

CYPRESS COUNTY

BYLAW 2010/06

A Bylaw of Cypress County to establish a Municipal Planning Commission.

WHEREAS the Municipal Government 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 Cypress County, in the Province of Alberta, duly assembled, ENACTS AS FOLLOWS:

1. **SHORT TITLE**

This Bylaw may be cited as the Cypress County Municipal Planning Commission Bylaw.

2. **PURPOSE**

- (1) The purpose of this Bylaw is to establish a Municipal Planning Commission for Cypress County, in accordance with the provisions of the Municipal Government 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 Cypress County.
- (4) "County" means the municipal corporation of Cypress 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 Cypress 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) "Planning Advisor" means a person or persons appointed to the office of planning advisor pursuant to the Land Use By-law.
- (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
- (13) "Subdivision Authority" means the person or organization authorized to exercise subdivision powers and duties on behalf of the Municipal District.
- (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 Cypress County is hereby established.
- (2) The Municipal Planning Commission shall be composed of six (6) 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,
 - (b) Three (3) members appointed by the Council.
- (3) A retiring member of the Commission may be reappointed for successive terms of office by the Council.
- (4) No person who is the Development Officer, Planning Advisor 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, his appointment shall terminate upon his ceasing to be a member of Council.
- (6) A person who is a member of the Commission who ceases to be a member of Council and who is otherwise eligible to be appointed to the Commission may be reappointed as a member of the Commission, upon his appointment terminating pursuant to Subsection 5.

- (7) In the event a vacancy occurs on the Commission, the Council shall fill the vacancy within sixty (60) 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 his duties satisfactorily, or
 - (b) in the opinion of the Commission, a member is not performing his 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 chairman 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 Chairman and one to act as Vice-Chairman. The Vice-Chairman may preside at the meeting of the Commission in the absence of the Chairman.
- (2) The Chairman and Vice-Chairman shall hold office for a period of one (1) year from the date of appointment.
- (3) In the absence of the Chairman or Vice-Chairman, the Commission members present shall elect a member to act as Chairman at the meeting.
- (4) An order, decision, approval, notice or other thing made, given or issued by the Commission shall be signed by the Chairman, or Vice-Chairman 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 shall keep records of all meetings and hearings of the Commission but shall not vote on any matters before the Commission.

7. QUORUM

- (1) Three (3) 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) 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 Chairman.
- (2) The Commission shall:
 - (a) advise and assist the Council with regards to planning and development matters within the municipality, 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 Planning Advisor and may:
 - (a) approve the application unconditionally, or
 - (b) approve the application subject to conditions considered appropriate, 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 other 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.
- (6) The Commission must consider the written submissions of those persons and local authorities to whom an application for subdivision approval was given but is not bound by the 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.
 - (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 paid by the Municipal District.

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 development decisions.

11. Bylaw 98/41 is hereby rescinded.

Read a first time this 2nd day of March, 2010.

Read a second time this 2nd day of March, 2010.

Read a third time and finally passed this 2nd day of March, 2010.

Reeve

Designated Officer