE, ODOR, VIBRATION AND AIR QUALITY

7.1 Where, in the opinion of the Development Authority, a development has the potential to create negative impacts on adjacent uses and/or nearby residential development in the form of noise, odor, vibration and/or air quality, the applicant may be required to submit a mitigation plan demonstrating how impacts will be mitigated prior to a decision being made on the application.

7.2 A mitigation plan may be attached as a condition of approval as well as any other measures deemed necessary by the Development Authority to mitigate impacts pursuant to subsection 7.1 above.

SECTION 8 ACCESSORY BUILDINGS

8.1 Accessory buildings shall be located at least 1.2 m (4 ft) from the principal building.

8.2 Accessory buildings shall be constructed such that eaves shall be no closer than 0.6 m (2 ft) from a side lot line or rear lot line and all drainage is conducted to the appropriate storm drain via the applicant's own property.

8.3 Accessory buildings or structures shall not to be located in the front yard in relation to the principal building.

SECTION 9 MOVED-IN BUILDINGS

9.1 The building and the land upon which it is to be located shall be subject to all conditions and regulations specified for the particular land use district.

9.2 The building shall comply with all provincial and municipal health and fire regulations prior to occupancy and release of security deposit. A report by a building inspector regarding each application shall be filed before any such application shall be considered by the Development Authority.

9.3 The quality of the completed building shall be at least equal to or better than the quality of the other buildings in the area.

9.4 The requirements of the building shall be established by the Municipal Planning Commission at the time of approval of the application and shall form a part of the conditions of the development permit.

9.5 A limit of the time of completion and full compliance with all stipulated requirements shall be established by the Municipal Planning Commission at the time of the approval of the application.

9.6 The application should be accompanied by recent colour photographs of all elevations of the moved-in building.

9.7 The Municipal Planning Commission shall require a deposit to the Town of Vulcan to be made by the applicant in an amount as set out in Appendix B of Land Use Bylaw.

SECTION 10 SURVEILLANCE SUITES

10.1 A development permit for a surveillance suite will only be issued if the surveillance suite is clearly compatible with and subordinate to the principal use of the subject parcel. Moreover, in the opinion of the Development Officer or Municipal Planning Commission, as the case may be, the placement of a surveillance suite shall be compatible with all existing, principal development/land uses on adjacent properties and shall not interfere with future principal development/land uses of adjacent properties.

10.2 Where a surveillance suite is attached to the building on a site by a roof, an open or enclosed structure, floor or a foundation, it is to be considered a part of the principal building.

10.3 The minimum and maximum floor area of any detached surveillance suite shall be 50 m^2 (538 sq ft) and 102 m^2 (1098 sq ft) respectively.

10.4 Where a surveillance suite is a manufactured home unit, the following shall apply:

(a) the unit shall have a CSA certification or equivalent, proof of which shall accompany the development permit application;

(b) the unit shall be secured and skirted to the satisfaction of the Development Officer or Municipal Planning Commission, as the case may be.

SECTION 11 REGULATIONS FOR MIXED-USE BUILDINGS

11.1 A building may be occupied by a combination of one or more of the uses listed for in the Retail/Commercial district. Each use shall be considered as a separate use, and shall obtain a development permit. A development permit may include a number of units within a building.

11.2 The minimum size of a mixed-use residential dwelling unit shall be 46.5 m^2 (500 sq ft).

11.3 Mixed-use residential dwelling units and commercial premises shall not be permitted on the same upper storey of a building.

11.4 Mixed-use residential dwelling units may be located on the ground floor of a building.

11.5 The mixed-use residential dwelling units shall have at grade access that is separate from the access for commercial premises. Direct access from a residential dwelling unit to a commercial premise shall not be permitted.

11.6 A minimum of 4.0 m² (43 sq ft) of private amenity area shall be provided for each mixed-use residential dwelling unit in the building.

11.7 No use or operation within a building shall cause air contaminants, visible emissions, particulate emissions of odorous matter or vapor, or create the emission of toxic matter beyond the building that contains it. The handling, storage and disposal or any toxic or hazardous materials or waste shall be in accordance with the regulations of any government authority having jurisdiction.

SECTION 12 GAS BARS, SERVICE STATIONS AND BULK FUEL STATIONS

12.1 Notwithstanding the District Regulations, a use pursuant to this section shall not be located on sites which, in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation, and access and egress from the site.

12.2 **Site Area (Minimum)**

(a) Gas Bar: 1,200 m^2 (12,917 sq ft)

(b) Service Station: 1,500 m^2 (16,146 sq ft)

(c) Gas Bar or Service Station including Car Wash: 2,700 m^2 (29,063 sq ft)

(d) Where a service station or gas bar forms part of a shopping centre, the area containing the service station or gas bar buildings and pump areas: 1,000 m^2 (10764 sq ft)

(e) Where a service station or gas bar is combined with a convenience store: 1,200 m^2 (12,917 sq ft)

(f) Bulk Fuel Station: 2,700 m^2 (29,063 sq ft)

12.3 **Setback of Buildings and Structures**

(a) The Provincial Plumbing and Gas Safety Services Branch shall approve the proposed location(s) and design of all fuel storage tanks prior to application for a development permit.

(b) Fuel storage tanks shall have the following setbacks from any property lines, abutting masonry building walls, drainage basins and ditches:

Total Tank Capacity	**Setback**
Up to 7,500 litres	3.0 m (10 ft)
7,501 to 19,000 litres	5.0 m (16.5 ft)

19,001 to 38,000 litres	7.6 m (25 ft)
Over 38,000 litres	10.5 m (34.5 ft)

Tanks located on property within a Flood Hazard Area shall be flood proofed to the satisfaction of the Development Authority.

(c) The ventilation tank pipes shall have a minimum height of 3.5 m (11.5 ft) from grade, and a minimum setback of 0.9 m (3 ft) from any property line. In cases where the ventilation tank pipes are abutting to a building opening, the setback requirement shall be a minimum on 1.2 m (4 ft).

(d) The ventilation tank pipes shall have a minimum setback of 7.6 m (25 ft) from any fuel-dispensing unit.

(e) The minimum front yard requirements shall be as prescribed in the district in which the use is located but in no case shall be less than 3.0 m (10 ft).

(f) The minimum side and rear yard setbacks shall be as prescribed in the district in which the use is located.

(g) Yard setbacks shall apply to all above ground structures, including gas pump canopies.

12.4 **Site and Building Requirements**

(a) All parts of the site to which vehicles may have access shall be hard-surfaced if the property is accessed from a paved public road or lane, and drained to the satisfaction of the Development Authority.

(b) A minimum of 10 percent (10%) of the site area of a gas bar and service station under this section shall be landscaped to the satisfaction of the Development Authority.

(c) The removal of tanks requires a demolition permit from the Development Authority.

12.5 The maximum building coverage for a use under this section shall be 25 percent (25%) of the site area.

SECTION 13 CANNABIS PRODUCTION FACILITY

13.1 The owner or applicant must provide as a condition of development a copy of the current license for all activities associated with medical cannabis production as issued by Health Canada.

13.2 The owner or applicant must obtain any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.

13.3 The development must be done in a manner where all of the processes and functions are fully enclosed within a stand-alone building including all loading stalls and docks, and garbage containers and waste material.

13.4 The development shall not operate in conjunction with another approved use.

13.5 The development shall not include an outdoor area for storage of goods, materials or supplies.

13.6 The development must include equipment designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system.

13.7 The development must not be within 75.0 m (246 ft) of a residential or a public institutional district, measured from the building foundation containing the use to the nearest property line of a parcel designated as a residential or a public institutional district.

13.8 The Development Authority may require, as a condition of a development permit, a Public Utility and Waste Management Plan, completed by a qualified professional, that includes detail on:

(a) the incineration of waste products and airborne emissions, including smell;

(b) the quantity and characteristics of liquid and waste material discharged by the facility; and

(c) the method and location of collection and disposal of liquid and waste material.

13.9 The minimum number of motor vehicle parking stalls shall be based on the parking requirements of the Light Industrial use found in Schedule 4.

SECTION 14 RETAIL CANNABIS STORES

14.1 The development of retail cannabis stores shall be in accordance with the *Gaming, Liquor, and Cannabis Act* as well as any other applicable regulation.

14.2 A copy of the retail cannabis licence issued by the Alberta Gaming and Liquor Commission shall be provided to the Town prior to occupancy as a condition of development permit approval.

14.3 Advertising inside the premises shall not be visible from the outside.

14.4 Only permanent signage shall be permitted and copy shall be restricted to the business name.

14.5 Retail cannabis stores will be prohibited in the use of portable signs.

14.6 The premises must operate separately from other businesses, including providing a separate loading space when one is required.

14.7 The public entrance and exit to the use must be direct to the outdoors.

14.8 Goods shall not be visible from outside the business premises.

14.9 A retail cannabis store shall have no other use.

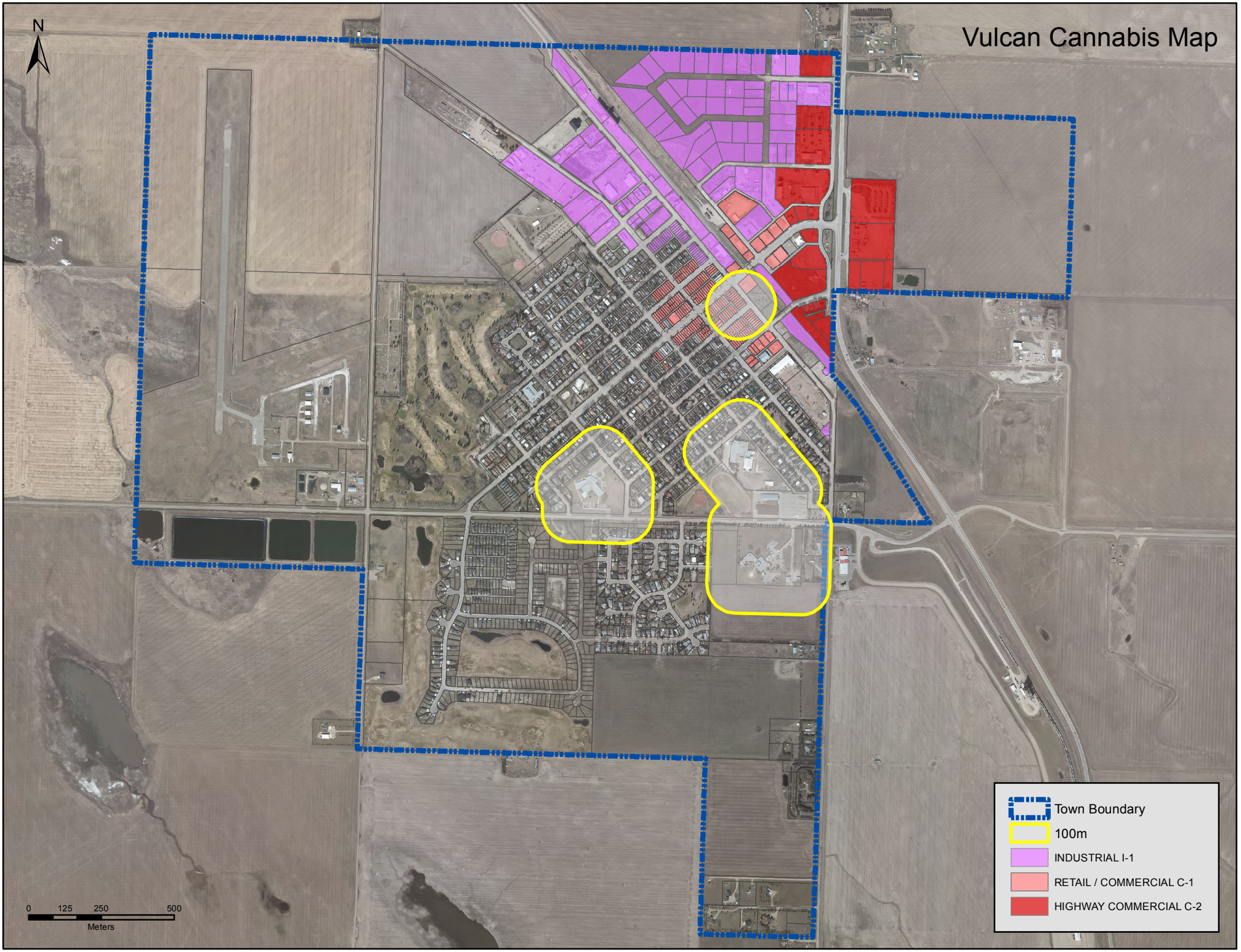
14.10 Retail cannabis stores shall only be allowed within the Retail Commercial – C-1, Highway Commercial – C-2, and Industrial – I-1 land use districts.

14.11 In all districts, a retail cannabis store must not be located within a 100 m area that contains any of the following uses or structures, when measured from the closest point of a retail cannabis store's parcel of land to any of the following:

(a) the boundary of the parcel of land on which a hospital, as defined in this Bylaw, is located; and

(b) the boundary of the parcel of land containing a school, as defined in this Bylaw.

14.12 The specified separation distances are reciprocal and also apply to those described land uses identified in 14.11 applying for a development permit locating in close proximity of an established retail cannabis store.


Vulcan Cannabis Map
N
0 125 250 500
Meters
Town Boundary
100m
INDUSTRIAL I-1
RETAIL / COMMERCIAL C-1
HIGHWAY COMMERCIAL C-2

Schedule 7

SIGN REGULATIONS

Schedule 7

SIGN REGULATIONS

Except as stated in Section 2 (Signs Not Requiring a Permit) below, no sign shall be erected on land or affixed to any exterior surface of a building or structure unless a development permit for this purpose has been issued by the Development Authority.

SECTION 1 DEFINITIONS

1.1 For the purpose of this schedule, certain terms or words herein shall be interpreted or defined as follows:

AREA OF A SIGN means the total surface area within the outer periphery of the said sign and, in the case of a sign comprised of individual letters or symbols, shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of surface areas.

BILLBOARD means a structure, primarily self-supporting, which is used for the display of general advertising, the subject matter of which is not necessarily related to the use or ownership of the property on which the structure is located.

BUSINESS FRONTAGE means:

(a) any side of a separate property or building which abuts a public street or avenue; or

(b) in the case of individual business or tenants within a building, any businesses which has separated access to a public street.

FASCIA SIGN means a sign placed flat and parallel to the face of the building so that no part projects more than one foot from the building.

FREESTANDING SIGN means a sign on a standard or column permanently attached to the ground, and which is not connected in any way to any building or other structure.

FREESTANDING PORTABLE SIGN means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually.

MARQUEE OR CANOPY means a projection outward from the face of a building, primarily designed to provide protection from climatic elements.

MARQUEE OR CANOPY SIGN means a sign attached to a marquee or canopy.

MERCHANDISING AIDS means devices used for the display of merchandise and related advertising material.

MULTI-TENANT SIGN means any freestanding sign that contains sign content that advertises more than one tenant and/or business.

MURAL SIGN means any picture, scene, graphic or diagram displayed on the exterior wall of a building for the primary purpose of decoration or artistic expression and not created to solely display a commercial message or depiction.

OFF-PREMISES SIGN means any type of sign that may contain sign content that advertises or otherwise identifies a service, product or activity conducted, sold or offered at a location other than the premises on which the sign is located.

POINT-OF-SALE ADVERTISING means advertising which is related to the name of the occupier or firm, the nature of the business conducted and/or the goods produced, and/or the main products and services sold or obtainable at the premises on which the advertising is displayed.

PROJECTING SIGN means a sign which is attached to a building or structure so that part of the sign projects more than 0.3 m (1 ft) from the face of the building or structure. This type of sign includes shingle or hanging signs.

ROOF means the top enclosure, above or within the vertical walls of a building.

ROOF SIGN means any sign erected upon, against, or directly above a roof or on top of or above the parapet of a building, but does not include a temporary inflatable sign used for special functions.

SKY SIGN means a roof sign comprising individual letters or symbols on an open framework.

SECTION 2 SIGNS NOT REQUIRING A PERMIT

2.1 The following shall be exempted from the provisions of these sign regulations:

(a) signs displayed on enclosed land where they are not readily visible to the public;

(b) signs displayed within a building;

(c) signs displayed in or on an operational vehicle;

(d) signs displayed on door plates, door bars or kick plates;

(e) any permanent window sign painted on, attached to or installed on a window provided that no more than 60 percent (60%) of the subject window area is covered.

2.2 The following specified signs are also exempted from these sign regulations and may be erected without further application being made to the Development Officer, provided that the permission hereby granted, shall be subject to any conditions or limitations specified in the case of the particular signs, and be subject to all other orders, bylaws and regulations affecting such signs:

(a) statutory and official notices and functional advertisements of local authorities and public transport authorities;

(b) traffic and directional signs authorized by Council;

(c) notices of identification in respect of the land or building on which they are displayed, and professional business and trade name plates related to the occupants of the land or buildings on which they are displayed, provided that:

(i) each notice or name plate shall not exceed 0.09 m² (1 sq ft) in area;

(ii) there shall be a limit of one notice for each occupant of each firm or company represented within the building, at one entrance on each different street;

(d) notices relating to the sale, lease, or rental of the buildings, or land to which they are attached, provided that:

(i) the notice shall not be illuminated;

(ii) each notice shall not exceed 0.4 m² (4 sq ft) in area;

(iii) there shall be a limit of one notice for each of the land or buildings on a different street;

(e) posters relating specifically to a pending election, provided that such posters shall be removed within 14 days after the election;

(f) notices of land or buildings used for religious, educational, cultural, recreational, medical or similar public or quasi-public purposes, provided that:

(i) each notice shall not exceed 1.1 m² (12 sq ft) in area;

(ii) there shall be a limit of one notice for each side of the land or buildings on a different street;

(g) signs of building contractors relating to constructional work in progress on the land on which such signs are erected, provided that:

(i) such signs shall be removed within 14 days of occupancy;

(ii) such signs shall be limited in size to a maximum of 6.0 m² (65 sq ft) and in number to one sign for each boundary of the property under construction which fronts onto a public street;

(h) temporary signs referring to sales which are displayed upon the premises upon or within which such sales will be or are being conducted, provided that:

(i) the signs shall not be illuminated and shall be constructed of paper, canvas, cardboard, or other light materials or painted on glass and intended to be displayed for a short period of time only;

(ii) such signs shall not be erected more than 7 days before the commencement of the sale to which they refer and shall be removed within 8 days of the completion of the said sale;

(i) freestanding portable signs are exempted, provided that:

(i) such signs shall be removed within 14 days of occupancy;

(ii) the overall height of the sign shall not be greater than 1.5 m² (5 ft) above ground level;

(iii) the maximum area of the sign shall not exceed 1.1 m² (12 sq ft);

(j) signs on merchandising aids are exempted, provided that:

(i) any device shall be placed wholly within the property lines;

(ii) the overall height of any sign shall not be greater than 1.8 m (6 ft) above ground level;

(iii) the maximum area of any sign shall not exceed 1.1 m^2 (12 sq ft).

SECTION 3 DETAILS OF APPLICATION

3.1 Applications for a development permit shall be made to the Development Officer. The application shall be:

(a) made out on the official form provided by the Development Officer;

(b) supported by two sets of drawings drawn to scale and dimensioned. Where a building is involved, the scale shall not be smaller than 1:100. In the case of a plot plan, the scale shall not be smaller than 1:300;

(c) the drawings shall indicate:

(i) the location of the sign by elevation drawing or plot plan;

(ii) the overall dimensions of the sign;

(iii) the size of the letters or letter;

(iv) the amount of projection from the face of the building;

(v) the amount of projection over town property;

(vi) the height of the sign above the town street or sidewalk, or the height above the average ground level at the face of the building;

(vii) the manner of illuminating the sign and any form of animated or intermittent lights that may be embodied in the construction;

(viii) the least distance that the sign will be erected from an intersection of one street with another; also, the least distance from any device for the control of traffic at such an intersection.

3.2 No person shall perform any work of erection or of placing a sign differing from or enlarging the work for which a development permit has been issued. If during the progress of the work, the applicant desires to deviate in any way from the terms of the original approved development permit, he shall notify the Development Officer and submit amended drawings, and if necessary shall make application to the Development Officer for approval of the plans as amended.

3.3 A development permit shall not be required to clean, repair or repaint any sign.

SECTION 4 GENERAL PROVISIONS

4.1 All proposed signs, with the exception of the exemptions as provided for in subsection 7.2, shall be authorized by the Development Officer prior to any building permit being issued.

4.2 With the exception of the special provisions relating to billboards, all signs shall contain “point-of-sale advertising” only. All other off-premises signage applications shall be referred to the Municipal Planning Commission.

4.3 No sign shall be permitted which is attached to a fence, pole, tree or any object in a public street or place.

4.4 No sign shall be permitted which is attached to or standing on the ground in any public street or place.

4.5 No signs shall be erected so as to obstruct free and clear vision of vehicular traffic or at any location where it may interfere with, or be confused with, any authorized traffic sign, signal or device.

SECTION 5 FASCIA SIGNS

5.1 In all commercial and industrial districts, fascia signs shall be erected so that they:

(a) do not project more than 0.45 m (18 in) above the vertical face of the wall to which they are attached,

(b) do not exceed in area the equivalent of 25 percent (25%) of the surface area of the wall comprising the business frontage, and

(c) are located on a business frontage as defined.

5.2 Fascia signs on a flank or gable which is not a business frontage, as defined, shall be considered by the Development Officer according to the merits of the individual application.

5.3 On commercial or industrial buildings which are non-conforming uses in a residential district, fascia signs shall be considered by the Development Officer according to the merits of the individual application.

SECTION 6 MARQUEE AND CANOPY SIGNS

6.1 Marquee and canopy signs shall be considered as fascia signs according to the provisions of section 5, provided that:

(a) they shall be attached to the front edge of the marquee or canopy;

(b) no additional supporting wires or stays shall be attached to the canopy or wall;

(c) no portion of the sign shall project below the bottom edge, or more than 0.5 m (18 in) above the top edge of the marquee or canopy;

(d) a sign not exceeding 0.3 m (1 ft) by 1.2 m (4 ft) in outside dimensions may be suspended below a marquee or canopy provided no part of the sign shall be closer than 2.28 m (7.5 ft) to the ground or sidewalk.

SECTION 7 PROJECTING SIGNS

The following regulations are intended to encourage signage that is of an appropriate scale and look that reflects the community and is visually interesting, well-designed, and integrates the business sector. It is further the intension to restrict signage to the essential tasks of identifying the name and general function of the business.

7.1 Projecting signs are primarily for the Retail / Commercial district of town; however, applications for projecting signage where other forms of signage are not appropriate will be considered by the Municipal Planning Commission.

7.2 One projecting sign is permitted per business frontage except where the business property exceeds 15.2 m (50 ft). An additional projecting sign may be permitted for each additional 15.2 m (50 ft) of frontage.

7.3 A sign projecting over Town of Vulcan property will not require the permission of the Town Council if approved by the Municipal Planning Commission or Development Officer.

7.4 In all commercial and industrial districts, projecting signs shall be erected with the following restrictions:

(a) the sign must be attached to the building to which the sign relates;

(b) maximum projection over public property is 1.2 m (4 ft);

(c) the sign may be no closer than 1.0 m (39 in) to the curb or roadway;

(d) maximum sign size excluding attachments is 1.2 m (4 ft) by 0.6 m (2 ft);

(e) minimum distance from the sidewalk or ground is to be 2.3 m (7.5 ft);

(f) a satisfactory method of attaching the sign to the building will be provided to the Development Officer for approval;

(g) no sign may project above the roofline or parapet of the building;

(h) projecting signs are not to be illuminated;

(i) where possible, the style of the projecting sign should fit with the existing signage of the business district.

7.5 Business owners whose projecting sign encroaches on public property are required to advise their liability insurance provider of the sign.

SECTION 8 FREESTANDING SIGNS

8.1 In all commercial and industrial districts, freestanding signs shall be erected so that:

(a) no part of the sign, excluding that portion which is used for support and which is free of advertising, shall be less than 3.0 m (10 ft) nor more than 9.1 m (30 ft) above ground or sidewalk grade;

(b) no part of the sign shall project beyond the property line;

(c) the area of the sign shall not exceed the ratio of 0.1 m^2 (1 sq ft) for each linear 0.3 m (1 ft) of business frontage to a maximum of 8.4 m^2 (90 sq ft) with the area of the sign being computed exclusive of the pylon or support provided that it is free of advertising;

(d) there shall not be more than one freestanding sign for each business frontage.

8.2 Billboards shall be considered by the Development Officer according to the merits of each individual application, and shall be restricted to the Highway Commercial land use district and subject to the following conditions:

(a) the structure shall not exceed 6.1 m (20 ft) in height and 15.2 m (50 ft) in length;

(b) the vertical posts supporting the structure shall not project above the upper edge of the boardings;

(c) any additional bracing shall be contained within the front and rear faces of the vertical posts;

(d) the rear of any billboard, which is plainly visible from a public thoroughfare, shall be covered with wooden slats or trellis fixed against the rear edge of the vertical posts and painted;

(e) no part of the structure shall project over public property;

(f) no billboard shall be erected less than 61.0 m (200 ft) from any existing billboard;

(g) the structure shall at all times be kept in good order and repair.

SECTION 9 ROOF SIGNS

9.1 Roof signs may be allowed in all commercial and industrial districts, as a discretionary use.

9.2 No more than one roof sign may be permitted per building.

9.3 Roof signs may be illuminated.

9.4 No part of a roof sign shall project horizontally beyond any exterior wall, parapet, or roofline of the building upon which it is located.

9.5 Roof signs may display or communicate information on both sides of the sign.

9.6 For flat roofed buildings, a roof sign's height shall not exceed 30 percent (30%) of the building height.

9.7 For sloped roofed buildings, a roof sign's height shall not exceed 30 percent (30%) of the height from the ground to the eave.

9.8 Roof sign area shall not exceed 9.29 m^2 (100 sq ft).

9.9 Roof signs shall not exceed the maximum building height defined by the land use district.

9.10 All roof signs are required to be connected to the building structure and inspected by a building inspector.

9.11 All supporting structures visible to the public shall be finished in a manner acceptable to the Development Authority.

SECTION 10 MURAL SIGNS

10.1 All mural signs require a development permit except those signs exempted in Section 2.

10.2 No more than one mural sign shall be allowed per building unless specifically authorized by the Municipal Planning Commission.

10.3 The location, theme, construction materials and size associated with the mural shall be to the satisfaction of the Development Authority.

10.4 The mural must be a painting or other decorative work (artistic rendering/scene) and no mural shall be created to solely display a commercial message or depiction.

10.5 The Development Authority may require that the mural content be reflective of the Town's history and/or heritage.

10.6 Display of text, including a business name or commercial message, within a mural shall not exceed 10 percent (10%) coverage of the wall surface area, up to a maximum coverage size of 9.3 m^2 (100 sq ft).

SECTION 11 VARIANCES

11.1 Where there are exceptional circumstances or conditions applicable to a particular property to the extent that practical difficulties, or results inconsistent with the general purpose of these regulations may result from their strict and literal interpretation and enforcement, variances shall be considered by the Development Authority according to the merits of the individual application.

SECTION 12 EXISTING SIGNS

12.1 These Sign Regulations shall not be applied to signs legally in existence at the date of the adoption of this bylaw.

Schedule 8

TELECOMMUNICATION ANTENNA SITING PROTOCOL

Schedule 8

TELECOMMUNICATION ANTENNA SITING PROTOCOL

The intent of this schedule is to guide the telecommunications industry and amateur radio operators through the process of tower siting within the municipality. This guide was developed in accordance with Industry Canada siting protocols.

SECTION 1 MUNICIPAL APPROVAL

1.1 Proposals for freestanding telecommunication antennas shall not be required to obtain a development permit, but shall be required to make a submission to the Municipal Planning Commission including:

(a) the information as listed in Section 2, and

(b) complete the notification and public consultation process found in Section 3.

1.2 Concurrence with the proponent's project will be measured against the requirements of each district's requirements and criteria listed below. If all requirements are met the Town of Vulcan will provide concurrence in the form of a written letter to the proponent.

1.3 The following are excluded from the public consultation process outlined in Section 3:

(a) an antenna mounted on a building that projects less than 1.8 m (6 ft) in height above the top of the building,

(b) highway commercial or industrial designated lands which are a minimum of 150.0 m (492 ft) from residential designated lands or lands designated for public purpose.

SECTION 2 INFORMATION REQUIREMENTS

Co-utilization (Co-location)

2.1 All proponents for freestanding antenna structures will be requested to identify any other such structures within a radius of 1000.0 m (3,280 ft) of the proposed location and provide documentary evidence that co-utilization of the existing or new structure is not a viable alternative to a second structure.

Appearance

2.2 All proponents for antenna structures which are visible from residential areas may be requested to employ innovative design measures to mitigate the visual impact of these structures. The proponent shall provide stealth structure options when requested by the municipality. Stealth structure options will be based on an evaluation of the massing, form, colour, material, and other decorative elements, that will blend the appearance of the facility into and with the surrounding lands.

Lighting and Signage

2.3 Lighting in addition to that which is required by applicable federal agencies shall be avoided. Security lighting may be considered provided it meets the requirements of the applicable land use district.

2.4 Only signage that is required by applicable federal agencies is permitted. No advertising signage shall be permitted.

SECTION 3 NOTIFICATION AND PUBLIC CONSULTATION PROCESS

3.1 At the expense of the applicant, the municipality will notify all land owners within a distance of 500.0 m (1640 ft) of the proposed structure.

3.2 For each notification, the proponent must submit a letter providing a map of the location of the tower, physical details of the tower (with elevation drawings), the time and location of the open house, and a contact name and phone number of someone employed by the proponent who can answer questions regarding the proposal. The notifications should be sent 25 days prior to the open house.

3.3 The proponent shall hold an open house regarding their development proposal and should proactively explain all aspects of the siting, technology, and appearance of the proposed structure.

3.4 From the open house, the proponent shall provide the Municipal Planning Commission with a copy of the agenda and the minutes indicating the topics discussed, additional concerns raised with proposal for resolutions, and any outstanding issues that the proponent and/or landowners could not resolve.

3.5 Where the public process has raised unresolved concerns about public health and related effects of wireless communication technology, the Town of Vulcan will request a ruling by Industry Canada prior to the issuance of a letter of concurrence.

Schedule 9

DIRECT CONTROL BYLAWS

Schedule 9

DIRECT CONTROL BYLAWS

The following is a reference list of redesignation bylaws adopted by Town Council to designate the specified parcels of land to a Direct Control land use district. This list will be updated on an on-going basis as Council adopts each amending bylaw. The amending bylaws follow this page.

BYLAW NO.	LEGAL DESCRIPTION	DATE OF ADOPTION
1470-18	THOSE PORTIONS OF LEGAL SUBDIVISIONS NINE (9) AND TEN (10), IN THE NORTH EAST QUARTER OF SECTION THIRTY TWO (32) IN TOWNSHIP SIXTEEN (16) RANGE TWENTY-FOUR (24) WEST OF THE FOURTH MERIDIAN, WHICH LIE TO THE SOUTH OF THE NORTH ONE HUNDRED AND SIXTY FIVE (165) FEET OF THE SAID LEGAL SUBDIVISIONS CONTAINING IN LEGAL SUBDIVISION NINE (9) 14.2 HECTARES (35 ACRES) MORE OR LESS AND IN LEGAL SUBDIVISION TEN (10) 14.2 HECTARES (35 ACRES) MORE OR LESS	12-Feb-2018

BYLAW NO. 1470-18

OF THE TOWN OF VULCAN
IN THE PROVINCE OF ALBERTA

A Bylaw of the Town of Vulcan, in the Province of Alberta, for the purpose of amending the Land Use Bylaw No. 1437-15.

WHEREAS the Town of Vulcan is in receipt of a request to amend the land use designation of lands legally described as:

THOSE PORTIONS OF LEGAL SUBDIVISIONS NINE (9) AND TEN (10), IN THE NORTH EAST QUARTER OF SECTION THIRTY TWO (32) IN TOWNSHIP SIXTEEN (16) RANGE TWENTY-FOUR (24) WEST OF THE FOURTH MERIDIAN, WHICH LIE TO THE SOUTH OF THE NORTH ONE HUNDRED AND SIXTY FIVE (165) FEET OF THE SAID LEGAL SUBDIVISIONS CONTAINING IN LEGAL SUBDIVISION NINE (9) 14.2 HECTARES (35 ACRES) MORE OR LESS AND IN LEGAL SUBDIVISION TEN (10) 14.2 HECTARES (35 ACRES) MORE OR LESS

And as shown on Schedule 'A' attached hereto, from "Transitional Agriculture -TA" to "Direct Control - DC";

WHEREAS Council feels that the "Direct Control – DC" designation is appropriate for the lands in accordance with Schedule B; and

WHEREAS The purpose of the proposed amendment is to accommodate commercial renewable energy.

THEREFORE under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Vulcan duly assembled does hereby enact the following:

1. This bylaw shall be cited as "Land Use Bylaw Amendment No. 1470-18".

2. Amendment to Land Use Bylaw No. 1437-15 as per "Schedule A" attached.

3. Amendment to Land Use Bylaw No. 1437-15, Schedule 9 as per "Schedule B"

4. This bylaw shall come into force and effect upon third and final passing thereof.

5. That Bylaw No.1470 -18 be consolidated to Bylaw No. 1437-15.

RECEIVED
AUG 6 - 2019
RD/KS/BJ

READ this FIRST time this 8th day of January of 2018.

Tom Grant, Mayor

Kim Fath, Chief Administrative Officer

READ for a SECOND time this 12th day of February of 2018.

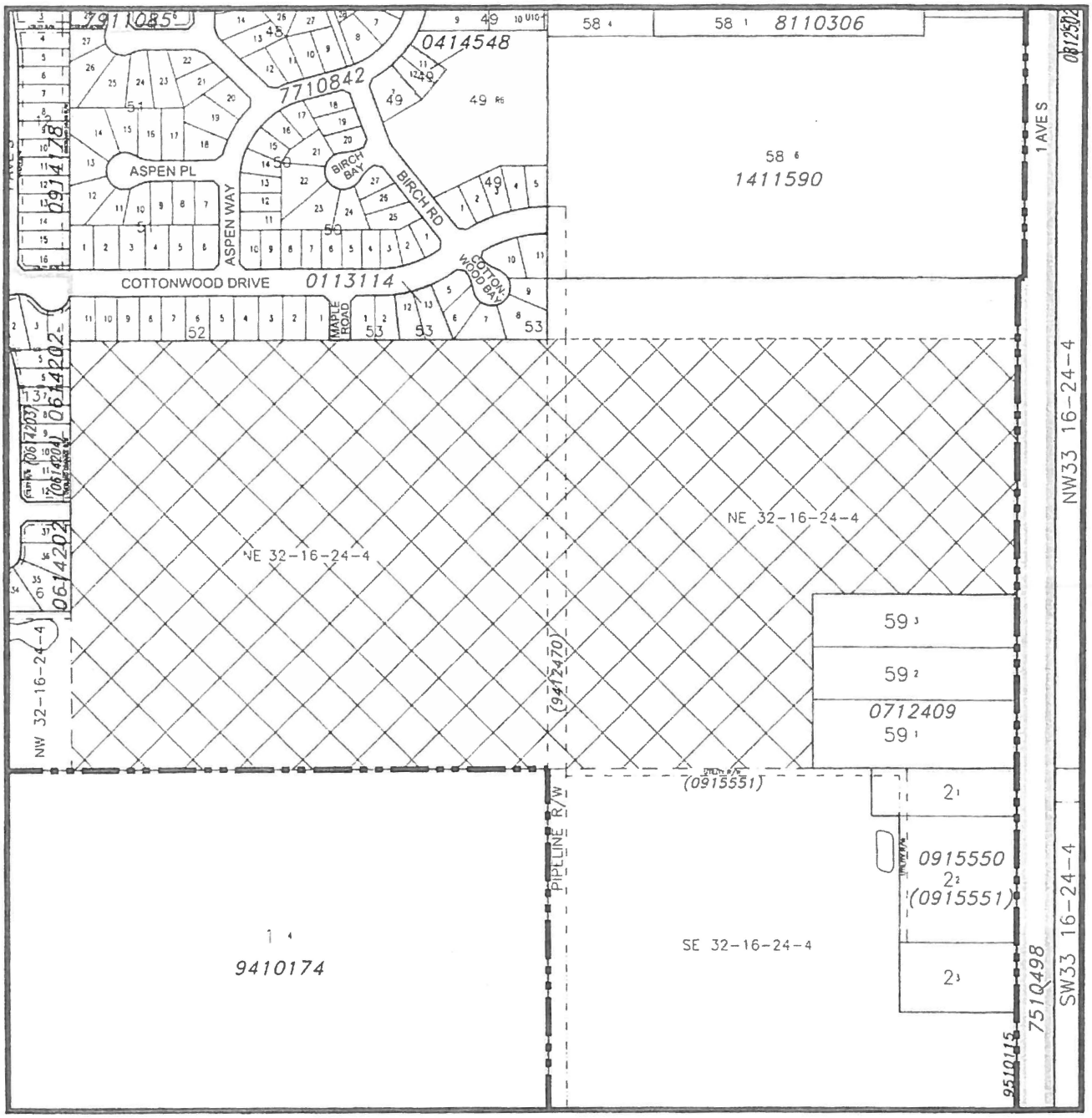
Tom Grant, Mayor

Kim Fath, Chief Administrative Officer

READ for a THIRD time this 12th day of February of 2018.

Tom Grant, Mayor

Kim Fath, Chief Administrative Officer



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: Transitional Agriculture TA

TO: Direct Control DC

PORTION OF NE 1/4 SEC 32, TWP 16, RGE 24, W 4 M

MUNICIPALITY: TOWN OF VULCAN

DATE: DECEMBER 14, 2017

Bylaw #: 1470-18

Date: _____

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 100 200 300 400

N

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

December 15, 2017 N:\Vulcan-County\Vulcan\Vulcan-Town LUD & Land Use Regesignations\Vulcan-Town - Portion of NE32-16-24-4.dwg

Schedule B

Amend Schedule 9 by adding the following

BYLAW NO.	LEGAL DESCRIPTION	DATE OF ADOPTION
1470 - 18	*THOSE PORTIONS OF LEGAL SUBDIVISIONS NINE (9) AND TEN (10), IN THE NORTH EAST QUARTER OF SECTION THIRTY TWO (32) IN TOWNSHIP SIXTEEN (16) RANGE TWENTY-FOUR (24) WEST OF THE FOURTH MERIDIAN, WHICH LIE TO THE SOUTH OF THE NORTH ONE HUNDRED AND SIXTY FIVE (165) FEET OF THE SAID LEGAL SUBDIVISIONS CONTAINING IN LEGAL SUBDIVISION NINE (9) 14.2 HECTARES (35 ACRES) MORE OR LESS AND IN LEGAL SUBDIVISION TEN (10) 14.2 HECTARES (35 ACRES) MORE OR LESS*	January _, 2018

Definitions:

Commercial Solar: A system using solar technology to collect energy from the sun and convert it to energy that is intended for off-site consumption, distribution to the marketplace, or a solar energy system that does not meet the definition of solar energy system, household

DIRECT CONTROL

1. **PARAMETERS FOR ADOPTION OF DIRECT CONTROL**

(a) Permitted and Discretionary Uses

Accessory buildings
Accessory structures
Accessory uses
Signs
Solar, Commercial

(b) Minimum Lot Size

At the discretion of Council

(c) Minimum setback requirements

10m from all property lines

(d) Standards of Development

According to site plan submitted

(e) Other Standards

As required by Council

2. DEVELOPMENT APPROVAL PROCESS

Upon receipt of a completed application for a development permit the Development Officer shall refer the application to Council for a decision.

After considering any response to notifications issued under Section 34, Council or the delegated decision making authority may:

(a) approve a development permit with or without conditions; or

(b) refuse to approve the development permit, stating reasons.

In accordance with section 641(4)(a) of the *MGA*, there is no appeal to the Subdivision and Development Appeal Board for a decision on an application for a development permit in a Direct Control District.

Appendix A

FEES FOR PERMITS, APPEALS AND AMENDMENTS TO BYLAW

Appendix A

FEES FOR PERMITS, APPEALS AND AMENDMENTS TO BYLAW

A1. The fees and charges payable for municipal services related to this bylaw are provided in the Town of Vulcan *Rates and Fees Bylaw*. Contact the Town Office for the most current listing or go to www.townofvulcan.ca.

A2. Where the permit fees are on a graduated scale for residential, commercial, industrial and miscellaneous uses, such fees shall be based exclusively on the category into which the area of the proposed building falls.

A3. In any case, where the required fee is not listed in the fee schedule, such fee shall be determined by the Designated Officer and shall be consistent with those fees listed in the schedule for similar developments.

A4. Where, pursuant to the provisions of this bylaw, the application will require special notification to adjoining property owners, the applicant shall pay a fee in addition to that specified in the fee schedule.

A5. Where, in the opinion of the Designated Officer, the application is substantially revised, the applicant, prior to reconsideration of the application, shall pay, in addition to the fee specified, a fee equal to 50 percent (50%) of the initial application fee, except that such additional fee shall not be required in instances where improvements are suggested by the Designated Officer, resulting in substantial revisions.

A6. Where an application is made to Council for an amendment to this bylaw:

(a) it shall be accompanied by an application fee for each application as specified in the fee schedule,

(b) the cost of advertising for the public hearing on the matter shall be borne by the applicant, and

(c) the Council may determine that the whole or any part of the application fee be returned to the applicant.

A7. Where an appeal is made to the Vulcan County Regional Subdivision and Development Appeal Board of a decision made by the Designated Officer or the Municipal Planning Commission, the appellant shall pay a fee specified in the fee schedule.

Appendix B

DEVELOPMENT APPLICATIONS – INFORMATION AND FORMS

DEVELOPMENT PERMIT APPLICATION

Town of Vulcan, Box 360, Vulcan, AB T0L 2B0 – admin@townofvulcan.ca – Phone 403-485-2417 – Fax 403-485-2914

Application No:	Land Use District:
Date Received:	Plans Attached: ☐Yes ☐No
Received By:	Application Fee: (non-refundable)

I/We hereby make application under the provisions of the LAND USE BYLAW NO. 1437-15 to develop or use land and/or buildings in accordance with the plans and information submitted, which form part of the application.

APPLICANT'S NAME: _____

MAILING ADDRESS: _____

PHONE: _____ FAX: _____

E-MAIL: _____

PROPOSED DEVELOPMENT

CIVIC ADDRESS: _____

LEGAL ADDRESS: Lot _____ Block _____ Plan_____

EXISTING USE: _____

PROPOSED USE: _____

Indicate *Use* as defined in Land Use Bylaw

REQUESTED DURATION OF APPROVAL: ☐Permanent ☐Temporary

ESTIMATED DATE OF COMMENCEMENT: _____

ESTIMATED DATE OF COMPLETION: _____

ESTIMATED VALUE OF DEVELOPMENT ($): _____

SEE REVERSE

ADDITIONAL INFORMATION (Attach appropriate form/information)

☐Major Development Application (LUB Form 1A)
☐New Residential Development Application (LUB Form 1B)
☐Accessory Building/Structure Development Application (LUB Form 1C)
☐Sign Permit Application (LUB Form1D)
☐Change of Use Application (LUB Form 1E)
☐Variance Request Application (LUB Form 1F)
☐Home Occupation Permit Application (LUB Form 1G)
☐Demolition Permit (LUB Form1H)
☐Other _____

I have read and understand the terms noted on this form and hereby apply for permission to carry out the development described above and/or on the attached plans and specifications. I further certify that the owner of the land described above is aware of this application.

SIGNATURE OF APPLICANT: _____DATE: _____

TERMS AND INFORMATION AFFECTING DEVELOPMENT APPLICATION

DEVELOPMENT DEFINED
Subject to the provisions of the Land Use Bylaw No. 1437-15 of the Town of Vulcan, the term "development" includes the making of any change in the use of the buildings or land.

ADDITIONAL INFORMATION
Additional information may be required prior to a decision being made on this application.

LIMITATIONS OF INFORMATION
Although the designated officer may provide information related to proposed development, this does not comprise or imply approval, and is without prejudice to the decision made on any application. Any development or use undertaken before a development permit is issued is at the applicant's own risk.

DEEMED REFUSAL
An application for a development permit shall, at the option of the applicant, be deemed refused if no decision is made within 40 days from the receipt of the application in its complete and final form, or within such longer period of time as the applicant may agree to through an extension agreement.

NOTE: This information is being collected under the authority of the Town of Vulcan Land Use Bylaw and will be used to process the application. Information may be used to provide statistical data. The information is protected by the provisions of the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection of information, please contact the Town of Vulcan F.O.I.P.P. Coordinator at 403-485-2417.

MAJOR DEVELOPMENT APPLICATION SUBMISSION REQUIREMENTS

Town of Vulcan, Box 360, Vulcan, AB T0L 2B0 – admin@townofvulcan.ca – Phone 403-485-2417 – Fax 403-485-2914

What are you developing?	**What type of development is it?**
☐New Development ☐Addition to Existing Development	☐Commercial ☐Industrial ☐Institutional ☐Multi-Family # of dwellings ____ ☐Other

What is the proposed use(s)? Please provide a complete description below:

_____
_____
_____

The following information is to be provided as part of the development permit application:

☐Certificate of Title indicating registered property owner

☐Copies of all instruments on title

☐Lot grading plan

☐THREE (3) engineer/architectural scale copies & THREE (3) copies of plot plan, building elevations, and interior floor plans showing:

- Layout and square footage of the office area, storage areas, retail areas, shop/manufacturing areas of the building
- Exterior building finishing material and colour
- North arrow, scale, legal description of the property, municipal address, zoning district
- All property lines shown with dimensions to all corners of structures
- Location and measurement of any registered utility right of ways (including ROW plan number) and other easements registered by way of caveat on the parcel
- Retaining walls, trees and other physical features labelled "EXISTING"
- Proposed landscaping of site including total area of on-site landscaping, number of trees/shrubs and total grassed area
- Total number of existing and proposed parking areas including dimensions of parking stall width, depth and drive aisle width
- Total area of pavement (where applicable) calculated and identified on drawings
- Location of all surface hardware including streetlights, hydrants, manholes, valves, pedestals, etc. both on site and within the public property adjacent to the site
- Location of municipal water, sanitary sewer, storm sewer lines and public utilities (gas, power, telephone, and cable) to be utilized in servicing the property
- Location of all existing accesses to adjacent properties including the distances between the edges of access locations
- Location of all sidewalks and curbs with dimension from property line
- Percentage of lot coverage by all structures

☐Site Servicing Plan

☐Documentation from the Energy Resources Conservation Board (ERCB) identifying the presence or absence of abandoned oil and gas wells as required by the Subdivision and Development Regulation.

☐Any such other information as may be required by the Development Officer or Municipal Planning Commission to evaluate an application.

Do you require a VARIANCE to any measureable standard? ☐Yes ☐No

NEW RESIDENTIAL DEVELOPMENT APPLICATION
SUBMISSION REQUIREMENTS

Town of Vulcan, Box 360, Vulcan, AB T0L 2B0 – admin@townofvulcan.ca – Phone 403-485-2417 – Fax 403-485-2914

TYPE OF DWELLING	☐Single Unit Dwelling ☐Detached Garage ☐Attached Garage ☐2 Unit Dwelling ☐Pre-fabricated Dwelling ☐Previously Occupied Dwelling ☐Show Home ☐Secondary Suite ☐Addition to Existing Development ☐Manufactured Home

The following information is to be provided as part of the development permit application:

☐Certificate of Title indicating registered property owner
☐Copies of all instruments on title
☐Lot grading plan
☐Three (3) copies of the site plan and shall provide the following Land Use By-Law requirements

- Legal description and municipal address of subject property (including adjacent streets/avenues)
- Scale, north arrow and appropriate zoning district
- Lot dimensions, lot area
- The location of all existing and proposed buildings and structures and registered easements or rights-of-way, dimensioned to property lines and drawn to a satisfactory scale.
- Dimensions of all eaves and minimum distance(s) to the nearest adjacent property line(s).
- Existing and proposed parking areas, driveways, abutting streets

☐% site coverage of principal building_____
% site coverage of accessory building_____
☐Location of utility service connection to the building (gas, power, water, sanitary).
☐Documentation from the Energy Resources Conservation Board (ERCB) identifying the presence or absence of abandoned oil and gas wells as required by the Subdivision and Development Regulation.
☐Any such other information as may be required by the Development Officer or Municipal Planning Commission to evaluate an application

Do you require a VARIANCE to any measureable standard? ☐ Yes ☐No

ACCESSORY BUILDING/STRUCTURE DEVELOPMENT APPLICATION

Town of Vulcan, Box 360, Vulcan, AB T0L 2B0 – admin@townofvulcan.ca – Phone 403-485-2417 – Fax 403-485-2914

TYPE OF ACCESSORY BUILDING/STRUCTURE	☐Garage ☐ Detached ☐ Attached ☐Shed ☐Deck ☐Other _____

The following information is to be provided as part of the development permit application:

☐THREE (3 copies) of site plan drawn to scale with the Accessory Building/Structure drawn in its proposed location and the following measurements indicated:

- Legal description and municipal address of subject property (including adjacent streets/avenues)
- Property dimensions
- Locations and sizes of all existing and proposed buildings and structures and registered easements or rights-of-way, dimensioned to property lines and drawn to a satisfactory scale.
- Dimensions of all eaves and minimum distance(s) to the nearest adjacent property line(s).
- Distance from principal building
- Existing and proposed parking areas/driveways
- North Arrow

☐An Elevation Drawing of the proposed Accessory Building/Structure indicating the following measurements:

a. Length and width
b. Height

☐% site coverage of proposed and existing accessory building(s)/structure(s) _____
% site coverage of principal building _____

☐Additional information as may be required by the Development Officer or Municipal Planning Commission to evaluate an application.

☐Building Permit Application

Do you require a VARIANCE to any measureable standard: ☐Yes ☐No

SIGNAGE DEVELOPMENT APPLICATION

Town of Vulcan, Box 360, Vulcan, AB T0L 2B0 – admin@townofvulcan.ca – Phone 403-485-2417 – Fax 403-485-2914

TYPE OF SIGN (as defined by Land Use Bylaw)	☐Billboard ☐Fascia Sign ☐Freestanding portable sign ☐Marquee or Canopy Sign ☐Multi-Tenant Sign ☐Mural Sign ☐Off-Premises Sign ☐Projecting Sign ☐Roof Sign ☐Sky Sign

The following information is to be provided as part of the development permit application:

TWO (2 sets) drawings to scale and dimensioned. Where a building is involved, the scale shall not be smaller than 1:100. In the case of a plot plan, the scale shall not be smaller than 1:300. The drawings shall indicate:

- The location of the sign by elevation drawing or plot plan
- The overall dimensions of the sign
- The size of the letters or letter
- The amount of projection from the face of the building
- The amount of projection over town property
- The height of the sign above the town street or sidewalk, or the height above the average ground level at the face of the building
- The manner of illuminating the sign and any form of animated or intermittent lights that may be embodied in the construction
- The least distance that the sign will be erected from an intersection of one street with another, also, the least distance from any device for the control of traffic at such an intersection

APPLICATION FOR CHANGE OF USE

Town of Vulcan, Box 360, Vulcan, AB T0L 2B0 – admin@townofvulcan.ca – Phone 403-485-2417 – Fax 403-485-2914

DETAILS OF PROPOSED BUSINESS/DEVELOPMENT

_____
_____
_____
_____
_____

SUBMISSION REQUIREMENTS

1) Provide one copy of a Site Plan showing:
   a) The building with the exact location of the tenant space identified
   b) Off-street parking stalls
2) Provide one copy of a Floor Plan showing:
   a) Dimensions of all rooms,
   b) Purpose of all rooms/spaces
   c) Locations of all walls, partitions, doorways, windows, and other openings,
   d) If a restaurant and/or drinking establishment, include seating plan that clearly indicates the area (both indoor and outdoor) in which the public will have access for the consumption of food and/or beverages)

PROPERTY INFORMATION

1) Previous Tenant/Occupant: _____

2) Total number of off-street parking stalls provided: _____

3) Total area of space occupied by this Use: _____

4) Will you be sharing this space with another tenant? _____

5) Will you be doing any construction or modification to the space? i.e. adding a mezzanine, second story, adding or removing walls, washrooms, etc. If so, please explain. *Other permits may be required.*

   _____
   _____
   _____
   _____

6) Will there be any combustible, flammable, or explosive materials stored, used or produced at this business? ☐ Yes ☐ No

7) Will the business activities or uses occurring at this location produce any dust, liquids or gases? i.e. manufacturing, furniture refinishing, vehicle repairs, welding, cooking or food preparation.
   ☐Yes ☐No

APPLICATION FOR VARIANCE/RELAXATION

Town of Vulcan, Box 360, Vulcan, AB T0L 2B0 – admin@townofvulcan.ca – Phone 403-485-2417 – Fax 403-485-2914

What is a variance?

A variance means an alternative or change to a standard prescribed by the Land Use Bylaw. If your existing/proposed building does not comply with the current Land Use By-Law, you may apply for a request for variance.

What specific variance are you requesting?

_____
_____
_____
_____

What is the circumstance for your property that warrants a variance?

_____
_____
_____
_____

Have you considered revising the proposed project or existing building to eliminate or reduce the variance request?

_____
_____
_____
_____

HOME OCCUPATION DEVELOPMENT APPLICATION

Town of Vulcan, Box 360, Vulcan, AB T0L 2B0 – admin@townofvulcan.ca – Phone 403-485-2417 – Fax 403-485-2914

Home occupation means a profession, occupation or trade related to or involving a professional, commercial, trade or casual service activity which is carried out by an occupant of a residential parcel or building in a residential district as a use secondary to the residential use of the building or parcel.

APPLICANT (must be business owner or operator): _____

PHONE: _____

MAILING ADDRESS: _____

PROPERTY OWNER (If different): _____

LOCATION OF HOME OCCUPATION:

CIVC ADDRESS: _____ LEGAL: Lot _____ Block _____ Plan _____

☐Home Occupation 1
☐Home Occupation 2

DESCRIPTION OF HOME OCCUPATION:

_____
_____
_____
_____
_____
_____
_____

SEE REVERSE

OPERATION OF HOME OCCUPATION:

Employees
Total number of employees including business owner: _____
Number of employees (including business owner) living in residence: _____

For Home Occupations Conducted in Residence
Size of residence (square feet) _____
Portion of residence used for home occupation (square feet) _____

For Home Occupations Conducted in Accessory Building
Size of accessory building (square feet) _____
Area used for home occupation _____

Outdoor Storage Areas
Will any outdoor areas be used for storage of materials associated with the home occupation? If yes, indicate the size of the storage area & materials to be stored

_____
_____
_____

Traffic Generation
Describe amount and frequency of traffic generated by the home occupation. Include delivery traffic as well as customer or client traffic.

_____
_____
_____

Describe the types of vehicles which may be used in connection with the home occupation. Include the size and load capacity of any vehicles used for delivery or pick-up, and whether or not they will be stored or parked on the property.

_____
_____
_____

Number of off-street parking spots _____

Appendix C

SUBDIVISION AUTHORITY BYLAW NO. 1180
DEVELOPMENT AUTHORITY BYLAW NO. 1448-15

SUBDIVISION AUTHORITY BY-LAW NØ. 1180

OF THE

TOWN OF VULCAN

IN THE PROVINCE OF ALBERTA

1. BEING a by bylaw of the Town of Vulcan in the Province of Alberta to establish a municipal Subdivision Authority;

AND WHEREAS, Section 623(1) of the Municipal Government Act, Chapter M-26.1, 1994 as amended from time to time requires the municipality to adopt a bylaw to establish a municipal Subdivision Authority by December 1, 1995;

AND WHEREAS, the Subdivision Authority is authorized to make decisions on applications for subdivision approval in accordance with the provincial land use policies, the subdivision and development regulations, the local land use bylaw and statutory plans;

AND WHEREAS, this bylaw may be cited as the Town of Vulcan Subdivision Authority Bylaw;

NOW THEREFORE, the Council of the Town of Vulcan in the Province of Alberta duly assembled, enacts as follows:

2. For the purpose of this bylaw, the Subdivision Authority for the Town of Vulcan shall also be the Development Authority of the Town of Vulcan.

3. This bylaw comes into effect upon third and final reading thereof.

READ a first time this 27th day of November, 1995.

J D Mitchell
Chief Elected Officer

Chief Administrative Officer

READ a second time this 27th day of November, 1995.

J D Mitchell
Chief Elected Officer

Chief Administrative Officer

READ a third time and finally passed this 27th day of November, 1995.

J D Mitchell
Chief Elected Officer

Chief Administrative Officer

TOWN OF VULCAN

PROVINCE OF ALBERTA – BYLAW 1448-15

1. BEING A BY-LAW OF THE TOWN OF VULCAN IN THE PROVINCE OF ALBERTA TO ESTABLISH A MUNICIPAL DEVELOPMENT AUTHORITY;

WHEREAS, Section 624(1) of the Municipal Government Act, Chapter M-26.1, 1994 as amended from time to time requires the municipality to adopt a bylaw to establish Municipal Development Authority.

AND WHEREAS, the Development Authority is authorized to make decisions on applications for development approval in accordance with the administrative procedures, land uses and schedules established in the Municipal land Use Bylaw;

AND WHEREAS, this bylaw may be cited as the Town of Vulcan Development Authority Bylaw;

NOW THEREFORE, the Council of the Town of Vulcan in the Province of Alberta duly assembled, enacts as follows:

2. DEFINITIONS:
   (a) Act means the Municipal Government Act, Chapter M-26.1, 1994 as amended from time to time.
   (b) Municipality means the Town of Vulcan in the Province of Alberta.
   (c) Council means the Municipal Council of the Town of Vulcan.
   (d) Development Authority means the person or persons appointed, by bylaw, to exercise only such powers and perform duties as are specified:
   (i) in the Act; or
   (ii) in the Town of Vulcan Land Use Bylaw; or
   (iii) in this bylaw; or
   (iv) by resolution of Council.
   (e) Municipal Planning Commission means the Municipal Planning Commission of the Town of Vulcan as established by bylaw.
   (f) Designated Officer means a person or persons authorized to act as the Designated Officer for the municipality as established by bylaw.
   (g) Members mean the members of the Development Authority.
   (h) Secretary means the person or persons appointed by Council to act as secretary of the Development Authority.
   (i) Authorized persons means a person or organization authorized by the council to which the municipality may delegate any of its Development Authority powers, duties or functions.
   (j) All other terms used in this bylaw shall have the meaning as is assigned to them in the Act, as amended from time to time.

3. The Municipal Planning Commission is established by this bylaw.

4. For the purpose of this bylaw, the Development Authority for the municipality shall be the Municipal Planning Commission.

5. The Development Authority shall be composed of not more than four persons at large who are adult residents of the Town of Vulcan, and two members of Council.

6. Appoints to the Development Authority shall be made by resolution to Council.

7. Appointments to the Development Authority shall be made as follows:
   (i) One member at large will remain for 1 year for the first year;
   (ii) One member at large will remain for 2 years after the first year;
   (iii) One member at large will remain for 3 years after the first year;
   (iv) One member at large will remain for 4 years after the first year;
   (v) Members at large will be appointed for four year terms thereafter;
   (vi) Council shall appoint two Councilors annually at the Organizational Meeting.
   (vii) Upon completion of a term, the position shall be advertised. The member who has held the position shall be eligible to re-apply.

8. Members-at-large absent from three consecutive meetings or from three or more meetings in a one year period shall forfeit their office, unless such absences are authorized by Resolution of The Committee and entered in the minutes.

9. When a member at large ceases to be a member of the Development Authority before the expiration of his term, Council shall appoint another person for the unexpired portion of that term within 60 days of receiving notice of vacancy.

10. Members-at large may resign at any time by sending appropriate written notice to the Chairman of the Committee. In the event of a vacancy, the appointment of a successor shall be to the conclusion of the original term.

11. When a Councilor ceases to be a member of Council before the expiration of their term from Council, the Council may, by resolution appoint another person for the unexpired portion of that term.

12. The members of the Development Authority shall elect one of themselves as Chairman, and one of themselves as Vice-Chairman to hold office for a term of one year from the date of election.

13. Each member of the Development Authority shall be entitled to such remuneration, travelling, and living expenses as may be fixed from time to time to by Council; and the remuneration, travelling, and living expenses shall be paid by the Town of Vulcan

14. Council may, by resolution, appoint a Secretary who shall be an employee of the municipality and shall attend all meetings of the Development Authority, but shall not vote on any matter before the Development Authority.

15. The Development Authority shall hold regular meetings to be determined by the Development Authority, and it may also hold special meetings at any time at the call of the Chairman.

16. Four of the members of the Development Authority shall constitute a quorum.

17. The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole Development Authority.

18. The Development Authority may make its orders, decision, development permits and approvals and may issue notices with or without conditions.

19. The Development Authority may make rules to govern its hearings.

20. Members of the Development Authority shall not be members of the Subdivision and Development Appeal Board.

21. For the purpose of this bylaw, the Designated Officer shall be the Development Officer or the Municipal Administrator who is authorized to exercise only such powers and perform duties as are established in the Land Use Bylaw or by resolution of Council

22. The secretary of the Development Authority shall attend all meetings of the Development Authority and shall keep the following records with respect thereto;
    (a) the Minutes of all meetings;
    (b) all applications;
    (c) records of all notices of meetings and of persons to who they were sent;
    (d) copies of all written representation to the Development Authority;
    (e) notes as to each representation;
    (f) the names and addresses of those making representations at the meeting;
    (g) the decision of the Development Authority;
    (h) the reasons for the decision of the Development Authority;
    (i) the vote of the members of the Development Authority on the decision;
    (j) records of all notices of decision and of persons to whom they were sent;
    (k) all notices, decision, and orders made on appeal from the decision of the Development Authority;
    (l) such other matters as the Development Authority may direct.

23. Bylaws Nos. 1181, 1300 & 1427-13 are hereby repealed by By-Law 1448-15.

24. This bylaw comes into effect upon the third and final reading thereof.

Read a first time this 13th day of October, 2015.

Mayor

Chief Administrative Officer

READ a second time this 13th day of October, 2015.

Mayor

Chief Administrative Officer

READ a third time and finally passed this 13th day of October, 2015

Mayor

Chief Administrative Officer