

VILLAGE OF ROSEMARY
In the Province of Alberta



Bylaw No. 469-19
Subdivision & Development Authority Bylaw

A Bylaw of the Village of Rosemary, in the Province of Alberta, for the purposes of establishing a Development Authority and a Subdivision Authority Bylaw.

WHEREAS, the Municipal Government Act, Revised Statutes of Alberta 2000 Chapter M-26, as amended, pursuant to Section 623, requires the municipality to adopt a bylaw to establish a municipal Subdivision Authority; and

WHEREAS, the Municipal Government Act, Revised Statutes of Alberta 2000 Chapter M-26, as amended, pursuant to Section 624, requires the municipality to adopt a bylaw to establish a municipal Development Authority; and

WHEREAS, the Subdivision and Development Authority is authorized to make decisions on applications for subdivision and development approval in accordance with the administrative procedures, land uses and schedules established in the municipal Land Use Bylaw; and

WHEREAS, this bylaw may be cited as the Village of Rosemary Subdivision and Development Authority Bylaw;

NOW THEREFORE, the Council of the Village of Rosemary in the Province of Alberta duly assembled, enacts as follows:

1. Definitions:

- a) **Act** means the Municipal Government Act, Revised Statutes of Alberta 2000 Chapter M-26, as amended.
- b) **Authorized persons** means a person or organization authorized by council to which the municipality may delegate any of its Development Authority powers, duties or functions.
- c) **Council** means the Municipal Council of the Village of Rosemary.
- d) **Designated officer** means a person or persons authorized to act as the designated officer for the municipality as established by bylaw pursuant to Section 210 of the Act.
- e) **Development Authority** means the person or persons appointed, by bylaw, to exercise only such powers and perform duties as are specified:
 - i) in the Act; or
 - ii) in the Village of Rosemary Land Use Bylaw; or
 - iii) in this bylaw; or
 - iv) by resolution of council.
- f) **Member** means a member of the Subdivision Authority or the Development Authority.
- g) **Municipality** means the Village of Rosemary in the Province of Alberta.
- h) **Secretary** means the person or persons authorized to act as secretary for the Development Authority.
- i) **Subdivision Authority** means the person or persons who exercise subdivision powers and duties on behalf of the municipality.

- j) All other terms used in this bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.

Part 1 – Development Authority

- 2. The Development Authority for the Municipality is:
 - a) The Subdivision and Development Authority, for all applications (permitted and discretionary) for development approval.
- 3. Notwithstanding Section 2, the Subdivision and Development Authority may forward any application for development approval to a Designated Officer for a decision.

Powers and Duties

- 4. 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.

Appointment of Development Officer

- 5. Council may, by resolution, appoint a Designated Officer as Development Officer(s). The powers and duties of the development officer shall be outlined in the Village of Rosemary Land Use Bylaw.

PART 2 – Subdivision Authority

Establishment

- 6. The Subdivision Authority for the Municipality is the Subdivision and Development Authority for all applications for subdivision approval.
- 7. Notwithstanding Section 6, the Subdivision and Development Authority may forward any application for subdivision approval to a Designated Officer for a decision.

Powers and Duties

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

Administration

- 9. The signing authority for all subdivision related matters shall be the Chairperson of the Subdivision and Development Authority, a Regional Services Commission, or delegate, as established by resolution of Council.
- 10. 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; and

- 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 3 – SUBDIVISION AND DEVELOPMENT AUTHORITY

Establishment of the Subdivision and Development Authority

11. That an Authority known as the Subdivision and Development Authority, hereinafter referred to as the “SDA” is hereby established.

Membership

12. The SDA shall be composed of not less than three (3) persons as follows:
13. Two (2) members of council and one (1) member at large resident appointed by council;
14. Appointments to the SDA shall be made for a term of 4 years.
15. When a person ceases to be a member of the SDA before the expiration of his/her term, a new councilor shall be appointed to the SDA within 60 days of a by election if one is required pursuant to the Act.

Quorum

16. Two (2) of the members of the SDA shall constitute a quorum.

Chairperson and Vice-Chairperson

17. The SDA shall elect a Chairperson from its members to preside for a term of 4 years from the date of election.
18. Where the Chairperson is absent from a meeting of the SDA, one of the other members shall be elected to preside over that meeting.

Secretary

19. The SDA shall appoint a Secretary to the SDA, who shall be the Designated Officer and shall:
 - a. Attend all meetings of the SDA;
 - b. Not have a vote;
 - c. Notify all members of meetings of the SDA;
 - d. Notify the public pursuant to the notification procedure of the Land Use Bylaw and the MGA;
 - e. Prepare and maintain a file of written minutes of the business transacted at all meetings of the SDA;
 - f. Record decisions of the SDA and issue the decision and/or permit forthwith to all parties affected;
 - g. Be authorized to sign on behalf of the SDA any order, decision, approval, notice or other thing made, given or issued by the SDA;
 - h. Keep record of the names and addresses of those making representations at the meeting; and
 - i. Undertake other duties as the SDA may require in the conduct of its business.
20. In the event of a tie vote, any motion of the SDA shall be deemed defeated.

Functions and Duties

21. The Subdivision and Development Authority 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 Municipality;
 - 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.
22. The SDA shall hold meetings monthly or as required and undertake such actions as are necessary to fulfill the powers and duties of the SDA.
23. Applications for subdivision approval shall be considered by the SDA and either approved, with or without conditions, or refused in accordance with the MGA Part 17 and any regulations made thereunder.
24. Development permit applications shall be considered by the SDA 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.
25. Notwithstanding Sections 23 and 24, the SDA may forward any application for subdivision approval or development approval to a Designated Officer for a decision.
26. A decision of the SDA is not considered final until notification of the decision is given in writing.
27. If a member has a pecuniary interest in the matter before the SDA, the member shall:
 - a. Disclose the general nature of the pecuniary interest to the SDA prior to the SDA'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.
28. The abstention of the member and the disclosure of the member's interest shall be recorded in the minutes.
29. Notwithstanding Section 19(f) of this bylaw, any order, decision or approval made, given or issued by the SDA may be signed by the Chairperson of the SDA.

Repeal

30. Bylaw No. 440-14, being the former Subdivision and Development Authority Bylaw, is hereby repealed.

READ a first time this 16th day of July 2019.

READ a second time this 16th day of July 2019.

READ a third time and passed with unanimous consent this 16th day of July 2019.

William Marshall, Mayor

Sharon Zacharias, CAO