

BYLAW 1339/14
ESTABLISHMENT OF A SUBDIVISION AUTHORITY
STURGEON COUNTY, MORINVILLE, ALBERTA

BYLAW 1339/14 BEING A BYLAW OF STURGEON COUNTY, MORINVILLE, ALBERTA FOR THE PURPOSE OF ESTABLISHING A SUBDIVISION AUTHORITY.

WHEREAS, section 623 of the *Municipal Government Act*, R.S.A. 2000 c. M-26, and amendments thereto provides that a council, must, by bylaw, establish a Subdivision Authority,

AND WHEREAS, the Council of Sturgeon County has deemed it desirable to replace the existing Subdivision Authority Bylaw 802/95;

NOW THEREFORE BE IT RESOLVED that the Council of Sturgeon County hereby enacts this Subdivision Authority Bylaw as follows:

1. TITLE

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

2. DEFINITIONS

In this Bylaw:

- 2.1. "Act" means the *Municipal Government Act*, R.S.A. 2000, c. M-26 as amended or repealed and replaced from time to time;
- 2.2. "Council" means Sturgeon County Council;
- 2.3. "County" means Sturgeon County;
- 2.4. "CAO" means the County Commissioner or his/her designate;
- 2.5. "Land Use Bylaw" means the County's Land Use Bylaw, as amended or repealed and replaced from time to time;
- 2.6. "MPC" means the Municipal Planning Commission as defined by County bylaw, as amended or repealed and replaced from time to time; and
- 2.7. "Zoning" means a Land Use District as defined in the Land Use Bylaw.

3. SUBDIVISION AUTHORITY

- 3.1. The Subdivision Authority for all subdivision applications for lands for which there is no Council approved Statutory Area Structure Plan is the MPC;
- 3.2. The Subdivision Authority for any subdivision application referred to the MPC by the CAO if the MPC; and
- 3.3. The Subdivision Authority for any subdivision application for lands that are located within the boundary of a Council approved statutory Area Structure Plan and conforms to the regulations of the land use Zoning in place is the CAO, unless referred to the MPC

4. SUBDIVISION POWERS AND DUTIES

- 4.1. The Subdivision Authority is authorized to exercise subdivision powers and duties on behalf of the County in accordance with the Act and the Land Use Bylaw.
- 4.2. The Subdivision Authority creates processes and rules as are necessary for the conduct of its business consistent with this Bylaw, other County Bylaws and the Act.
- 4.3. The power to extend the time for endorsement of a previously approved subdivision plan for registration in accordance with the Act is delegated to the Subdivision Authority.
- 4.4. The power to decide if an Environmental Reserve Easement is to be applied to a parcel of land which is subject to subdivision rather than designated Environmental Reserve in accordance with the Act is delegated to the Subdivision Authority.
- 4.5. The fees to be charged by the Subdivision Authority in connection with the steps involved in the subdivision of land shall be in accordance with the County Fees Bylaw as amended or repealed and replaced from time to time.
- 4.6. Any development levies applied to the lands which are the subject of a subdivision application, including off-site levies, shall be in accordance with a Council approval Levy Bylaw as amended or replaced from time to time
- 4.7. Upon endorsement of a previously approved plan of subdivision, the Subdivision Authority is authorized to accept minor modifications to the approved plan provided:
 - 4.7.1. No more than one additional lot is created (this exemption does not apply to single lot subdivision approvals);
 - 4.7.2. The size (area) of Municipal Reserve, School Reserve or Environmental Reserve are not changed;
 - 4.7.3. Roadway standards of the County are not compromised; and
 - 4.7.4. Such adjustments comply with the Land Use Bylaw subject to the exercise of the variance power contained in Section 654(2) of the Act.

5. SERVABILITY

- 5.1. If any portion of this Bylaw is deemed invalid by court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

6. REPEAL

- 6.1. Bylaw 802/95, and amendments thereto are hereby repealed.
- 6.2. Bylaw 814/96, and amendments thereto are hereby repealed.
- 6.3. Bylaw 855/98, and amendments thereto are hereby repealed.

7. EFFECTIVE DATE

7.1. That this Bylaw shall come into force and takes effect upon the date of third reading and signing in accordance with Section 213 of the Municipal Government Act, R.S.A. 2000 C.M-26, and amendments thereto.

Read a first time the 9th day of December, 2014.

Read a second time the 10th day of February, 2015.

Read a third time the 10th day of March, 2015.


MAYOR


COUNTY COMMISSIONER (CAO)

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.