

OFFICE CONSOLIDATION

BYLAW NUMBER 28P95

**BEING A BYLAW OF THE CITY OF CALGARY
TO ESTABLISH
A MUNICIPAL PLANNING COMMISSION

(Amended by 33P95, 22P96, 32P97, 29P98, 52M99, 21P99, 1M2000, 29P2000, 9P2001, 27P2001, 28P2002, 38M2003, 41M2003, 14P2003, 23P2004, 40M2011, 47P2016, 19P2018)

WHEREAS Section 623 of the Municipal Government Act S.A. 1994 cM-26.1, as amended, requires that Council establish by bylaw a subdivision authority to exercise subdivision powers and duties on behalf of the municipality;

AND WHEREAS Section 626 of the Municipal Government Act S.A. 1994 cM-26.1, as amended, authorizes Council to establish by bylaw a municipal planning commission;

AND WHEREAS Sub-Section 8(c) of the Municipal Government Act S.A. 1994 cM-26.1, as amended, authorizes a Council to establish fees for licences, permits and approvals including fees for licences, permits and approvals that may be in the nature of a reasonable tax for the activity authorized or for the purpose of raising revenue;

AND WHEREAS if Council establishes a municipal planning commission, the bylaw establishing it must provide for the procedure, conduct, functions and duties of the commission and its members;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "Calgary Planning Commission Bylaw".
2. In this Bylaw:
 - (a) "*Applicant*" means a person or entity to which a fee applies in accordance with the fees approved pursuant to this Bylaw;
 - (b) "*City*" means the corporation of The City of Calgary or the area contained within the boundaries of the City of Calgary as the context requires;
 - (c) "*Calgary Planning Commission*" or "*Commission*" means the municipal planning commission for the City;
 - (c.1) "*City Manager*" means the person appointed as chief administrative officer pursuant to the Municipal Government Act, from time to time;
 - (d) "*Council*" means the Mayor and Councillors of the City acting as the City Council;
(40M2011, 2013 October 21)

- (e) "*Outline Plan*" means a conceptual scheme that relates a subdivision application to future subdivision and development of areas adjacent to a subdivision application to be submitted to a subdivision authority;
 - (f) "*Subdivision Authority*" means a body appointed by this bylaw to exercise subdivision powers and duties on behalf of the municipality and which may include a designated officer, the Calgary Planning Commission or any other person or organization;
 - (g) "*Tentative Plan*" means a plan of subdivision proposed in accordance with sections 652 to 660 inclusive of the *Municipal Government Act*.
(9P2001, 2001 February 05)
(23P2004, 2004 October 24)
3. (1) The following are each appointed as a Subdivision Authority to exercise subdivision powers and duties on behalf of the City by this bylaw:
- (a) the Calgary Planning Commission; and
 - (b) those employees of the City so appointed by the City Manager.
- (2) The appointment of a person as a Subdivision Authority pursuant to Paragraph 3(1) (b) shall continue for so long as such person remains an employee of the City, or until such time as the appointment is revoked by the City Manager.
(9P2001, 2001 February 05)
(23P2004, 2004 October 24)
4. The Calgary Planning Commission is established as a municipal planning commission by this bylaw to consist of the following:
- (a) Those persons holding the following offices, from time to time:
 - (i) the Mayor of the City provided the Mayor is not a member of the Subdivision and Development Appeal Board of the City; and
 - (ii) Where the Mayor is a member of the Subdivision and Development Appeal Board, the Deputy Mayor of the City provided such Deputy Mayor is not either a member of the Commission or the Subdivision and Development Appeal Board, in which case the position shall be filled by the next member of Council scheduled to serve as Deputy Mayor who satisfies these two requirements.
 - (b) Two members of Council, who shall be appointed at the annual Organizational Meeting of Council and who shall serve for a period of one year or until their successors are appointed, whichever occurs last, who may not be members of the Subdivision and Development Appeal Board of the City during this period. A member of Council is not disqualified from such appointment by membership on the Commission while they hold the position of Deputy Mayor pursuant to sub-section 4(a)(ii) above;

- (c) Six citizens, who shall be appointed at the annual Organizational Meeting of Council and who shall serve for a period of two years or until their successors are appointed, whichever occurs last, except that three of the six citizens first appointed pursuant to these provisions shall be appointed for a period of one year only so as to provide for staggered appointments. Citizens appointed to the Commission shall be required to disclose any pecuniary interest in the same manner as required of an elected representative pursuant to Sections 169, 170 and 172 of the Municipal Government Act. No citizen shall be appointed to serve more than three consecutive two year terms.
- (d)
 - (i) Two employees of the City, each of whom must be a General Manager or a Director, appointed by the City Manager. The City Manager shall appoint one of the two employees as Chairperson of the Commission.
 - (ii) The employees appointed pursuant to subsection 4(d)(i) shall each remain a member of the Commission for so long as such person holds the position of General Manager or Director, as applicable, or until such appointment is revoked by the City Manager.
 - (iii) In the event of the temporary absence of a member appointed pursuant to subsection 4(d)(i), the member shall, in writing, appoint an employee of the City to act in his or her place.
 - (iv) In the event of the temporary absence of a member where the member has not appointed an employee of the City to act in his or her place pursuant to subsection 4(d)(iii), the City Manager shall appoint an employee of the City to act in place of the absent member on an interim basis.

(52M99, 1999 October 04)
(1M2000, 2000 January 24)
(38M2003, 2003 October 06)
(41M2003, 2003 October 20)
(23P2004, 2004 October 24)
(47P2016, 2016 October 24)
(19P2018, 2018 January 29)

- 5. A person appointed as a Subdivision Authority pursuant to Section 3(1)(b) has the power to make decisions on the following matters:
 - (a) Approval of Tentative Plans which conform in all respects, or conform with variances which are in the opinion of the decision maker of a minor nature, with an Outline Plan approved by the Commission;
 - (b) Refusal of any subdivision matter which could not be approved by the Commission;
 - (c) review and approval of subdivisions by instrument; or
 - (d) Subdivision applications which comply in all respects to the applicable enactments.

6. The Commission shall have the following duties and functions:
- (a) advise and assist Council and co-ordinate the activities of various Departments and agencies of the City with regard to the planning of orderly and economical development and maintaining and improving the quality of the physical environment for human settlement within the City, including but not limited to the following:
 - (i) review and approval of Outline Plans;
 - (ii) review and approval of Tentative Plans not within the scope of section 5(a) above;
 - (iii) advising Council on land use matters;
 - (iv) review and make recommendations on municipal projects referred to it; and
 - (v) review and approval of development permit applications as a Development Authority pursuant to The Development Authority Bylaw;
 - (vi) any other planning matter referred to it;
 - (b) perform those administrative functions as delegated to it by Council pursuant to the Municipal Government Act; and
 - (c) perform on behalf of Council such functions as Council may require.
(23P2004, 2004 October 24)
7. The procedure and conduct of the Commission shall be as follows:
- (a) The Commission shall meet from time to time with the frequency required to carry out its duties;
 - (b) Six members of the Commission, including one of the General Managers appointed to the Commission, shall constitute a quorum.
 - (c) In the temporary absence of the General Manager designated as Chairperson pursuant to Section 4(d) such General Manager may appoint another member of the Commission to act as Chairperson in his or her place.
 - (d) The City Manager shall designate an employee of the City to act as Secretary to the Commission. The Secretary shall arrange for the keeping of minutes for the Commission of its proceedings, the accurate recording of its resolutions and the dispatch of all notices required to be given.
(52M99, 1999 October 04)
(1M2000, 2000 January 24)
(38M2003, 2003 October 06)
(41M2003, 2003 October 20)
(23P2004, 2004 October 24)

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8. (1) An applicant, at the time of making an application, shall pay to the City the applicable fee.
- (2) The fees payable in respect of subdivision and in respect of matters coming before the Commission shall be those fees approved by resolution of Council.
- (3) The fees last in force prior to the passing of any resolution pursuant to subsection (2) shall continue in force until the first resolution is passed pursuant to subsection (2).

(32P97, 1997 November 27)
(23P2004, 2004 October 24)

9. Notwithstanding Section 4 the members of the Commission holding office immediately prior to the 24th day of October, 2004 shall continue as members of the Commission until such time as Council makes appointments pursuant to Section 4.

(23P2004, 2004 October 24)

10. Bylaw Number 60/78, as amended, is repealed.

11. This Bylaw shall come into force upon the date it is passed.

READ A FIRST TIME THIS 13th DAY OF NOVEMBER, 1995.

READ A SECOND TIME, AS AMENDED, THIS 13th DAY OF NOVEMBER, 1995

READ A THIRD TIME, AS AMENDED, THIS 13th DAY OF NOVEMBER, 1995

(Sgd.)A. Duerr
MAYOR

(Sgd.)D. Widdes
DEPUTY CITY CLERK

SCHEDULE "A" TO THE CALGARY PLANNING COMMISSION BYLAW

DELETED BY 23P2004, 2004 October 24.

SCHEDULE "B"

THE 2004 COMMISSION FEE SCHEDULE FOR SUBDIVISION APPLICATIONS

DELETED BY 23P2004, 2004 October 24.