

CITY OF LACOMBE BYLAW 228

Consolidation to January 25th, 2021

A Bylaw of the City of Lacombe, in the Province provisions of the *Municipal Government Act*, R.S.A. 2000, c. M-26 and amendments to provide for the Authority, Subdivision Development Authority, and Municipal Planning Commission in the City of Lacombe. (b.228.3, 01/25/2021) (b.228.2, 10/24/2016)

The Municipal Council of the City of Lacombe in the Province of Alberta duly assembled, enacts as follows: (b.228.2, 10/24/2016)

Title:

1. This Bylaw may be cited as the "Subdivision and Development Authorities Bylaw". (b.228.2, 10/24/2016)

Definitions:

2. The following words and terms are defined as follows:
 - a) "Act" means the *Municipal Government Act*, S.A. 2000, c. M-26 as amended. (b.228.2, 10/24/2016)
 - b) "Chief Administrative Officer" means the Chief Administrative Officer of the City of Lacombe appointed by Council under Bylaw No. 58. (b.228.2, 10/24/2016)
 - c) "Council" means the Council of the City of Lacombe; (b.228.2, 10/24/2016)
 - d) "Land Use Bylaw" means Land Use Bylaw No. 400; (b.228.2, 10/24/2016)
 - e) "Member" means a member of the Municipal Planning Commission appointed pursuant to this Bylaw;
 - f) "Pecuniary Interest" shall have that meaning set out in Division 6 of Part 5 of the Act as applied and adapted in the context of this bylaw;
 - g) "Public Member" means a person who is not a member of Council and who otherwise qualifies as an elector of the Town of Lacombe.
 - h) "City" means the City of Lacombe. (b.228.2, 10/24/2016)

Part 1 - Subdivision Authority

Establishment

3. The Subdivision Authority of the City is: (b.228.2, 10/24/2016)
 - a. The Chief Administrative Officer, or delegate, for an application for subdivision approval which is consistent with any statutory plan affecting the lands proposed for subdivision and which complies with the Land Use Bylaw; (b.228.2, 10/24/2016)
 - b. The Municipal Planning Commission for all other applications for subdivision approval.
4. Notwithstanding Section 3 a., the Chief Administrative Officer or delegate may forward any application for subdivision approval to the Municipal Planning Commission for a decision.

Powers and Duties

5. The Subdivision Authority has those powers and duties as set out in the Act and any regulations made thereunder.

Administration

6. The signing authority for all subdivision related matters is the Chief Administrative Officer or delegate.

7. When a registerable instrument is submitted for endorsement, the signing authority is authorized to accept minor modifications to the related registerable instrument from that approved by the Subdivision Authority provided:
 - a. the number of parcels does not increase;
 - b. municipal, school, municipal and school or environmental reserves are not compromised.
 - c. municipal roads and standards are not compromised;
 - d. such adjustments comply with municipal bylaws, except that minor changes to the Land Use Bylaw standards may be included as provided in Section 654(2) of the Act. (b.228.2, 10/24/2016)

Part 2 - Development Authority

Establishment

8. The Development Authority of the City is: (b.228.2, 10/24/2016)
 - a. The Chief Administrative Officer or delegate, for an application for development approval which are:
 - i) Development applications for permitted use developments requiring a variance of less than or equal to 15%;
 - ii) Development permit applications for Class 2 signs requiring a variance of less than or equal to 15%;
 - iii) Development applications within the Flood Hazard Area Regulations Overlay (Land Use Bylaw Section 14.6) requiring a variance of less than or equal to 15%;
 - iv) For permits requiring a variance greater than 15% (other than Development Officer Variances outlined in the Land Use Bylaw 4.8.1 - 4.8.6), the use shall be considered by the Development Officer, while the variance shall be considered by the Municipal Planning Commission;
 - v) Development permit applications, including variances over 15%, discretionary uses, etc., where the application has been referred to adjacent landowners, and where no concerns or objections have been received. The Development Officer may choose to refer any application to the Municipal Planning Commission for consideration.
(b. 228.3, 01/25/2021)
 - b. Municipal Planning Commission established under this Bylaw for an application for development approval which includes:
 - i) Development applications requiring a variance of greater than 15%;
 - ii) Development applications for discretionary uses within all districts excluding applications the Development Officer and Council is authorized to consider and decide upon under Land Use Bylaw sections 3.2.3 and 3.4
 - iii) Development applications for Class 3 signs and for Class 2 signs requiring a variance of greater than 15%;
 - iv) Development applications subject to the provisions of the Historic District Area Overlay (Land Use Bylaw Section 14.5), the Place of Worship Overlay (Land Use Bylaw Section 14.7), and variances greater than 15% in the Flood Hazard Area Regulations District Overlay
 - v) any other application which the Development Officer refers to the Commission; and
 - vi) subdivision applications that are not located within the boundary of an Area Structure Plan or an Area Redevelopment Plan.
(b. 228.3, 01/25/2021)
9. Notwithstanding Section 8 a., the Chief Administrative Officer or delegate may forward any application for development approval to the Municipal Planning Commission for a decision.

Powers and Duties

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

Part 3 - Municipal Planning Commission

Establishment

11. The Municipal Planning Commission is hereby established.

Membership and Term

12. The Commission shall consist of five (5) members with:
 - a. three members being members of Council and
 - b. two members being public members
13. A member of the Commission shall not include:
 - a. a member of the Subdivision and Development Appeal Board.
 - b. an employee of the City. (b.228.2, 10/24/2016)
14. deleted (b.228.2, 10/24/2016)
 - a. A Public Member may serve on the Commission for a maximum of two consecutive three-year terms, unless at least two thirds of the whole Council passes a resolution stating that a Public Member may be reappointed for more than two consecutive terms. (09/09/02)
 - b. New Member applications approved by the Mayor are forwarded to the Subdivision and Development Authority (MPC) for information and endorsement and presented to City Council for ratification and appointment. (b.228.2, 10/24/2016)
 - c. deleted (b.228.2, 10/24/2016)
15. If a member misses three (3) consecutive meetings without the authorization of the Commission, the person is disqualified and the position becomes vacant.
16. The Chairman and Vice-Chairman of the Commission shall be appointed annually from among members of Council.

Procedure

17. A quorum of the Commission shall consist of a majority of the members.
18. In the event of absence or inability of the Chair to preside at a Commission meeting, the Vice-Chair shall preside, and in the event of the absence or inability 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 act as Chair for that meeting. (b.228.2, 10/24/2016)
- 18 b. The Chair or acting Chair:
 - i) shall be responsible for the conduct of a meeting
 - ii) may limit a submission if it is determined to be repetitious or inappropriate

(b.228.3, 01/25/2021)
19. The Chief Administrative Officer or delegate shall serve as Secretary to the Board, and shall:
 - a. not have a vote;
 - b. notify all members Commission of meetings of the Commission;
 - c. notify the public in accordance with s. 195 of the Act.
 - 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 to all affected parties;
 - 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.
20. Notwithstanding Section 19 f., an order, decision or approval made, given or issued by the Commission may be signed by the Chair or Vice-Chair of the Commission. (b.228.2, 10/24/2016).
21. A decision of the majority of Members present at a duly convened meeting of the Commission shall be deemed to be a decision of the whole Commission.
22. In the event of a tie vote, any motion before the Commission shall be deemed to be lost.
23. For any procedures not covered in Part 17 of the Act or by bylaw of the City, the Commission may establish procedures for the conduct of meetings. (b.228.2, 10/24/2016)

Functions and Duties

24. The Commission has the following functions and duties:
 - a. Upon the request of Council, to advise Council with respect to achieving the orderly, economical and beneficial development, use of land and patterns of settlement in the City; (b.228.2, 10/24/2016)
 - b. To serve as Subdivision Authority pursuant to Part 17 of the Act and pursuant to this bylaw. (b.228.2, 10/24/2016)
 - c. To serve as Development Authority pursuant to Part 17 of the Act and pursuant to this Bylaw. (b.228.2, 10/24/2016)
25. The Commission shall hold meetings and undertake such actions as are necessary to fulfill the powers and duties of the Commission.
26. Applications for subdivision approval shall be considered by the Commission and either approved, with or without conditions, or refused in accordance with Part 17 of the Act and any regulations made thereunder.
27. A decision on an application for subdivision approval must be given forthwith to the applicant and any other persons and bodies required in the Act.
28. 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 Part 17 of the Act and any regulations made thereunder. (b.228.2, 10/24/2016)
29. Where a development permit application has been approved by the Commission, a development permit shall be issued forthwith in accordance with the decision of the Commission.
30. A decision of the Commission is not final until notification of the decision is given in writing.
31. If a member has a pecuniary interest in a 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.
 - c. leave the room in which the meeting is taking place until discussion and disposition of the matter is completed.
32. The abstention of the member and the disclosure of the member's interest shall be recorded in the minutes.
33. Amendments forming part of Bylaw 228.2 shall come into effect on January 1, 2017. (b.228.2, 10/24/2016)

Transition

34. deleted (b.228.2, 10/24/2016)

35. deleted (b.228.2, 10/24/2016)

INTRODUCED AND GIVEN FIRST READING this 2nd day of October, A.D. 1995.

GIVEN SECOND READING this 2nd day of October, A.D. 1995.

UPON UNANIMOUS CONSENT, GIVEN THIRD AND FINAL READING this 2nd day of October, A.D. 1995.

Original Signed

Mayor

Original Signed

Chief Administrative Officer

CONSOLIDATION COPY

Schedule "A"

For Applicants Municipal Planning Commission

For Applicants:

Purpose:

The City of Lacombe operates under the authority of the Municipal Government Act and implements the regulations for development adopted for the City of Lacombe in the Land Use Bylaw. By Bylaw 228: Subdivision and Development Authorities, the City of Lacombe establishes the Municipal Planning Commission. The Commission typically meets once monthly. The Commission is composed of five members, with a maximum of three Councillors. All are appointed by Council.

The Commission's role is:

- to, upon the request of Council, advise Council with respect to achieving the orderly, economical and beneficial development, use of land and patterns of settlement in the City,
- to serve as Subdivision Authority for applications in areas without Area Structure Plans; and
- pursuant to the City of Lacombe Bylaw #400, to serve as Development Authority for discretionary matters.

Role of Councillor:

The Commission is composed of five members appointed by Council which includes the Mayor and two Councillors. All members, including Members of Council, are active voting members. Councillors are required to carry out their duties in accordance with the Act and must put their role as Commission members ahead of being a Councillor while considering matters before the Commission.

(b.228.3, 01/25/2021) (b.228.2, 10/24/2016)