

**TOWN OF TABER**

**BYLAW 10-2018**

**BEING A BYLAW OF THE TOWN OF TABER IN THE PROVINCE OF ALBERTA TO ESTABLISH A SUBDIVISION AUTHORITY, DEVELOPMENT AUTHORITY AND MUNICIPAL PLANNING COMMISSION.**

**WHEREAS** Section 623 of the *Municipal Government Act*, R.S.A. 2000 Chapter M-26, as amended, requires Town of Taber Council to pass a bylaw providing for a Subdivision Authority to exercise subdivision powers and duties on behalf of the Town of Taber;

**AND WHEREAS** Section 624 of the *Municipal Government Act*, R.S.A. 2000 Chapter M-26, as amended, requires Town of Taber Council to pass a bylaw providing for a Development Authority to exercise development powers and perform duties on behalf of the Town of Taber;

**AND WHEREAS** Section 626 of the *Municipal Government Act*, R.S.A. 2000 Chapter M-26, as amended, authorizes the Town of Taber Council to establish a Municipal Planning Commission by bylaw;

**NOW THEREFORE**, the Town of Taber Council, duly assembled, hereby enacts as follows:

1. **Title**

This Bylaw may be referred to as the "Subdivision and Development Authority and MPC Bylaw".

2. **Purpose:**

The purpose of this Bylaw is to establish the Subdivision Authority, Development Authority and Municipal Planning Commission for the Town of Taber and to prescribe the powers and duties for the Subdivision Authority, Development Authority and the Municipal Planning Commission.

3. **Definitions:**

- a. **Act** means the *Municipal Government Act*, R.S.A. 2000 Chapter M-26, as amended from time to time;
- b. **Bias** means both Common Law Bias and Pecuniary Interest;
- c. **Chief Administrative Officer** means that person appointed by Council to the position of Chief Administrative Officer in accordance with the Act or his/her designate;
- d. **Code of Conduct** means the Councillor code of conduct adopted by Council by bylaw from time to time in accordance with the Act;
- e. **Common Law Bias** means a situation where a Member's personal or private interests may or may be perceived as influencing the Member on a matter before the Municipal Planning Commission including situations which include but are not limited to: direct or indirect Pecuniary Interest, pre-judgment, close mindedness, undue influence or relationship with the parties involved in the matter before the Municipal Planning Commission;
- f. **Council** means the duly elected Council of the Town;
- g. **Councillor** means a duly elected member of Council;
- h. **Designated Officer** means:
  - i. the Director; and
  - ii. the Development Officer.

- i. **Development** has the same meaning as prescribed in Part 17 of the Act;
- j. **Development Authority** means the Designated Officer, Municipal Planning Commission or Town Council, as described in this Bylaw;
- k. **Development Officer** means the person appointed by the Chief Administrative Officer into the position of Development Officer for the Town;
- l. **Director** means the person appointed by the Chief Administrative Officer to the position of Director of Planning and Economic Development for the Town or his/her designate;
- m. **Discretionary Use** has the same meaning as prescribed in the Land Use Bylaw;
- n. **Direct Control District** has the same meaning as prescribed in the Land Use Bylaw;
- o. **Land Use Bylaw** means the Town of Taber Land Use Bylaw 14-2016, as amended or replaced by Council from time to time;
- p. **Member** means a member of the Municipal Planning Commission;
- q. **Municipal Planning Commission ("MPC")** means the Municipal Planning Commission of the Town as established by this Bylaw;
- r. **Organizational Meeting** has the same meaning as prescribed in Part 5, Division 9 of the Act;
- s. **Pecuniary Interest** has the same meaning as prescribed in Part 5, Division 6 of the Act;
- t. **Permitted Use** has the same meaning as prescribed in the Land Use Bylaw;
- u. **Procedure Bylaw** means the bylaw governing Council and Council committee meetings as adopted by Council from time to time;
- v. **Regulations** means the *Subdivision and Development Regulations*, AR 43/2002, as amended or replaced from time to time;
- w. **Resident** means an individual who is not less than 18 years of age and who lives in the Town on a daily and permanent basis and whose primary residence is located within the Town;
- x. **Secretary** means the person or persons appointed by the Chief Administrative Officer to act as secretary for the Municipal Planning Commission;
- y. **Statutory Plan** has the same meaning as prescribed in Part 17 of the Act;
- z. **Subdivision** has the same meaning as prescribed in Part 17 of the Act;
- aa. **Subdivision Authority** means:
  - i. Council; and
  - ii. the Director
 as described in this Bylaw;
- bb. **"Subdivision and Development Appeal Board"** means the Town's Subdivision and Appeal Board established by Council in accordance with Section 627 of the Act; and
- cc. **Town** means the municipal corporation of the Town of Taber together with its jurisdictional boundaries, as the context requires.

All other terms used in this Bylaw shall have the meaning as is assigned to them in the Land Use Bylaw, Act and Regulations.

## **Part 1 – Development Authority**

### **Establishment**

4. The Development Authority for the Town is hereby established.

### **Designated Officer**

5. The Designated Officer shall:
  - a. exercise the Development Authority powers and duties on behalf of the Town pursuant to Section 624 of the Act, the Regulations, and the Land Use Bylaw;
  - b. be the Development Authority for Development Permit applications for Permitted Uses which comply with the provisions of the Land Use Bylaw;
  - c. be the Development Authority for Development Permit applications for Permitted Uses which require a minor variance not in excess of Ten Percent (10%) of a measurable development standard established in the Land Use Bylaw or any other variance for which the Designated Officer is specifically authorized to provide in the Land Use Bylaw.
6. Notwithstanding Section 5, the Designated Officer may forward any Development Permit application to the Municipal Planning Commission for a decision as he/she deems appropriate.
7. The Designated Officer is a designated officer for the purpose of the Act.

### **Municipal Planning Commission**

8. The Municipal Planning Commission shall:
  - a. exercise the Development Authority powers and duties on behalf of the Town pursuant to Section 624 of the Act, the Regulations and the Land Use Bylaw;
  - b. be the Development Authority for Development Permit applications for Discretionary Uses;
  - c. be the Development Authority for Development Permit applications for Permitted Uses which require a variance in excess of Ten Percent (10%) of a measurable standard established in the Land Use Bylaw or any other variance for which the Municipal Planning Commission is specifically authorized to provide in the Land Use Bylaw; and
  - d. be the Development Authority for any Development Permit applications referred to it by the Designated Officer.

### **Council**

9. Unless otherwise specified in the Land Use Bylaw, Council is the Development Authority for all Development Permit applications in Direct Control Districts.
10. Council shall exercise its powers and duties in accordance with the Act, Regulations and Land Use Bylaw.

## **Part 2 - Subdivision Authority**

### **Establishment**

11. The Subdivision Authority is hereby established.

### **Powers and Duties**

12. The Subdivision Authority shall exercise its powers and duties in accordance with the Act, the Regulations and the Land Use Bylaw.

### **Council**

13. Council is the Subdivision Authority responsible for making decisions approving, approving with conditions or refusing all Subdivision applications.

### **Director**

14. The Director is the Subdivision Authority for the following purposes and is authorized to exercise the following duties, functions and powers:
  - a. processing of Subdivision applications including, but not limited to:
    - i. receiving Subdivision applications and determining if the Subdivision application is complete in accordance with the Act;
    - ii. issuing notices and acknowledgements as required by the Act including but not limited to Section 653.1 of the Act;
    - iii. entering into agreements with an applicant for Subdivision approval to extend time lines as contemplated in the Act;
    - iv. coordinating the circulation of the Subdivision application to Town departments and other government departments and agencies as required by the Act and Regulations;
    - v. signing the decision of Council acting as Subdivision Authority; and
    - vi. endorsing a plan of subdivision in accordance with the Act.
15. When a plan of subdivision or other instrument that effects the Subdivision is submitted for endorsement, the Director is authorized to accept minor modifications on the plan of subdivision or other instrument from that approved by Council provided that:
  - a. The changes do not involve any variation or waiver of Subdivision approval conditions set by Council;
  - b. there is no increase to the number of parcels;
  - c. Municipal, school, and environmental reserves are not compromised;
  - d. Town roads and standards are not compromised; and
  - e. any changes comply with the Land Use Bylaw and applicable Statutory Plans.

### **Part 3 – Municipal Planning Commission**

#### **Establishment**

16. The Municipal Planning Commission for the Town of Taber is hereby established.

#### **Functions and Duties**

17. The MPC has the following functions, duties and powers:
- a. reviewing and making recommendations to Council with respect to Statutory Plans;
  - b. reviewing and making recommendations to Council acting as the Subdivision Authority with respect to Subdivision applications;
  - c. exercising the duties, powers and functions of a Development Authority as provided for in this Bylaw; and
  - d. performing such other duties and functions as the Council may assign to it from time to time.

#### **Membership**

18. The MPC shall be composed of five (5) Members appointed by resolution of Council at the annual Organizational Meeting as follows:
- a. Three (3) Residents for a term of two (2) years; and
  - f. Two (2) Councillors for a term of one (1) year.
19. All Members shall be voting Members.
20. New Members shall take office at the first MPC meeting following the official effective date of their appointment.
21. No person who is a member of the Subdivision and Development Appeal Board or a Town employee shall be a Member.
22. When a person ceases to be a Member before the expiration of his/her term, Council shall attempt to, by resolution, appoint another Member within 60 days of receiving notice of the vacancy.
23. All Members are appointed at the pleasure of Council and Council may remove any Member from the MPC at any time and for any reason.
24. A Resident Member shall be deemed to have resigned from his/her position if he/she ceases to reside on a permanent basis within the Town or if he/she misses more than three (3) consecutive meetings.
25. All Members shall adhere to the Town's policies and procedures related to proper Code of Conduct and the Pecuniary Interest provisions in Part 5, Division 6 of the Act, as applicable.

26. No Member shall discuss, debate nor be involved in the decision making of a matter before the Municipal Planning Commission where the Member has a Bias in relation to that matter. The Member shall declare his/her Bias before any discussion of the matter and shall remove him/herself from the meeting for the discussion, debate and decision of the matter and his/her declaration shall be recorded in the Meeting minutes.
27. If a Member has a Pecuniary Interest in the matter before the MPC, the Member shall adhere to the Pecuniary Interest provisions in the Act, including but not limited to:
  - a. Disclosing the general nature of the Pecuniary Interest to the MPC prior to any discussion of the matter;
  - b. Abstaining from any discussion and voting on the matter; and
  - c. Leaving the room in which the MPC meeting is taking place until discussion and disposition of the matter is completed.
28. The abstention of the Member and the disclosure of the Member's Pecuniary Interest shall be recorded in the MPC Meeting minutes.

**Chairperson and Vice-Chairperson**

29. The MPC shall elect a Chairperson and Vice-Chairperson from its resident Members for a term of one year from the date of election.
30. Where the Chairperson is absent from a meeting of the MPC, the Vice-Chairperson shall preside over that meeting.
31. Where both the Chairperson and Vice-Chairperson is absent from a meeting of the MPC, the Members shall appoint one Member from those Members present to preside over that meeting.

**Quorum**

32. Quorum shall consist of three (3) voting Members of which at least two (2) are Resident Members. At no time shall Councillors form the majority of the MPC at any meeting.

**Meetings and Business**

33. The MPC shall adhere to the Town's Procedure Bylaw, as applicable.
34. In the absence of any applicable provision of the Procedure Bylaw, the MPC may establish its own procedure.
35. The MPC shall hold meetings monthly or as required, and undertake such actions as are necessary to fulfill the powers and duties of the MPC.
36. A special meeting of the MPC may be called by the Chairperson, at the place and time designated by the Chairperson.

37. The meetings of the MPC shall normally be held in public provided that MPC may deliberate and make its decisions in meetings closed to the public in accordance with the Act.
38. The simple majority decision of the Members of the MPC present at a meeting duly convened is deemed to be the decision of the whole MPC. In the event of a tie vote, any motion of the MPC shall be deemed defeated.
39. Notwithstanding Section 43(f) of this bylaw, any order, decision or approval made, given or issued by the MPC may be signed by the MPC Chairperson or Vice-Chairperson.
40. Any document that has been signed by the Chairperson, Vice-Chairperson or the Secretary shall be deemed to have been signed on behalf of and with the approval of the MPC.

#### **Secretary**

41. The Chief Administrative Officer shall appoint a Designated Officer to serve as Secretary to the MPC.
42. The MPC Secretary is not a Member and does not have a vote.
43. The MPC Secretary shall carry out the following duties:
  - a) ensure that all circulation requirements of the Act, Regulations and Land Use Bylaw are adhered to,
  - b) ensure that all notice and advertisement requirements of the Act, Regulations and Land Use Bylaw are adhered to,
  - c) ensure there is quorum for all meetings,
  - d) prepare all decisions and reasons for decision of the Municipal Planning Commission for execution by the Chair or Vice Chair,
  - e) send out all decisions of the Municipal Planning Commission to relevant parties in accordance with the Act and the Land Use Bylaw,
  - f) record, prepare and maintain minutes of Municipal Planning Commission meetings,
  - g) keep and maintain on file for inspection by the public during office hours the following documents and information:

- i) a register of all applications for Development Permits and Subdivision approvals including supporting documentation,
- ii) records of all evidence presented at Municipal Planning Commission meetings,
- iii) records of all Municipal Planning Commission decisions and reasons therefore,
- iv) Municipal Planning Commission agenda packages and meeting minutes, and
- h) carry out such other administrative duties and functions as the Municipal Planning Commission or Chief Administrative Officer may direct.

**Severability**

44. If any section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Sections or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

**Repeal**

45. Bylaw No. A-356 (A-371 a bylaw to amend A-356), being the former Subdivision and Development Authority bylaw, is hereby repealed in its entirety.

**Effective Date**

46. This Bylaw shall take effect on the day of the final passing and the signatures of the chief elected official and duly authorized designated officer thereof.

RES. 178/2018      Read a first time this 9<sup>th</sup> day of April, 2018  
RES. 179/2018      Read a second time this 9<sup>th</sup> day of April, 2018  
RES. 181/2018      Read a third time and finally passed this 9<sup>th</sup> day of April, 2018

**TOWN OF TABER**

  
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**MAYOR**

  
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**CHIEF ADMINISTRATIVE OFFICER (C.A.O)**

