

No. 110

3rd Session, 13th Legislature, Alberta
5 Elizabeth II, 1957

BILL 110

A Bill to amend The Town and Rural Planning Act

HON. MR. HOOKE

Explanatory Note

2. Clause (c) presently reads:

"(c) "council" means

"(i) the council of any city, town, village, municipal district, or county, and

"(ii) in the case of an improvement district the Minister of Municipal Affairs;"

Clause (k) presently reads:

"(k) "municipality" means a city, town, village, municipal district, county or improvement district;"

This amendment will allow for planning in special areas as in every other kind of municipality.

4. Section 5 presently reads as follows:

"5. There shall be a Provincial Planning Advisory Board which shall consist of

"(a) the Director who shall be the executive member of the Board, and

"(b) such representatives of Departments of the Provincial Government concerned with any aspects of urban and rural development within the Province as may be appointed by the Lieutenant Governor in Council."

The amendment is a McNally Commission recommendation.

5. 10. Provides a procedure for the determination by the Board of all questions relating to the organization and re-organization of a district planning commission. This amendment is related to proposed new sections 11, 12 and 13. Section 10 presently reads:

"10. Subject to the provisions hereinafter contained, the Lieutenant Governor in Council

"(a) upon receipt of an application made by the councils of two or more municipalities, and

"(b) upon the recommendation of the Board, may, by order, establish a district planning commission."

- By the new section the Board may on its own initiative recommend the establishment of a commission. This change is recommended by the McNally Commission.

BILL

No. 110 of 1957

An Act to amend The Town and Rural Planning Act

(Assented to _____, 1957)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Town and Rural Planning Act*, being chapter 337 of the Revised Statutes of Alberta, 1955, is hereby amended.

2. Section 2 is amended

- (a) as to clause (c), subclause (ii) by adding immediately after the word "district" the words "or special area",
- (b) as to clause (k) by adding immediately after the word "county" the words ", special area".

3. Section 3 is amended by adding at the end thereof the following:

"IV DISTRICT PLANNING.....99 - 129".

4. Section 5 is amended

- (a) by renumbering the section as subsection (1),
- (b) by adding immediately after the renumbered subsection (1) the following subsection:
"(2) No Minister of the Crown shall be appointed to the Board."

5. Sections 10, 11, 12 and 13 are struck out and the following sections are substituted:

"10. The Board, on its own motion, or upon receiving an application of a district planning commission or of a council made pursuant to section 86 and after making such inquiries and holding such hearings as it deems sufficient may recommend to the Lieutenant Governor in Council

- "(a) the establishment of a district planning commission,
- "(b) the representation of a municipality on a commission,
- "(c) the withdrawal of a municipality from a commission,

11. Provides general powers for the Lieutenant Governor in Council to carry out the recommendations made by the Provincial Planning Advisory Board under the new section 10.

12. (1) The present section 11.

(2) The McNally Commission recommends that the large cities be given a greater number of members than other communities. As this may result in too large a commission this amendment provides that a number of small communities may be represented by one member.

(3) Contains the provisions of the present section 12.

13. As it is intended that membership and contribution shall be compulsory a procedure for settling differences is provided.

- “(d) the establishment or alteration of a district planning area,
- “(e) the amendment of an order establishing a commission and of the regulations governing a commission, and
- “(f) the establishment of regulations governing a commission.

“11. Upon the recommendation of the Board the Lieutenant Governor in Council may by order

- “(a) establish a district planning commission,
- “(b) establish regulations governing a commission,
- “(c) provide for the representation of a municipality on a commission,
- “(d) establish or alter a district planning area,
- “(e) withdraw a municipality from a commission, and
- “(f) amend an order establishing a commission and the regulations governing a commission.

“12. (1) The order establishing a commission shall specify

- “(a) the municipalities that are to be represented on the commission and the name of the commission,
- “(b) the area, to be known as the district planning area, with respect to which the commission shall exercise its powers,
- “(c) the number of members to be appointed to the commission by each represented municipality, and
- “(d) the number of members to be appointed to the commission by the Board to represent the Province.

“(2) The order may provide that two or more municipalities shall be represented on the commission by the same member who shall be appointed by the councils of those municipalities, jointly or in rotation as the order may prescribe.

“(3) The order establishing a commission shall include regulations

- “(a) governing the organization of the commission, the holding of its meetings and the transaction of its business in general, and
- “(b) prescribing the proportion in which the funds required to meet the expenses of the commission shall be contributed by the Province and by the represented municipalities.

“13. (1) The council of a municipality represented on a commission may petition the Board concerning

- “(a) the financing of the commission,
- “(b) the allocation of services by the commission to that municipality, and
- “(c) the funds required to be paid by that municipality to the commission.

6. Clause (b) of subsection (2) presently reads:

"(2) Without limiting the generality of subsection (1), the Board with the approval of the Lieutenant Governor in Council may, by regulation,

.....
" (b) prescribe rules and conditions concerning

"(i) the laying out of streets, lanes, public reserves, lots, blocks and other units of land, and

"(ii) the minimum widths and maximum grades and lengths of streets and lanes, that are to be complied with when land is subdivided, and".

The wording is changed to conform with the wording of The Surveys and Expropriation Act. Regulations are made jointly under both Acts and the same wording is highly desirable.

7. Section 67 presently reads:

"67. (1) A general plan may be adopted by a by-law passed under section 83.

"(2) When a general plan has been adopted by a by-law and approved by the Minister, the council shall not commence any undertaking within the purview of the general plan in any manner inconsistent with or at variance with the general plan."

The Minister's approval is removed.

8. Clause (c) presently reads:

"71. An interim development order shall prescribe

"(c) the circumstances in which an appeal lies to the Board against any decision made pursuant to the exercise of interim development control."

See new section 71a.

9. (1) Interim development order to provide for an appeal board.

"(2) The Board, upon hearing the petition may make such order or recommendation, including the adjustment of the funds to be paid to a commission by any municipalities, as it deems desirable, and the decision of the Board shall be final and binding upon the commission and any municipality concerned."

6. Section 25, subsection (2), clause (b), subclause (i) is amended by striking out the words "public reserves," and by substituting the words "reserves for school and other public purposes,".

7. Section 67, subsection (2) is amended by striking out the words "by a by-law and approved by the Minister".

8. Section 71 is amended

- (a) by adding immediately at the end of clause (a) the word "and",
- (b) as to clause (b) by striking out the words "control, and" and by substituting the word "control.",
- (c) by striking out clause (c).

9. (1) The following new section is added immediately after section 71:

"71a. (1) Where an interim development order applies to a municipality that is represented on a district planning commission or that employs a professional planning staff of one or more qualified persons, the order shall provide for the establishment of an appeal board consisting of either

"(a) at least three persons to be appointed annually by resolution of the council, none of whom shall be officials or servants of the council and a majority of whom shall consist of persons other than members of the council, or

"(b) the council.

"(2) Where an interim development order applies to a municipality other than a municipality referred to in subsection (1) the order shall designate the Board as the appeal board.

(2) Existing orders and by-laws must be amended to conform with the provisions of the new section 71a.

10. Section 72 amended to provide that the by-law no longer requires the Minister's approval.

11. Section 74 presently reads as follows:

"74. A development scheme shall be in such form as may be required by regulations of the Minister, and shall describe and set out

"(a) the manner in which the scheme is intended to implement a proposal or part of a proposal contained or to be contained in the general plan,

"(b) the land affected by the scheme, and the names and addresses of the owners of such land,

"(c) the details

"(i) of the development to be carried out,

"(ii) of the land to be reserved and the manner in which the reservation is to be exercised, or

"(iii) of the manner in which land affected by the scheme is to be subdivided,

"and

"(d) such other information as may be required by the regulations of the Minister."

No regulations have ever been made.

12. Section 75 presently reads:

"75. (1) A development scheme does not come into force until it has been adopted by by-law and approved by the Minister in accordance with section 83.

"(2) When a development scheme comes into force, the council, within such period of time as may be specified by the Minister at the time he approves the adopting by-law, shall proceed to take such steps and do such things as the Minister may require the council to take and do, and if such steps and things are not taken and done within the specified period of time, the scheme ceases to have any force or effect until it is again approved by the Minister."

Controlling powers of the Minister are removed.

“(3) An appeal may be made by a person

“(a) when the order or a by-law made pursuant to the order provides for an appeal, or

“(b) when he claims that a decision causes him a special and unnecessary hardship because of circumstance peculiar to a location or situation to which the decision applies.

“(4) The decision appealed from may be varied in such measure as may be permitted by the order or by-law or in such measure as the appeal board deems desirable and necessary to relieve hardship, but having regard always to the general scope and intent of the order and the by-law and of the general plan that is being prepared.”.

(2) Upon the coming into force of this Act,

(a) the Minister, as soon thereafter as is reasonably possible, shall amend existing orders or issue new orders in place of existing orders to conform with the provisions of section 71a, and

(b) notwithstanding any provision of an existing interim development order or by-law, no appeal shall lie to the Board from a decision made pursuant to an interim development order or by-law in effect in a municipality referred to in subsection (1) of section 71a.

10. Section 72 is struck out and the following is substituted:

“**72.** Interim development control becomes effective within a municipality when, pursuant to the interim development order and in accordance with section 83, the council passes a by-law to be known as the interim development by-law.”.

11. Section 74 is amended

(a) by striking out the words “shall be in such form as may be required by regulations of the Minister, and”,

(b) by adding immediately at the end of clause (b) the word “and”,

(c) by striking out the word “and” where it occurs at the end of clause (c),

(d) by striking out clause (d).

12. Section 75 is struck out and the following is substituted:

“**75.** A development scheme does not come into force until it has been adopted by by-law in accordance with section 83.”.

13. 80. (1) Because ministerial approval of by-laws is being abandoned section 80 is amended to set out more precisely the powers and authority of a council. Some practices that were formerly prevented by refusal of ministerial approval will be prohibited by the Act.

(2) Taken from clause (a) of subsection (1) of section 80.

(3) Certain uses to be automatically permitted in each district.

(4) By-law may provide that certain uses may be permitted in the discretion of the Council and that certain uses may be permitted temporarily.

(5) Zoning of private lands for public purposes not permitted.

(6) Regulatory powers that may be provided in the by-law.

13. Sections 80 and 81 are struck out and the following sections are substituted:

"80. (1) The council may pass a zoning by-law dividing the municipality into districts, prescribing the purposes for which buildings and land within each district may be used and regulating or prohibiting the use of such land or buildings for any other purpose.

"(2) The council by the zoning by-law may divide the municipality into districts of such number, shape and area as it considers advisable and may describe the districts by the use of maps or in words or partly by one method and partly by the other.

"(3) The by-law shall state for each district the uses of lands and of buildings that are permitted therein, subject only to such regulations as may be contained in the by-law.

"(4) The by-law may also state for each district

"(a) the uses of lands and of buildings that shall be permitted only in the discretion of the council or in the discretion of an agent or servant of the municipality that is appointed in the by-law to exercise such discretion, and

"(b) the uses of lands and of buildings that may be permitted for a limited time only and subject to such special conditions of use and occupancy as may be determined in each particular instance in a manner to be provided in the by-law.

"(5) No zoning by-law shall establish a district in which only parks, playgrounds, schools, public recreation grounds or public buildings are permitted unless at the time the district is established the lands are owned by the municipality or by a public authority.

"(6) The by-law may contain provisions for the purpose of

"(a) regulating as to any district

"(i) the height, ground area, floor area, and bulk of buildings,

"(ii) the depth, size, or area of yards, courts, parking areas, and other open spaces around buildings, and the maintenance of those spaces,

"(iii) the placement, location, and arrangement of buildings on sites and in relation to other buildings,

"(iv) the setting back of buildings from the boundaries of streets and other public ways and areas,

"(v) the design, character, and appearance of buildings and of fences and structures other than buildings, and

"(vi) the placement, height and maintenance of fences, walls, hedges, shrubs, trees, and other objects, where their regulation is necessary to maintain good visibility for safe traffic flow,

- “(b) prescribing as to any district
 - “(i) the minimum size and dimensions of parcels into which land may be subdivided,
 - “(ii) the minimum site area required for particular sizes of buildings or uses of lands or of buildings,
 - “(iii) the maximum density of population, which may be expressed in the by-law as a ratio of habitable rooms per acre or as a permissible number of dwelling units per minimum site area or in a similar way, and
 - “(iv) the facilities to be provided for off-street parking or loading of vehicles, which may be expressed in the by-law in terms of the minimum number of parking or loading places or the minimum area for parking or loading required to be provided for particular sizes of buildings or uses of land or of buildings,
- “(c) regulating as to any district the size of rooms and the means of lighting and ventilating buildings,
- “(d) prescribing as to any district building regulations
 - “(i) governing the type and minimum standards of construction that shall be permitted in the district, and
 - “(ii) adopting and constituting as building regulations
 - “(A) the regulations published under the title of The National Building Code of Canada, 1953, or under the title of A Shorter Form of the National Building Code of Canada, 1953, or any specified part or provision of the said regulations, and
 - “(B) any amendment to the said regulations, either in place of or in addition to any other regulations made under this clause,
- “and
- “(e) regulating, restricting, or prohibiting the public display of advertisements and regulating the nature, kind, size and description of advertisements displayed in a district.
- “(7) The by-law may prohibit the erection of a building on any site where it would otherwise be permitted under the by-law when, in the opinion of the council, or in the opinion of an agent or servant of the council authorized to act on its behalf, satisfactory arrangements have not been made for the supply to such building of electric power, water, sewerage, street and other facilities, or any of them.
- “(8) The by-law may prescribe
 - “(a) a system of permits controlling
 - “(i) a change in the use of land,
 - “(ii) a change in the use of buildings,
 - “(iii) the erection, construction, placement, moving in, enlargement, alteration, repair, removal or demolition of buildings and other structures,

(9) Relates to permits.

(10) Procedure provided whereby new uses not covered by the by-law but similar to permitted uses may be permitted without the necessity of amending the by-law.

(11) By-law may provide for flexibility in the application of certain requirements.

(12) The present subsection (2) of section 80 with a requirement of the Minister's approval deleted.

81. (1) Zoning by-law must establish an appeal board.

(2) and (3) Relates to right of appeal.

“(iv) the excavation of land,
“and

“(b) the terms and conditions under which a permit may be issued, suspended, reinstated and revoked.

“(9) The by-law

“(a) may prohibit

“(i) the excavation of land,

“(ii) the erection, construction, placement, moving in, enlargement, alteration, repair, removal or demolition of a building or other structure, and

“(iii) a change of use of a building or of land,

“and

“(b) may require the stoppage of work and the cessation of a prohibited use of land or of a building, until a permit required by the by-law has been issued or reinstated and after a permit has been suspended or revoked.

“(10) The by-law may provide that when a person proposes a particular use that is not named or specified in the by-law the matter shall be referred to an appeal board constituted pursuant to section 81 who shall decide whether the proposed use is sufficiently similar to a use permitted by the by-law to be considered a permitted use and if it is the appeal board may permit the proposed use in the proper district.

“(11) For the purpose of securing flexibility in the requirements of the by-law, the by-law may provide that the council, or an agent or servant of the municipality designated by the by-law, in its discretion and in the particular circumstances set out in the by-law, may determine those conditions, regulations and requirements within the scope of subsection (6) that shall apply to a proposed use of land or a building.

“(12) A zoning by-law has no effect until it is passed by the council in accordance with section 83.

“81. (1) A zoning by-law shall establish an appeal board consisting of

“(a) at least three persons, to be appointed annually by resolution of the council, none of whom shall be officials or servants of the council and a majority of whom shall consist of persons other than members of the council, or

“(b) the Board.

“(2) A municipality that is represented on a district planning commission or that employs a professional planning staff of one or more qualified persons shall not establish the Board as the appeal board.

“(3) An appeal may be made by a person

“(a) who claims that the strict enforcement of the requirements of a zoning by-law or of section 82

(4) Powers to relieve unnecessary hardship.

(5) Powers of appeal board.

(6) and (7) Procedure of appeal board.

14. 83. (2) A rewording of the present subsection (2) to remove several minor anomalies and inconsistencies.

would cause him special and unnecessary hardship because of circumstances peculiar to his situation within the district,

“(b) who is not satisfied with a decision made pursuant to the exercise of a discretionary authority, or

“(c) when the by-law provides for an appeal.

“(4) On an appeal made under clause (a) of subsection (3) the appeal board, having regard to the merits and circumstances of the particular case, and the general scope and intent of the by-law and in order to avoid unnecessary hardship, may

“(a) exercise the powers granted it in subsection (5),

“(b) relax any requirement of the by-law made pursuant to subsection (6) of section 80,

“(c) impose such additional restrictions, limitations or conditions as may seem to it to be desirable and proper in the circumstances, and

“(d) where the appeal concerns an existing use that is not permitted in a district under the zoning by-law, permit the continuance of the non-conforming use.

“(5) On an appeal made under clause (b) or clause (c) of subsection (3) the appeal board in making its decision shall be bound by the provisions contained in the zoning by-law but having regard to the merits and circumstances of the particular case and the general scope and intent of the by-law, may

“(a) confirm, reverse or vary a decision appealed from, and

“(b) impose, add to, or substitute conditions and requirements in place of those originally imposed.

“(6) The appeal board shall

“(a) ensure that reasonable notice of a hearing is given to all persons to whom notice is required to be given by the by-law and all persons whom it deems concerned in the appeal,

“(b) afford to every person concerned, the opportunity to be heard, to present evidence and to hear the evidence of others, and

“(c) keep a written record of its proceedings.

“(7) Subject to subsection (6), the zoning by-law may prescribe rules and regulations for the conduct of appeals and may authorize the appeal board to establish further rules and prescribe all forms and notices necessary for the proper conduct of its business.”.

14. Section 83 is amended by striking out subsections (2), (3), (4) and (5) and by substituting the following subsections:

“(2) The council, before finally passing a by-law, shall

“(a) in two issues of at least one newspaper circulating in its municipality, publish an official notice stating

(3) More than one public hearing may be held.

(4) Council must consider the objections raised at the public hearing.

(5) The present section requires this information to be sent to the Minister who may approve or refuse to approve the by-law. The Minister's approval is to be no longer required.

15. (a) Subsection (2) reads:

"(2) An amending or repealing by-law does not become effective until it is approved by the Minister."

(b) Subsection (4) presently reads:

"(4) The council need not publish an official notice of its intention to pass the amending by-law or hold a public hearing pursuant to the provisions of section 83, if the Minister certifies that the amendment to be made by the by-law is only for the purpose of clarifying the provisions of the existing by-law."

- “(i) the purpose for which the council proposes to pass the by-law,
 - “(ii) the place or places, one of which shall be the office of the municipality, where a copy of the proposed by-law may be inspected by the public during reasonable hours, and
 - “(iii) the time and place at which the council will hold a public hearing on the proposed by-law, which shall be after the last publication of the official notice and not less than fourteen days after the first publication of the notice,
- “and
- “(b) hold the public hearing at the time and place stated in the notice and at that hearing
 - “(i) hear the objections to the by-law that any person wishes to make, and
 - “(ii) give any person an opportunity of stating his opinion of the objections and of the by-law.
- “(3) A council may hold more than one public hearing and the times and places of such hearings may be stated in the notice required under subsection (2) or in a separate notice or notices to the like effect.
- “(4) After holding the required public hearing a council shall consider the objections and rule upon them and make such amendments to the by-law as it deems advisable and may then finally pass the by-law.
- “(5) After a zoning by-law is passed, the council shall deposit with the Director
- “(a) one certified copy of the by-law, together with one certified copy of each map or other document referred to in the by-law, and
 - “(b) a statutory declaration by the proper officer of the municipality deposing as to
 - “(i) the contents of the official notice and its publication in accordance with subsection (2),
 - “(ii) the holding of the public hearing, and
 - “(iii) the persons at the public hearing objecting to the by-law, the nature of their objection and the manner in which they were dealt with by the council.”.

15. Section 84 is amended

- (a) by striking out subsection (2),
- (b) as to subsection (4) by striking out the word “Minister” and by substituting the word “Director”.

16. (a) Subsection (1) of section 86 presently reads:

"86. (1) The council, by resolution, may apply to the Lieutenant Governor in Council for the establishment of or for representation on a district planning commission that has been or may be established under the provisions of Part I."

Relates to amendments being made to section 10. See clause 5.

(b) Subsection (2) presently reads:

"(2) The council of a municipality represented on a district planning commission

"(a) may pay the proportion of the funds required of it to meet the expenses of the district planning commission in accordance with the regulations prescribed in the order establishing the district planning commission, and

"(b) may appoint by resolution the members of the council required by the regulations governing the district planning commission to be appointed by the council to represent the municipality on the district planning commission."

Where a municipality has more than one member on a commission it is proposed that only one need be a member of the council.

17. This new section is based on subsection (3) of the present section 86 which reads:

"(3) Notwithstanding any other provision of this Part, the council of a municipality represented on a district planning commission may delegate to that district planning commission the functions

"(a) of publishing notices and holding hearings in respect of any by-law required to be passed and approved by the Minister in accordance with the provisions of section 83, when the by-law has been recommended to the council jointly with any other municipality by the district planning commission, and

"(b) of administering the provisions or part of the provisions of any such by-law, or of any general plan or development scheme adopted by such by-law, when those provisions are of common concern to the council and to any other municipality represented on the district planning commission."

It is revised for clarification and clause (a) is omitted as the provisions are never used.

18. Subsection (1) of section 90 reads:

"90. (1) Where an excavation in connection with, or erection, construction, enlargement, alteration, repair, removal or demolition of, a building is being carried out, or any land or building is being used, otherwise than in accordance with the provisions

"(a) of this Part,

"(b) of any zoning by-law, interim development by-law or development scheme in effect pursuant to this Part or section 97, or

"(c) of any building permit issued in accordance with such a by-law or scheme as is referred to in clause (b),

the council, by written notice either served personally upon or sent by registered mail to the owner of the property involved, may require the removal, demolition, or alteration of the building, the filling in of the excavation, or the cessation of the use to which the land or building is being put, as the case may be."

The amendment will broaden the section to include permits other than those called building permits.

16. Section 86 is amended

- (a) as to subsection (1) by striking out the words "Lieutenant Governor in Council for the establishment of or for representation on" and by substituting the words "Board for the establishment of, representation on or withdrawal from",
- (b) by striking out subsections (2) and (3) and by substituting the following subsections:
 - "(2) The council of a municipality represented on a district planning commission shall pay to the commission the funds required of it to meet the expenses of the commission, as determined by the regulations governing the commission and by the procedures provided in or pursuant to this Act.
 - "(3) The council of a municipality represented on a district planning commission shall appoint annually by resolution the members required by the regulations governing the commission to be appointed by it to represent the municipality on the commission, provided that
 - "(a) one member shall always be a member of the council, and
 - "(b) any other member need not be a member of the council but may be either a senior official of the municipality or a resident of the municipality."

17. The following new section is added immediately after section 86:

"86a. Notwithstanding any other provision of this Part, the council of a municipality represented on a district planning commission may delegate to the commission the function of administering the provisions or part of the provisions of

- "(a) any by-law passed by the council in accordance with the provisions of section 83 or
- "(b) a general plan or development scheme adopted by such by-law,

when those provisions are determined by the commission to be of common concern to two or more municipalities represented on the commission."

18. Section 90, subsection (1), clause (c) is amended by striking out the word "building".

19. Meaning of "permit" broadened.

20. New. It is intended to settle a question of procedure that is continually arising.

21. General. The purpose of this new Part is to implement the recommendations of the McNally Commission with regard to the making and carrying out of a broad plan for orderly development in the metropolitan regions of the Province. The district planning commission in these areas is given the power to make a plan that is binding on all the municipalities that are members of the commission, with a right of appeal to the Provincial Planning Advisory Board. This Part concerns these planning functions only. The McNally Commission recommendations dealing with the setting up, financing and internal administration of district planning commissions are contained in the preceding amendments.

99. Defines terms used in this Part.

19. Section 92, subsection (1) is amended by striking out the word "building" wherever it occurs.

20. The following new section is added immediately after section 98:

"98a. With respect to an improvement district or a special area the Minister may do by order any act, matter or thing that by this Act a council of a municipality is to do by resolution or by-law."

21. The following new Part is added immediately after section 98a:

"PART IV

"DISTRICT PLANNING

"99. In this Part,

- "(a)** "commission" means a district planning commission in operation pursuant to this Part;
- "(b)** "country residence zone" means a zone, characterized by special scenic qualities, in which land is used or is to be developed for groups of permanent dwellings of good construction on large sites;
- "(c)** "district recreational zone" means a zone in which land is or is proposed to be provided for the recreational use of the general public in the district planning area, and in which land is used or is to be developed for summer cottages, recreational and associated uses, as well as for institutional purposes and those uses permitted in a low density agricultural zone;
- "(d)** "general urban zone" means a zone in which land is used or is to be developed for general urban purposes including housing, industry other than major industry, retail and wholesale business, public or quasi-public uses, institutions, or any of them;
- "(e)** "high density agricultural zone" means a zone in which land is used or is to be developed for farming, institutional, and recreational purposes, and in which land may not be subdivided into parcels of less than ten acres except in exceptional circumstances;
- "(f)** "highway" means a provincial highway declared as such pursuant to *The Public Highways Act*, or a major road or thoroughfare designated as such by a commission or shown as such on a district general plan, within either an urban or rural municipality;
- "(g)** "highway commercial zone" means a zone in which land may be used only for those purposes that provide essential services to highway traffic, which purposes, without restricting the generality of the foregoing, include a gasoline filling and automobile service station, a garage, a motel, a tourist camp, a roadside restaurant, and a refreshment stand;

- “(h) “low density agricultural zone” means a zone in which land is used or is to be developed for forestry, grazing, ranching, farming or institutional purposes or for purposes incidental to those purposes, and in which land may not be subdivided into parcels of less than twenty acres in area except in exceptional circumstances;
- “(i) “major industrial zone” means a zone in which land is used or is to be developed for manufacturing or industrial warehousing uses, and where any use that will produce, directly or indirectly, by reason of noise, odors, fumes, dust, appearance or otherwise, such effects as may be detrimental to other land uses in or outside the zone, is restricted to particular parts of the zone or is subject to special regulations, or both;
- “(j) “new general urban zone” means
- “(i) an area proposed by a commission as the site for the development of a new town under the provisions of *The New Towns Act*, or
- “(ii) an area proposed by a commission as the site of general urban development but which is at the time of zoning adjacent to but not included within the boundaries of an urban municipality,
- and within which zone the permitted uses are such as may conveniently be permitted without prejudicing the later development of the area for general urban purposes;
- “(k) “small-holding zone” means a zone in which land is used or is to be developed for the same purposes as in a high density agricultural zone but within which land may be subdivided into groups of parcels of small size suitable for market gardening and similar small scale agricultural pursuits.

“100. This Part applies to

- “(a) a district planning commission established under Part I when
- “(i) any municipality represented on the commission has a population greater than fifty thousand persons, or
- “(ii) the Lieutenant Governor in Council, upon the recommendation of the Board, declares this Part to apply,
- “(b) a municipality and the council of a municipality represented on such a commission, and
- “(c) a school district, school division, health unit, hospital district or other like local authority having jurisdiction within the district planning area when it is notified of a provision of a district general plan affecting it.

The following table shows the results of the survey conducted in the year 1980. The data is presented in a tabular format, with columns representing different categories and rows representing specific data points. The table is divided into two main sections by a horizontal line.

Category	Sub-category	Value
Section 1	Item 1	12.5
	Item 2	15.2
	Item 3	18.7
	Item 4	21.3
Section 2	Item 5	24.8
	Item 6	27.1
	Item 7	29.5
	Item 8	31.9

The data indicates a steady increase in values across the items in both sections. The values in Section 2 are consistently higher than those in Section 1.

100. Application of Part IV.

This section discusses the application of Part IV, which covers various aspects of the survey methodology and data analysis. It includes a detailed description of the sampling process, the instruments used for data collection, and the statistical methods employed to analyze the results.

The application of Part IV is crucial for ensuring the validity and reliability of the survey findings. It provides a clear framework for understanding how the data was collected and analyzed, allowing for a more comprehensive interpretation of the results.

101. Requires a district planning commission to prepare a broad plan for the district planning area and states what the plan may include.

102. Commission is given additional advisory powers.

103. At least 30 days' notice of motion to adopt a district general plan must be given and each municipality must be advised.

“101. (1) A commission shall prepare and adopt a district general plan to secure the orderly and economical development of the district planning area as a whole.

“(2) By a district general plan the commission shall

“(a) divide the district planning area or any part thereof into zones of permitted land use categories, including low density agricultural, high density agricultural, small-holding, country residence, highway commercial, district recreational, general urban, new general urban and major industrial zones, or any of these and such other zones as the commission may deem necessary and essential for the purpose of the plan,

“(b) define, within the limits and for the objectives established by this Part, the uses of lands and buildings permitted within each zone, in the same manner that a council might do by a zoning by-law in accordance with subsections (3) and (4) of section 80,

“(c) establish the stages, sequence, or order of priority of development for and within each zone, and prohibit the development of any zone otherwise than in accordance with the established stages, sequence, or order of priority for that zone,

“(d) prescribe the nature of, and the minimum regulations made pursuant to clauses (a) and (b) of subsection (6) of section 80 that are required to be contained in any zoning by-law to be put into effect within the territory of a municipality, to ensure that development therein will proceed according to the district general plan, and

“(e) make proposals relating to roads, services, public buildings, schools, parks and other open spaces, their location and the reservation of land for these and other similar purposes.

“102. A commission may study and recommend to the proper authorities concerned proposals relating to

“(a) the adjustment of boundaries between municipalities and the annexation of territory by municipalities,

“(b) the supply of water and the provision of sewerage facilities to the municipalities,

“(c) the conservation of the natural resources, the prevention of the pollution of streams, the control of flooding, and the best utilization of land and resources of the district planning area, and

“(d) the location, attraction, development, diversification, and dispersal of industry within the district planning area.

“103. (1) A commission shall not adopt a district general plan at any meeting unless at least thirty days' notice

104. 2/3 vote of the commission members present is required to put the plan in effect.

105. After a plan is adopted, notice of the plan must be published and a public hearing held before the plan is confirmed.

106. Self-explanatory.

107. Self-explanatory.

108. Copies of the plan must be supplied to the Provincial Planning Advisory Board and the councils of the municipalities and be made available to the public.

of motion to adopt the plan has been given at or previous to the preceding meeting of the commission.

“(2) The commission shall send a copy of the motion to the council of each municipality.

“**104.** The commission shall adopt a district general plan upon the affirmative vote of two-thirds of the members present and voting upon the resolution.

“**105.** (1) When a district general plan is adopted the commission shall give notice thereof and of its intention to confirm the same by publishing in a prominent position in one or more newspapers circulating in the district planning area and on at least two occasions a notice of intended confirmation of the district general plan.

“(2) The notice of intended confirmation of the district general plan shall state

“(a) the principal features of the plan and a summary of its contents,

“(b) the place or places within the district planning area, one of which shall be the office of the commission, where a copy of the district general plan may be inspected by the public during reasonable hours, and

“(c) that representations by property owners and other interested persons will be heard by the commission upon a date to be stated in the notice, not less than thirty days from the date of the first publication of the notice.

“**106.** As soon as possible after the hearing of representations, the commission shall meet to consider the representations that have been made and may

“(a) make such amendments to the district general plan as it considers advisable in view of the representations, and

“(b) confirm the district general plan as advertised or as amended subsequent to advertisement.

“**107.** The district general plan shall not be confirmed except upon the affirmative vote of two-thirds of the members present and voting upon the resolution.

“**108.** (1) Upon a district general plan being confirmed the commission shall send notice of the confirmation to each council and to the Board.

“(2) The commission shall furnish copies of the district general plan

“(a) to the Board in such numbers as the Board may require, and

“(b) to each council in the number of one copy for every councillor and two additional copies.

“(3) The commission shall make available for sale to the public copies of the district general plan at such reasonable prices as may be set by the commission.

109. The plan comes into force upon being confirmed by the commission and thereupon all affected municipalities must amend their by-laws to conform with the plan.

110. Self-explanatory.

111. A council is still free to do its own local and detailed planning subject only to the broad general framework provided in this Part.

112. When a school district, hospital district or other like local authority is given notice of a particular provision in a plan it is bound by that provision in the same manner as a municipality is bound by the entire plan. A right of appeal is given.

113. Interim control.

"109. (1) A district general plan comes into effect upon being confirmed by the commission.

"(2) When a district general plan comes into effect, every council shall

"(a) forthwith enact and maintain in effect such a zoning by-law as may be required to give effect to the provisions of the district general plan as they affect the territory of its municipality,

"(b) take such other action within its powers as may be necessary to give effect to, or to remove an inconsistency with, the district general plan as it affects the territory of its municipality, and

"(c) thenceforth refrain from enacting a by-law, taking any action or undertaking a public work that conflicts with or is inconsistent with the district general plan.

"110. Notwithstanding the provisions of section 83, a by-law passed or amended by a council pursuant to section 109 shall not be advertised, nor shall the council hold any public hearing in connection therewith, when the provisions of the by-law are for the purpose only of implementing the provisions of a district general plan that have already been advertised.

"111. A council may enact a zoning by-law, prepare and adopt a development scheme or a general plan, carry out a replotting scheme, and generally exercise the powers it has pursuant to Parts I and II to provide as it deems desirable for the orderly, economical and convenient development of its own municipality, subject only to any conditions or restrictions imposed under this Part.

"112. (1) When a district general plan is in effect, a commission may give notice of particular provisions contained in the plan to any school district, school division, hospital district, health unit, or other like local authority having jurisdiction within the district planning area.

"(2) Upon receiving a notice in accordance with subsection (1), the local authority shall thenceforth refrain from enacting a by-law, taking an action or undertaking a work or construction project that conflicts with or is at variance from the particular provisions of the district general plan of which it has been notified.

"(3) When a local authority has been notified in accordance with subsection (1), it shall have the same right of appeal to the Board as a council has under section 121, and shall be governed by the decision of the Board accordingly.

"113. During the interim period prior to the coming into effect of a district general plan, development occurring within the district planning area shall be guided and controlled by each municipality in accordance with a preliminary district plan which shall be prepared and adopted by a commission as soon as possible after the commission commences operation pursuant to this Part.

114. Relates to preliminary plan.

115. Relates to notice of motion to adopt a preliminary district plan.

116. Self-explanatory.

117. Councils are required to use a preliminary plan as a guide in controlling development in their municipalities.

118. Relates to amendment of a district plan.

"114. A preliminary district plan shall consist of

- "(a)** a map showing the district planning area or part thereof divided into such zones or any of them as are defined in this Part, and
- "(b)** for each zone, a schedule of permitted, restricted or prohibited uses.

"115. (1) A commission may adopt a preliminary district plan at a meeting upon at least thirty days' notice of motion to adopt the plan being given at or previous to the preceding meeting of the commission.

"(2) The commission shall send a copy of a notice of motion to the council of each municipality together with a copy of the preliminary district plan proposed to be adopted, as soon as the notice of motion is received by it.

"116. A preliminary district plan shall not be adopted except upon the affirmative vote of two-thirds of the members present and voting upon the resolution.

"117. Upon the adoption of a preliminary district plan by the commission every council shall

- "(a)** where there is in effect in the municipality an interim development order and by-law made pursuant to Part II, cause the preliminary district plan to be used as a guide for the issuing of permits for development under the provisions of the order or by-law, and, notwithstanding anything contained in the order or by-law, ensure that no permit is issued that would permit a land use at variance with or in contravention of the preliminary district plan,
- "(b)** where there is in effect in the municipality a zoning by-law, amend the by-law to the extent necessary to remove any inconsistency with or variance with the preliminary district plan, or
- "(c)** where there is no by-law in effect, forthwith enact a zoning by-law or commence the exercise of interim development control so as to ensure that the provisions of the preliminary district plan are carried out within the municipality.

"118. (1) A commission may amend or repeal a district general plan or preliminary district plan.

"(2) A person or a council may request the commission to amend a preliminary district plan or a district general plan by submitting to the commission a written request setting out the particulars of the proposed amendment and the reason the amendment is required.

"(3) On or before the date of the second regular meeting of a commission following the receipt of a request for an amendment, the commission shall either adopt or refuse to adopt the proposed amendment, and if no action be taken by the commission by that date or such later date as may have been mutually agreed upon by the parties

119. Amending procedure the same as that required in adopting the original plan.

120. Inter-municipal disputes on planning matters may be referred to the commission.

121. A council may appeal to the Provincial Planning Advisory Board from a decision of the commission.

122. Relates to the rights of a commission.

123. A person who proposes an amendment may appeal to the Board.

concerned, the request shall be deemed to be refused and the person or the council may then appeal to the Board as provided in section 121 or 123, as the case may be.

"119. (1) The commission shall adopt an amendment to a district general plan or preliminary district plan upon the affirmative vote of two-thirds of the members present and voting upon the adopting resolution.

"(2) Sections 105 and 106 apply to the amendment of a district general plan.

"(3) Section 115 applies to the amendment of a preliminary district plan.

"120. (1) Where the council of a municipality claims that an action taken by another council under the provisions of this Act will have a detrimental effect within the boundaries of the first municipality, it may refer the matter to the commission even though the action is one that does not come within the purview of the district general plan or preliminary district plan.

"(2) The commission shall decide any matter referred to it under subsection (1) and the decision shall be binding, subject to the right of either council under section 121 to appeal the decision to the Board.

"121. A council may appeal to the Board a decision of the commission

"(a) confirming the district general plan or adopting the preliminary district plan or any part thereof,

"(b) failing or refusing to consider, adopt or confirm an amendment to the district general plan or preliminary district plan proposed by the council, or

"(c) made under section 120 and referring to a dispute to which the council is a party.

"122. A commission may appeal to the Board where

"(a) a council has not passed a zoning by-law required to properly implement a district general plan or preliminary district plan,

"(b) the contents of a zoning by-law passed by a council do not properly implement a district general plan or preliminary district plan,

"(c) a council has taken an action or undertaken a public work contrary to, inconsistent with, or at variance with a district general plan or preliminary district plan, or

"(d) a council fails to administer its zoning and other by-laws or administers its zoning and other by-laws in a manner that causes or will cause an inconsistency with or a variation from a district general plan or a preliminary district plan.

"123. A person may appeal to the Board where he has proposed an amendment to a preliminary district plan or district general plan or to a by-law passed in conformity with either plan and the amendment has been

124. Relates to appeals.

125. Appeal procedure.

126. Powers of the Provincial Planning Advisory Board when acting as an appeal board under this Part.

- “(a) refused by the council of the municipality concerned although not refused by the commission, or
- “(b) approved by the council of the municipality concerned although refused by the commission.

“**124.** (1) The Board, before deciding an appeal made under this Part, shall hold a public hearing on the matter at a convenient place in the district planning area.

“(2) At least ten days prior to the date set for the hearing the Board shall give notice in writing to all persons whom it deems concerned and shall publish in a newspaper circulating in the area, a notice stating the time and place of the hearing and the subject of the appeal.

“(3) At least three members of the Board shall hear and adjudicate each appeal.

“**125.** (1) An appeal to the Board shall be submitted in writing to the Director, and shall state the circumstances and grounds of the appeal.

“(2) A copy of the appeal shall be delivered by the person making the appeal to the office of the commission and the office of any municipality concerned.

“(3) An appeal shall be lodged with the Director as soon as possible following the decision or action that is the cause of the appeal.

“(4) The Board, in its sole discretion, may refuse to entertain an appeal that has not been lodged with the Director

“(a) by a person, within ten days, or

“(b) by a council, within thirty days,
of the date of the decision or action that is the subject of the appeal.

“**126.** The Board, in disposing of an appeal, having regard to the provisions of this Part, to the general scope and intent of the district general plan, or preliminary district plan, and to the merits and circumstances of the particular case, may

“(a) settle the content of a preliminary district plan or district general plan and of any by-law made in conformity therewith by a council,

“(b) determine whether a by-law, action or public work of a municipality, as in effect or as proposed, conforms to a preliminary district plan or district general plan,

“(c) determine whether a council is conforming to, enforcing, or properly administering the provisions of a preliminary district plan or district general plan and the by-laws relevant thereto,

“(d) require a commission to amend a preliminary district plan or district general plan, and

“(e) require a council to adopt, amend, enforce, or administer a by-law in a manner that will cause conformity with a preliminary district plan or district general plan.

127. Decision of Board is final and binding except on points of law.

128. Effect of the Board's decision.

129. Board may establish a tariff of fees and regulations concerning appeals to it.

"127. Except on questions of law, a decision of the Board shall be final and binding upon all parties concerned in an appeal.

"128. (1) Where the Board in disposing of an appeal requires a by-law, a preliminary district plan, or a district general plan to be amended, the amendment shall be deemed to be in full force and effect upon the publication by the Board of its decision, and it shall not be necessary for the council or the commission, as the case may be, to pass an amending by-law or resolution for the amendment to be fully effective for all purposes, unless the Board shall otherwise state in its decision.

"(2) A council shall not take a contemplated action, issue a permit or carry out a public work, whether or not the same has been commenced when enjoined by the Board from so doing either

"(a) as a result of a decision made by the Board in disposing of an appeal, or

"(b) pending the hearing and determination of an appeal by the Board.

"129. (1) The Board may establish a schedule of fees, costs and charges that it may require to be paid by any party to an appeal made pursuant to this Part.

"(2) The Board may make regulations not inconsistent with the provisions of this Part, prescribing the forms to be used and the procedures to be followed in carrying out the intent of this Part."

22. This Act comes into force on the day upon which the Revised Statutes of Alberta, 1955, come into force.

THIRD SESSION

THIRTEENTH LEGISLATURE

5 ELIZABETH II

1957

BILL

An Act to amend The Town and
Rural Planning Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOOKE
