

BYLAW NO. 563/06

**BEING A BY-LAW OF THE
MUNICIPAL DISTRICT OF MACKENZIE NO. 23
IN THE PROVINCE OF ALBERTA
FOR THE ESTABLISHMENT OF A MUNICIPAL PLANNING COMMISSION**

WHEREAS, under the provisions of the Municipal Government MGA Revised Statutes of Alberta 2000, being Chapter M-26.1 and amendments thereto, to provide for the establishment of a Subdivision Authority, a Development Authority and Municipal Planning Commission for the Municipal District of Mackenzie No. 23.

NOW THEREFORE, the Council of the Municipal District of Mackenzie No. 23, in the Province of Alberta, duly assembled enacts as follows:

TITLE:

1. This bylaw may be cited as the “**Subdivision and Development Authorities Bylaw**”.

DEFINITIONS:

2. In this bylaw, unless the context otherwise requires:

“**C.A.O.**” means the Chief Administrative Officer of the Municipal District of Mackenzie No. 23 appointed by Council under Bylaw 030/95;

“**COUNCIL**”, means the Council of the Municipal District of Mackenzie No. 23, duly assembled and acting as such;

“**Land Use Bylaw**” means Bylaw 462/04 and amendments thereto;

“**M.D.**” means the Municipal District of Mackenzie No. 23.

“**Member**” means a member of the Municipal Planning Commission appointed pursuant to this Bylaw;

“**MGA**” means the Municipal Government MGA, Revised Statutes of Alberta, 2000, C. M-26.1 and amendments thereto;

“**MPC**” means the Municipal Planning Commission as established by this Bylaw;

“**Pecuniary Interest**” shall have the meaning as set out in Division 6 of Part 5 of the MGA as applied and adapted in the context of this Bylaw;

“Public Member” means a person who is not a member of Council and who otherwise qualifies as an elector in the Municipal District of Mackenzie No. 23;

PART 1 – Subdivision Authority

Establishment

3. The Subdivision Authority for the M.D. is the Municipal Planning Commission for all applications for subdivision approval.

Powers and Duties

4. The Subdivision Authority has those powers and duties as set out in the MGA and any regulation thereunder.

Administration

5. The signing authority for all subdivision related matters is the Chair of the Municipal Planning Commission or delegate.
6. When a registerable instrument is submitted for endorsement, the signing authority is authorized to accept minor modifications from that approved by the Subdivision Authority provided:
 - a. there is no increase to the number of parcels;
 - b. municipal, school or environmental reserves are not compromised;
 - c. municipal roads and standards are not compromised;
 - d. changes comply with municipal bylaws, with the exception that minor changes to the Land Use Bylaw standards may be included as provided in Section 654(2) of the MGA.

Part 2 – Development Authority

7. The Development Authority for the M.D. is:
 - a. the C.A.O. or delegate, for an application for development approval which is a permitted use under the Land Use Bylaw and which complies with the requirements and regulations set out in the Land Use Bylaw.
 - b. The Municipal Planning Commission established under this Bylaw, when the application for development permit is:
 - i. A discretionary use under the Land Use Bylaw; or

- ii. A permitted use under the Land Use Bylaw which does not otherwise comply with the requirements and regulations as set out in the Land Use Bylaw.
8. Notwithstanding Section 7, the C.A.O. or delegate may forward any application for development approval to the Municipal Planning Commission for a decision.

Powers and Duties

9. The Development Authority has those powers and duties as set out in the MGA, the Land Use Bylaw and this Bylaw, and any regulations made thereunder.

Part 3 – Municipal Planning Commission

Establishment

10. The Municipal Planning Commission is hereby established.

Membership and Term

11. The Commission shall consist of five (5) members with:
 - a. two (2) members being members of Council; and
 - b. three (3) members being public members.
12. A member of the Commission shall not include:
 - a. a member of the Subdivision and Development Appeal Board
 - b. an employee of the Municipal District of Mackenzie No. 23.
13. Each member of the Commission shall be appointed annually in conjunction with the Organizational Meeting.
14. If a member misses three (3) consecutive meetings without the authorization of the Commission, the person is disqualified and the position becomes vacant.
15. The Chairperson and Vice-Chair of the Commission shall be appointed from among the members of the Commission.

Procedure

16. A quorum of the Commission shall consist of a majority of the members.

17. In the absence or inability of the Chairperson to preside at an MPC meeting, the Vice-Chair shall preside; in the event or absence of both the Chair and Vice-Chair to preside at a meeting of the Commission, the members present in constituting a quorum shall elect one of its members to MGA as Chairperson at that meeting.
18. The Chief Administrative Officer or delegate shall serve as Secretary to the Board, and shall:
 - a. not have a vote;
 - b. notify all members of meetings of the Commission;
 - c. notify the public pursuant to Section 195 of the MGA;
 - d. prepare and maintain a file of written minutes of the business transacted at all meetings of the Commission;
 - e. record decisions of the Commission and issue the decision and/or permit forthwith to all parties affected;
 - f. be authorized to sign on behalf of the Commission any order, decision, approval, notice or other thing made, given or issued by the Commission;
 - g. undertake other duties as the Commission may require in the conduct of its business.
19. In the event of a tie vote, any motion of the Commission shall be deemed defeated.

Functions and Duties

20. The Municipal Planning Commission has the following functions and duties:
 - a. upon request of Council, to advise Council with respect to achieving the orderly, economical and beneficial development, use of land and pattern of settlement in the Municipal District of Mackenzie No. 23.
 - b. to serve as a Subdivision Authority pursuant to Part 17 of the MGA and of this bylaw; and
 - c. to serve as a Development Authority pursuant to Part 17 of the MGA and of this bylaw.
21. The Municipal Planning Commission shall hold meetings monthly or as required, and undertake such actions as are necessary to fulfill the powers and duties of the Commission.
22. Applications for subdivision approval shall be considered by the Commission and either approved, with or without conditions, or refused in accordance with the MGA Part 17 and any regulations made thereunder.

23. Development permit applications referred to the Commission shall be considered and either approved, with or without conditions, or refused in accordance with the Land Use Bylaw and the MGA Part 17 and any regulations made thereunder.
24. A decision of the Municipal Planning Commission is not considered final until notification of the decision is given in writing.
25. If a member has a pecuniary interest in the matter before the Commission, the member shall:
 - a. disclose the general nature of the pecuniary interest to the Commission prior to the Commission's consideration of the matter;
 - b. abstain from discussion and disposition on the matter; and
 - c. leave the room in which the meeting is taking place until discussion and disposition of the matter is completed.
26. The abstention of the member and the disclosure of the member's interest shall be recorded in the minutes.
27. Notwithstanding Section 19(f) of this bylaw, any order, decision or approval made, given or issued by the Commission may be signed by the Chairperson or Vice-Chair of the Commission.
28. Bylaws No. 549/05 and all amendments hereto is hereby repealed.
29. This bylaw shall come into full effect on March 15, 2006.

First Reading given on the 7th day of March, 2006. (06-156)

(signature on file)
Bill Neufeld, Reeve

(signature on file)
Christine Woodward, Executive Assistant

Second Reading given on the 7th day of March, 2006. (06-157)

(signature on file)
Bill Neufeld, Reeve

(signature on file)
Christine Woodward, Executive Assistant

Third and Final Reading given on the 7th day of March, 2006. (06-159)

(signature on file)
Bill Neufeld, Reeve

(signature on file)
Christine Woodward, Executive Assistant