

**BYLAW NO. 1496-21**  
**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 amending the Land Use Bylaw; and

**WHEREAS** the purpose of proposed Bylaw No. 1496-21 is 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; and

**WHEREAS** the municipality must prepare a corresponding bylaw and provide for its consideration at a public hearing.

**NOW 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. 1496-21".
2. Amendment to Land Use Bylaw No. 1437-15 as per "Schedule A" attached.
3. Amendment to Land Use Bylaw No. 1437-15 as per "Schedule B" attached.
4. This bylaw shall come into force and effect upon third and final passing thereof.
5. That Bylaw No. 1496-21 be consolidated to Bylaw No. 1437-15.

READ this FIRST time this 22 day of March of 2021.

READ for a SECOND time this 22 day of March of 2021.

READ for a THIRD time this 22 day of March of 2021.

  
\_\_\_\_\_  
Tom Grant, Mayor

  
\_\_\_\_\_  
Kim Fath, Chief Administrative Officer

## Schedule 'A'

### Bylaw No. 1496-21

#### Amendments to Land Use Bylaw No. 1437-15

The described amendments are to bring the municipal Land Use Bylaw No. 1437-15 into compliance with the modernized *Municipal Government Act* and amended *Subdivision and Development Regulations*.

1. That Administration, Section 13, Development Officer – Power and Duties, subsection (13.2) is amended by adding the following underlined text:

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;

2. Administration, Section 27, Incomplete Applications, is amended by adding the or rewording the following underlined text:

#### **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.

**3. Administration, Section 36, Commencement of Development, subsection 36.1 is amended by deleting and rewording the following underlined text:**

**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*;

**4. Administration, Section 41, Reapplication for a Development Permit, subsection 41.2 is amended by adding the following underlined text:**

*KJTC*



- 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.
5. **Administration, Section 42, Suspension or Cancellation of a Permit, Subsection 42.3, is amended by rewording the following underlined text:**
- 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.
6. **Administration, Section 43, Development Appeals, is amended by rewording and adding the following underlined text:**

**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.
7. **Administration, Subdivision, is amended by adding the following underlined sections and renumbering subsequent sections accordingly, as follows:**

**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:

*WATSC*

- (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.

## **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.

8. **Schedule 1, Land Use Districts, Residential – R-1, Manufactured Home – R-2, Country Residential – R-3, Multi-Unit Residential – R4, and Transitional Agriculture – TA, 1. Permitted Uses is amended by adding the following underlined text:**

Sign (Fascia for home occupation)

9. **Schedule 1, Land Use Districts, Highway Commercial – C-2, 1. Discretionary Uses is amended by adding the following underlined text in alphabetical order:**

Mini storage

v2. A2

10. Schedule 1, Land Use Districts, Industrial – I-1, 1. Discretionary Uses is amended by adding the following underlined text in alphabetical order:

Office

11. Schedule 1, Land Use Districts, Transitional Agriculture – TA, 1. Discretionary Uses is amended by adding the following underlined text:

Accessory building

Accessory use

12. Schedule 5, Residential Standards of Development, Section 1, Accessory Buildings is amended by adding the following underlined text and renumbering subsequent regulations accordingly:

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.

13. Schedule 5, Residential Standards of Development, Section 5, Fences, is amended by adding the following underlined text and renumbering subsequent regulations accordingly:

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.

14. Schedule 6, Commercial / Industrial Standards of Development, Section 4, Fencing, is amended by adding the following underlined text and renumbering subsequent regulations accordingly:

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.





## **Schedule 'B'**

### **Bylaw No. 1496-21**

#### **Amendments to Land Use Bylaw No. 1437-15**

The described amendments are to introduce a new use that allows the opportunity for development of small scale manufacturing businesses that fit within a commercial or industrial context.

15. That Schedule 1, Land Use Districts, Retail / Commercial – C-1, Highway Commercial – C-2, and Industrial I-1, 1. Discretionary Uses is amended by adding the following use:

Specialty manufacturing

16. Schedule 2, Land Use Definitions, is amended by adding the following definition in alphabetical order:

**Specialty manufacturing** means development for small scale on-site production of goods in a building not exceeding 510 m<sup>2</sup> (5,490 ft<sup>2</sup>) 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.

17. Schedule 4, General and Use Specific Standards of Development, Section 7, Off-street Parking and Loading Requirements, Table 4.7.2: Non-Residential Minimum Required Off-street Parking, is amended by adding the following use and minimum parking spaces in alphabetical order:

COMMERCIAL/INDUSTRIAL	MINIMUM PARKING SPACES
Specialty manufacturing	1 space/46.5 m <sup>2</sup> (500 sq ft) of GFA

