

BYLAW NO. 95-158

of the Municipal District of Greenview No. 16

A Bylaw of the Municipal District of Greenview No. 16, in the Province of Alberta, to establish the
SUBDIVISION AUTHORITY
of the Municipal District of Greenview No. 16.

WHEREAS Section 623 of the Municipal Government Amendment Act, being Chapter 24 of the Statutes of Alberta, 1995, requires that a Council must provide for a Subdivision Authority.

THEREFORE the Council of the Municipal District of Greenview No. 16, duly assembled, enacts as follows:

1. NAME

1.1 This Bylaw shall be cited as the "Subdivision Authority Bylaw".

2. DEFINITIONS

The following words and phrases mean:

2.1 "Act" means the Municipal Government Amendment Act, S.A. 1995, as amended.

2.2 "Council" means the Reeve and Councillors of the Municipal District of Greenview No. 16 for the time being elected pursuant to the provisions of the Act, whose term is unexpired, who have not resigned and who continue to be eligible to hold office as such under the terms of the Act.

2.3 "Municipal Government Board" means the Board established under Section 486 of the Municipal Government Act.

2.4 "Subdivision and Development Appeal Board" means the Board established to hear development and subdivision appeals pursuant to the Subdivision and Development Appeal Board Bylaw.

2.5 "Subdivision Authority" means the persons established under the Subdivision Authority Bylaw to perform the functions of a Subdivision Authority under the Act.

2.6 "Subdivision Authority Officer" means the person occupying the position established under Section 11 herein.

2.7 "Municipal Planning Commission" means the Municipal Planning Commission established under Bylaw of the M.D. of Greenview No. 16.

2.8 "Regulations" means the Regulations proclaimed pursuant to the Municipal Government Act, S.A. 1994, Part 17, as amended.

3. ESTABLISHMENT OF SUBDIVISION AUTHORITY

3.1 The Subdivision Authority of the M.D. of Greenview No. 16 is hereby established.

3.2 The Subdivision Authority shall be the Municipal Planning Commission of the M.D. of Greenview No. 16.

3.3 Any vacancies caused by the death, retirement or resignation of a member may be filled by resolution of the Council.

3.4 Council may remove a member from the Subdivision Authority by resolution at any time.

4. ESTABLISHMENT OF SUBDIVISION AUTHORITY SECRETARY

4.1 The position of designated officer for the limited purpose of carrying out the function of the Secretary to the Subdivision Authority is hereby established (the "Subdivision Authority Secretary").

4.2 The Municipal Manager and/or designate is appointed as the Subdivision Authority Secretary and shall not be a member of the Subdivision Authority.

4.3 The Secretary of the Subdivision Authority shall have responsibilities and functions including the following:

- 4.3.1 makes and keeps a record of the Subdivision Authority proceedings which may be in the form of a summary of the evidence presented at a hearing.
- 4.3.2 ensures statutory notices and decisions of the Subdivision Authority are provided to such persons as the Act requires.
- 4.3.3 compiles and provides agenda and meeting packages to members and makes them available to the public.
- 4.3.4 signs orders, decisions, approvals, notices and other items given by the Subdivision Authority on its behalf.

5. QUORUM AND MEETINGS

5.1 A quorum of the Subdivision Authority shall be a majority of members.

5.2 The Subdivision Authority shall meet at such intervals as are necessary to consider and decide applications filed with it in accordance with the Act.

5.3 The Subdivision Authority shall have prepared and maintain a file of written minutes of the business transacted at all meetings and hearings of the Subdivision Authority, copies of which shall be regularly filed with the Council.

5.4 The Subdivision Authority may make rules as are necessary for the conduct of its meetings, its hearings and its business that are consistent with this Bylaw, the Land Use Bylaw of the M.D. of Greenview No. 16, and the Act.

6. FEES AND EXPENSES

6.1 The remuneration, traveling, living and expenses of the members of the Subdivision Authority and Subdivision Authority Secretary shall be established by Council by resolution from time to time.

7. RESPONSIBILITIES AND FUNCTIONS

7.1 The Subdivision Authority shall exercise those functions and powers within the M.D. of Greenview No. 16 as are described in the Act and the Regulations.

7.2 The Subdivision Authority may delegate any of its responsibilities as provided for under the Act or the Regulations to a Subdivision Approving Officer or to another person by resolution of the Subdivision Authority.

7.3 The Subdivision Authority is not required to hold a hearing in considering an application for subdivision.

- 7.4 The Subdivision Authority must not approve an application for subdivision approval unless:
 - 7.4.1 the land that is proposed to be subdivided is, in the opinion of the Subdivision Authority, suitable for the purpose for which the subdivision is intended.
 - 7.4.2 the proposed subdivision conforms to the provisions of any statutory plan and, subject to subsection 7.5, any Land Use Bylaw that affects the land proposed to be subdivided.
 - 7.4.3 the proposed subdivision complies with Part 17 and the Regulations under Part 17 of the Act.
 - 7.4.4 all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10 of the Act.

- 7.5 The Subdivision Authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the Land Use Bylaw of the M.D. of Greenview No. 16 if, in its opinion,
 - (a) the proposed subdivision would not:
 - (i) unduly interfere with the amenities of the neighborhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighboring parcels of land, and
 - (b) the proposed subdivision conforms with the use prescribed for that land in the Land Use Bylaw of the M.D. of Greenview No. 16.

- 7.6 The Subdivision Authority may approve or refuse an application for subdivision approval.

- 7.7 A decision of the Subdivision Authority must be given in writing to the applicant and to the Government departments, persons and local authorities to which the Subdivision Authority is required by the Regulations to give a copy of the application.
 - 7.7.1 A decision of the Subdivision Authority must state:
 - (a) whether an appeal lies to the Subdivision and Development Appeal Board or the Municipal Government Board, and
 - (b) if an application for subdivision approval is refused, the reasons for the refusal.


- 7.8 The power to extend the periods pursuant to Section 657(6) of the Act is delegated by the Council to the Subdivision Authority. The Subdivision Authority may further delegate this power to the Subdivision Authority Officer.

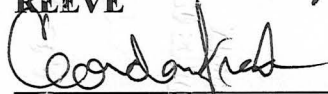
This Bylaw shall come into force and effect upon the day of final passing.

Read a first time this 11th day of October, A.D., 1995.

Read a second time this 11th day of October, A.D., 1995.

Read a third time and final time this day 26th of October, A.D., 1995.



 REEVE


 MUNICIPAL MANAGER