

SECTION 2 ADMINISTRATIVE AGENCIES

2.1 Interpretation

- (1) Any doubt as to the meaning of a word, or the boundaries of a land use district shown on Schedule "C", shall be settled by a resolution of Council.
- (2) In accordance with Alberta Lands Titles practice, all areas and distances in this bylaw are in metric measure. Imperial equivalents are given as a convenience but may not be exact. In case of conflict, the metric measure shall govern.
- (3) The words *he*, *him*, and *his* are to be read as *she*, *her*, and *hers*, and the singular is to be the plural, as the case requires.
- (4) Where the boundary of a lot is also the boundary between two land use districts, and the lot boundary is then changed through subdivision, the land use classification follows the new boundary.

2.2 Development Authority

The Development Authority shall be established by a separate bylaw and be coordinated by the Village of Hines Creek Planning Committee and the Development Officer on behalf of the Village.

2.3 Development Officer

- (1) The Office of the Development Officer is hereby established.
- (2) The Council shall, by resolution, appoint a person to the office of Development Officer.
- (3) The Development Officer or any other person acting on behalf of the Development Officer shall be considered an "authorized person" in accordance with the MGA.

2.4 Duties and Responsibilities of the Development Officer

- (1) In accordance with the MGA, the Development Officer shall:
 - (a) Receive, consider and decide upon applications for a Development Permit for "Permitted Uses";

- (b) Keep and maintain for public inspection during office hours, a copy of this Bylaw and all amendments and resolutions thereto;
 - (c) Ensure that copies of this Bylaw, including all amendments and resolutions thereto are available to the public at a reasonable charge; and
 - (d) Keep a register of all applications for Development Permits, including the decisions thereon and the reasons therefor, for a minimum period of seven (7) years.
- (2) The Development Officer shall approve all applications for a "Permitted Use" unconditionally if it conforms with the Bylaw or to conditions necessary to bring the application into conformity with the Bylaw.
- (3) In making a decision on an application for a use listed under the "Discretionary Uses" column in that District, the Development Officer may:
- (a) Approve the application unconditionally; or
 - (b) Approve the application and attach conditions including, but not limited to, a developers agreement that may require any or all of the following:
 - i. the construction, operation and maintenance of sewer and water facilities
 - ii. the location of refuse disposal facilities
 - iii. access for fire and police protection
 - iv. general access and circulation
 - v. provision for recreational areas
 - vi. landscaping and other aesthetic considerations
 - vii. building design and site layout
 - viii. provision for parking facilities
 - ix. public safety
 - x. buffering, screening and fencing or any other appropriate planning condition
 - (c) Refuse the application.

- (4) The Development Officer may decide upon an application for a Development Permit notwithstanding that the proposed development does not comply with this Bylaw if, in the opinion of the Development Officer:
 - (a) The proposed development would not:
 - i. unduly affect the amenities, use or enjoyment of the site or the neighbouring properties; or
 - ii. materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
 - (b) The proposed development does not conflict with the use prescribed for that land or building in this Bylaw.
 - (c) Where the Development Officer is required to use their discretion when granting a variance of prescribed development standards, he/she may consult with the Village Council Development Authority prior to granting such variance.

2.5 Municipal Planning Commission

The Municipal Planning Commission shall be established by separate bylaw and perform its duties in accordance to that bylaw and the provision of the MGA.

2.6 Subdivision and Development Appeal Board

The Subdivision and Development Appeal Board shall be established by separate bylaw and perform its duties in accordance to that bylaw and the provision of the MGA.

2.7 The Mackenzie Municipal Services Agency

Pursuant to Part 17, Division 3 of the MGA, the Village of Hines Creek has delegated its subdivision authority to the Mackenzie Municipal Services Agency.

- (1) The Mackenzie Municipal Services Agency may also serve as an advisor to the Development Authority, Subdivision and Development Appeal Board and the Council, on all planning and development related matters.

2.8 Development Permit: Payment of Taxes

As a condition of development permit approval, the Development Authority may require the applicant to make the necessary arrangements to ensure that all property taxes are paid in full at the time of development permit approval to the satisfaction of the Village.

2.9 Forms and Notices

- (1) For the purpose of administrating the provision of this Bylaw, Council, by resolution, may authorize the preparation and use of such forms or notices as in its discretion it may deem necessary. Such forms or notices contained in Schedule "A" are deemed to have the full force and effect of this Bylaw in execution of the purpose for which they were designed, authorized and issued.
- (2) The forms and notices authorized by Council pursuant to this Bylaw may be posted, issued, served or delivered (in the course of his/her duties) by the Development Authority or an official of the municipality.