

1972 Bill 104

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First Session, 17th Legislature, 21 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 104**

**The Planning Amendment Act, 1972**

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MR. ZANDER

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**First Reading** .....

**Second Reading** .....

**Third Reading** .....

# BILL 104

1972

## THE PLANNING AMENDMENT ACT, 1972

(Assented to \_\_\_\_\_, 1972)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. *The Planning Act is hereby amended.*

2. *Section 6 is amended by adding after subsection (5) the following:*

(6) All orders of the Board made as a result of appeals made to it

(a) during the period from June 1, 1965 to May 1, 1968 pursuant to section 110 as it stood during that period, and

(b) during the period from April 11, 1967 to May 1, 1968 pursuant to section 128 as it stood during that period,

terminate on October 31, 1972.

3. *Section 98 is struck out and the following is substituted:*

**98.** (1) When a general plan is adopted, the council

(a) may continue to exercise development control over all or part of the land included in the general plan, and

(b) shall as soon as possible thereafter proceed with the enactment of a zoning by-law to include those areas of land within the general plan in respect of which development control is not exercised.

(2) Notwithstanding subsection (1), where a council has enacted a zoning by-law for all or part of the municipality while the general plan was being prepared, then, when the general plan is adopted, the council within a reasonable period thereafter shall amend its zoning by-law to bring it into conformity with the general plan.

## Explanatory Notes

**1.** This Bill will amend chapter 276 of the Revised Statutes of Alberta 1970.

**2.** In 1965 the Provincial Planning Board was given jurisdiction to hear appeals from municipal council decisions under section 110. In 1967 the Board was given jurisdiction to hear appeals under section 128. In 1968, the Act was amended so as to remove both kinds of appeals. The amendment provides that any Board orders made as a result of such appeals will terminate on October 31, 1972.

**3.** Section 98 presently reads:

98. When a general plan is adopted, the council

- (a) may, at any time thereafter, exercise or continue to exercise development control over all or part of the land included in the general plan, in which case sections 100 to 113 apply, and
- (b) shall immediately thereafter proceed with the enactment of a zoning by-law to include those areas of land within the general plan in respect of which development control is not exercised.

The new subsection (2) is intended to avoid a duplication of effort where a municipality has enacted a zoning by-law subsequent to a resolution for the preparation of a general plan and prior to the by-law adopting the general plan.

4. (1) *Section 100 is amended by striking out subsection (1) and by substituting the following:*

**100.** (1) A council, on passing a resolution authorizing the preparation of a general plan, shall apply to the Minister for an order authorizing the exercise of development control in the areas included or to be included in the general plan or parts thereof.

(1.1) Notwithstanding subsection (1) or any other provisions of this Act, where a by-law adopting a general plan and a by-law providing for the exercise of development control exist at the time the council authorizes the preparation of another general plan, the existing by-law adopting the general plan and the by-law providing for the exercise of development control shall be repealed concurrently with the enactment of a new by-law providing for the exercise of development control.

(2) *Regulations to Remedy the Insufficiency of the Provisions of section 100 of The Planning Act, filed as Alberta Regulation 105/72, are hereby rescinded.*

5. *This Act comes into force on the day upon which it is assented to and upon so coming into force*

(a) *section 3 shall be deemed to have been in force at all times on and after May 18, 1971, and*

(b) *section 4 shall be deemed to have been in force at all times on and after April 7, 1972.*

**4. Section 100(1) presently reads:**

**100. (1)** A council, on passing a resolution authorizing the preparation of a general plan or a by-law adopting a general plan, shall apply to the Minister for an order authorizing the exercise or the continuance of the exercise of development control in the areas included or to be included in the general plan or parts thereof.