

PARKLAND COUNTY**BYLAW NO. 34-2011****BEING A BYLAW OF PARKLAND COUNTY FOR THE ESTABLISHMENT OF A
PARKLAND COUNTY MUNICIPAL PLANNING COMMISSION**

WHEREAS the Municipal Government Act (the “Act”), being Chapter M-26 of the Revised Statutes of Alberta, 2000, and amendments thereto, provides that a municipality may by bylaw establish a Municipal Planning Commission.

NOW THEREFORE the Council of Parkland County, in the Province of Alberta, duly assembled, ENACTS AS FOLLOWS:

1. SHORT TITLE

This Bylaw may be cited as the “Parkland County Municipal Planning Commission Bylaw.”

2. PURPOSE

- 1) The purpose of this Bylaw is to establish a Municipal Planning Commission for Parkland County, in accordance with the provisions of the Act.
- 2) This Bylaw comes into force upon the date of final reading.

3. DEFINITIONS

In this Bylaw:

- 1) “Act” means the Municipal Government Act, being Chapter M-26 of the Statutes of Alberta, 2000, and amendments thereto.
- 2) “Commission” means the Municipal Planning Commission established by Council pursuant to the Act.
- 3) “Council” means the Municipal Council of Parkland County.
- 4) “County” means the municipal corporation of Parkland County pursuant to the laws of the Province of Alberta.
- 5) “Development Application” means an application made in accordance with the Land Use Bylaw for the purpose of obtaining a Development Permit.
- 6) “Development Officer” means a person or persons appointed by Council to act as a development officer pursuant to the Act.
- 7) “Development Permit” means a document authorizing a development issued pursuant to the Land Use Bylaw.
- 8) “Land Use Bylaw” means the Parkland County Land Use Bylaw, pursuant to the Act.
- 9) “Members” means the members of the Municipal Planning Commission duly appointed pursuant to this Bylaw.
- 10) “Manager – Planning and Development” means a person appointed to the office of planning department manager by Council.
- 11) “Secretary” means the person designated to act as secretary of the Municipal Planning Commission.

- 12) "Statutory Plan" means:
 - a) A General Municipal Plan or Municipal Development Plan;
 - b) An Area Structure Plan;
 - c) An Area Redevelopment Plan; and
 - d) An Inter-Municipal Development Plan
- 13) "Subdivision Authority" means the person or organization authorized to exercise subdivision powers and duties on behalf of the County.
- 14) "Subdivision and Development Appeal Board" means the Subdivision and Development Appeal Board established by Council pursuant to the Act.

4. ESTABLISHMENT OF THE MUNICIPAL PLANNING COMMISSION

- 1) The Municipal Planning Commission of Parkland County is hereby established.
- 2) The Municipal Planning Commission shall be composed of seven (7) members appointed by resolution of Council for a specified period not to exceed three years. Membership shall consist of:
 - a) Three (3) members of the Council, and
 - b) Four (4) public members appointed by the Council.
- 3) A retiring public member of the Commission may be reappointed for up to three (3) consecutive terms of office by Council.
- 4) No person who is a Development Officer, Manager – Planning and Development or a member of the Subdivision and Development Appeal Board shall be appointed to the Commission.
- 5) Where a member of Council is appointed as a member of the Commission, their appointment shall terminate upon ceasing to be a member of Council.
- 6) In the event a vacancy occurs on the Commission, the Council shall fill the vacancy within ninety (90) days.

5. REMOVAL FROM OFFICE

- 1) The Council may remove any member of the Commission from office if:
 - a) in the opinion of the Council, a member is not performing their duties satisfactorily, or
 - b) in the opinion of the Commission, a member is not performing their duties satisfactorily, or
 - c) a member is absent for more than three (3) consecutive meetings of the Commission without reasonable cause.
- 2) In the event of actions occurring in Subsection (1), (b) or (c) the Chairperson of the Commission shall report the circumstances warranting removal of any member from office to the Council who shall:
 - a) Make a decision thereon, and
 - b) advise the member concerned of the decision in writing stating the reasons therefor.

6. OFFICES OF THE MUNICIPAL PLANNING COMMISSION

- 1) Annually at the first meeting following the Organizational Meeting of Council, the members of the Commission shall elect one of the members to act as Chairperson and one to act as Vice-Chairperson. The Vice-Chairperson may preside at the meeting of the Commission in the absence of the Chairperson.

- 2) The Chairperson and Vice-Chairperson shall hold office for a period of one (1) year from the date of appointment.
- 3) In the absence of the Chairperson or Vice-Chairperson, the Commission members present shall elect a member to act as Chairperson at the meeting.
- 4) An order, decision, approval, notice or other thing made, given or issued by the Commission shall be signed by the Chairperson, or Vice-Chairperson or a person authorized to do so.
- 5) The Chief Administrative Officer of the County shall designate a Secretary who shall be an employee of the County and the Secretary (or their designate) shall keep records of all meetings and hearings of the Commission but shall not vote on any matters before the Commission.

7. QUORUM

- 1) Four (4) or more members shall constitute a quorum for the making of all decisions and performing any action required or permitted to be done by the Commission.
- 2) A minimum of two (2) Councillors shall be required to secure quorum.
- 3) The number of Councillors shall not exceed the number of public members.
- 4) Only those members present at a meeting of the Commission shall have a vote on any matters before it.

8. DECISIONS

- 1) A decision of the majority of members present at a duly constituted meeting shall be deemed the decision of the Commission.
- 2) All members present shall vote on every matter placed before the Commission unless:
 - a) in a specific case the member is excused by motion of the Commission from voting, or
 - b) the member is disqualified from voting by reasons of conflict of interest.
- 3) Any motion upon which there is an equality of votes, the decision shall be deemed to be decided in the negative.

9. DUTIES OF THE MUNICIPAL PLANNING COMMISSION

- 1) The Commission shall hold regular meetings on a date to be determined by the Commission and may also hold special meetings at the call of the Chairperson.
- 2) The Commission shall:
 - a) advise and assist the Council with regards to planning and development matters within the County, and
 - b) act as the Development Authority pursuant to the provisions of the Land Use Bylaw, and
 - c) act as the Subdivision Authority pursuant to the provisions of the Land Use Bylaw.
- 3) In accordance with the provisions of this Bylaw, the Land Use Bylaw, the Subdivision and Development Regulation, and the Act, the Commission shall decide upon all Development Applications referred to it by the Development Officer and all Subdivision Applications referred to it by the Manager – Planning and Development and may:

- a) approve the application unconditionally, or
 - b) approve the application subject to conditions considered appropriate by the Commission, or
 - c) refuse the application citing reasons for refusal, or
 - d) approve a time extension for a plan of subdivision.
- 4) In considering an application before it, the Commission shall give due regard to the circumstances and merits of the application, the Subdivision and Development Regulations, the Land Use Bylaw and any statutory plans that have been enacted.
- 5) The Commission may consult with or obtain information from any person and may request such persons to attend at a Commission meeting as is necessary to render a decision.
- 6) The Commission must consider the written submissions of those persons, and local authorities, to whom an application for subdivision was referred but is not bound by these submissions and, unless required by the Subdivision and Development Regulations, is not required to hold a hearing.
- 7) The Commission may approve an application for a Development Permit or a Subdivision approval notwithstanding that the proposal does not comply with the Subdivision and Development Regulations or the Land Use Bylaw or if, in its opinion:
- a) The proposal will not:
 - i) unduly interfere with the amenities of the neighbourhood, or
 - ii) materially interfere with or affect the use, enjoyment or value of the neighbouring properties; and
 - b) The proposed development conforms with the use prescribed for that land or building in the Land Use Bylaw.
- 8) The Commission shall make rules as necessary for the conduct of its meetings and its business that are consistent with this Bylaw, the Land Use Bylaw and the Act.
- 9) The members of the Commission shall be entitled to such remuneration, travelling and other expenses as may be fixed from time to time by Council and the remuneration and travelling expenses shall be established, and paid by Parkland County.

10. DUTIES OF THE SECRETARY

- 1) The Secretary of the Commission shall:
- a) perform such functions as may be necessary to assist the Commission to fulfill its duties under the Act, the Land Use Bylaw and this Bylaw, and
 - b) attend meetings of the Commission and keep records with respect thereto of all business transacted at all the Commission meetings, copies of which shall be regularly filed with the Council .
- 2) The Secretary shall also:
- a) notify all members of the Commission of the arrangements for the holding of each meeting, and
 - b) make available for public inspection all relevant documents and materials respecting all subdivision and/or development decisions.

11. DUTIES OF THE MANAGER OF PLANNING AND DEVELOPMENT

- 1) The Manager of Planning and Development shall act as a Subdivision Authority for simple and straightforward subdivision application approvals and, mandatory subdivision application refusals only as prescribed and defined by County policies/bylaw, in respect of lands within the boundaries of the County.

- 2) The Manager of Planning and Development may act as a Subdivision Authority for any subdivision that has received approval in principal at a Municipal Planning Commission meeting if cash-in-lieu of reserve is the only remaining issue with respect to a decision on a subdivision application.
- 3) The Manager of Planning and Development shall be able to act as a Subdivision Authority independent of other Municipal Planning Commission members and without the requirement of calling a meeting, with respect to Item 11(1) and 11(2).

12. TRANSITION

- 1) Bylaw No. 36-2007 (Parkland County Subdivision Authority Bylaw) shall be rescinded as of the effective date of this Bylaw.
- 2) Once adopted this Bylaw shall come into effect as of February 7, 2012.

Read a first time this 13th day of December, 2011.

Read a second time this 13th day of December, 2011.

Read a third time and finally passed this 13th day of December, 2011.



Mayor



Manager,
Legislative and Administrative Services