

No. 91

2nd Session, 14th Legislature, Alberta
9 Elizabeth II

BILL 91

A Bill to amend The Town and Rural Planning Act

HON. MR. HOOKE

Explanatory Note

2. Section 15 presently reads:

"15. The provisions of sections 16 to 24 apply to land that is
(a) not located within the boundaries of any city or town, and
(b) not subject to the provisions of any zoning by-law."

This amendment will make sections 16 to 24 applicable to towns and cities. These sections provide for the making of zoning regulations and the filing of zoning caveats in respect of proposed subdivisions.

3. Section 24a presently reads:

"24. Where a Registrar is of the opinion that an instrument
(a) granting a lease for three years or more of only part of a parcel, or
(b) charging, mortgaging or otherwise encumbering only part of a parcel,

has the effect or may have the effect of subdividing the parcel in a manner contrary to the regulations made under The Surveys and Expropriation Act with respect to subdivisions, the Registrar shall not accept the instrument until a plan so subdividing the parcel is registered under section 82 of The Land Titles Act."

4. A new section is added restricting the number of dwellings on land not used exclusively for agricultural purposes.

BILL

No. 91 of 1961

An Act to amend The Town and Rural Planning Act

(Assented to _____, 1961)

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 is hereby amended.

2. Section 15 is amended by striking out clause (a).

3. Section 24a is amended

- (a) by striking out the words "a Registrar is of the opinion that",
- (b) by striking out the word "or" at the end of clause (a) and by adding the word "or" at the end of clause (b),
- (c) by adding the following new clause immediately after clause (b):
 - (c) providing for the sale of part of a parcel,

4. The following new section is added immediately after section 24a:

24b. (1) No person shall erect or permit or cause to be erected more than one dwelling house on any parcel of land which is not used exclusively for agricultural purposes.

(2) Where a dwelling house has been erected in contravention of subsection (1), the Director or the municipality may cause to be served upon the owner of the parcel a notice in writing requiring him to discontinue the use of such dwelling house and to remove it from the parcel within such time as may be specified in the notice.

(3) If the owner does not comply with such notice, he is guilty of an offence and liable on summary conviction to a fine of twenty dollars for each day the dwelling house continues to be used as such after service of such notice.

(4) The Board may by order exclude from the operation of this section such parcel or area of land as may be described in the order for such period as it may specify in the order.

5. Section 71a dealing with interim development control is amended for clarification and to make provision for councils to pursue interim development measures while preparing a general plan. Section 71a, subsections (1) to (2c) presently read:

"71a. (1) Subject to subsection (2) all applications in respect of matters arising out of the exercise of interim development control shall be considered and determined by the council.

(2) A council with the approval of the Board may by resolution bring into operation any part or parts of the general plan before the completion of the full general plan and may by by-law delegate to the interim development board or interim development officer authority to consider and decide on its behalf any application with respect to development of specified areas that are governed by the parts of the general plan that have been so brought into operation.

(2a) The technical planning board, the planning advisory commission, the interim development board or the interim development officer of a municipality may recommend to the council that a resolution be passed under subsection (2) with respect to any matter that may be dealt with under that subsection.

(2b) The council shall publicly announce the passage of each such resolution by a notice

(a) published in two consecutive issues of a newspaper circulating in the municipality, within thirty days of the date of passage of the resolution,

(b) stating the general purport of the resolution, and

(c) stating the place or places, one of which shall be the office of the municipality, where a copy of the resolution and any reference maps or other documents relating thereto may be inspected by the public at reasonable hours.

(2c) The council shall deposit with the Director and with a district planning commission of which it is a member, a copy of each notice published as required by subsection (2b).".

6. Section 80 relating to zoning by-laws is amended for greater flexibility. Section 80, subsection (6), clause (b), subclause (iv) presently reads:

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

.....

(b) prescribing as to any district

.....

(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,".

5. Section 71a is amended by striking out subsections (1) to (2c) and by substituting the following:

71a. (1) Subject to subsection (2a), all applications in respect of matters arising out of the exercise of interim development control shall be considered and determined by the council.

(2) The interim development by-law shall provide for the appointment of either an interim development board, or an interim development officer and shall authorize the council to delegate to such board or officer authority to act pursuant to subsection (2b).

(2a) At any time during the exercise of interim development control, a council may by resolution bring into operation,

(a) any part or parts of the general plan before the completion of the full general plan,

(b) rules specifying types of development in all or any part of a municipality.

(2b) Such resolution may authorize the interim development board or the interim development officer to consider and decide on behalf of the council, any application with respect to development that is subject to the terms of such resolution.

(2c) The technical planning board, the planning advisory commission, the interim development board, or the interim development officer of a municipality may recommend to the council that a resolution be passed under subsection (2a) with respect to any matter that may be dealt with under that subsection.

(2d) No resolution passed under subsection (2a) has any force or effect until it has been approved by the Board.

(2e) When a resolution is submitted to the Board for its approval under subsection (2d), it shall be accompanied by a report in writing from the planning officer or planning consultant appointed under clause (a) of section 64 indicating the nature of the planning considerations on which the resolution is based.

6. Section 80 is amended by adding the following subsection immediately after subsection (6):

(6a) In prescribing the facilities to be provided for off-street parking under clause (b) of subsection (6), the by-law may provide that an owner of land to be developed may,

(a) at his option, and

(b) in lieu of providing off-street parking,

pay to the municipality an amount of money on such terms as the council considers reasonable in return for parking space to be supplied by the municipality elsewhere in the district, and any money so received by a municipality shall be used only for the development of off-street parking areas.

7. Section 94, subsection (1) presently reads:

"94. (1) When, due to an alteration or extension of municipal boundaries or to the formation or dissolution of a village, or to any other reason, land that was within one municipality and subject to a zoning or interim development by-law in that municipality is thereafter situated within the boundaries of another municipality, the Minister, in his discretion, by order, may provide that the zoning or interim development by-law to which the land was subject in the first municipality remain in effect with respect to that land, with such amendments thereto as the Minister states in the order, until a new zoning or interim development by-law comes into force in the municipality within which the land is then situated."

8. Section 99 defining terms used in Part IV relating to District Planning is amended. Section 99, clause (g) presently reads:

"99. In this Part,

.....

- (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;"

7. Section 94, subsection (1) is amended by striking out the words "new zoning or interim development by-law comes into force in" and by substituting the words "new or amending zoning or interim development by-law comes into force in that part of".

8. Section 99 is amended by striking out clause (g) and by substituting the following:

(g) "highway commercial zone" means a zone in which land may be used only for those purposes that provide essential services to the highway traffic, including service stations, garages, motels, tourist camps, roadside restaurants and refreshment stands and uses of a like nature;

9. This Act comes into force on the day upon which it is assented to.

No. 91

SECOND SESSION

FOURTEENTH LEGISLATURE

9 ELIZABETH II

1961

BILL

An Act to amend The Town and
Rural Planning Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOOKE
