

# **SUMMER VILLAGE OF SUNBREAKER COVE SUBDIVISION AND DEVELOPMENT APPEAL BOARD BY-LAW NO. 124-18**

## **A BYLAW OF THE SUMMER VILLAGE OF SUNBREAKER COVE IN THE PROVINCE OF ALBERTA TO ESTABLISH A SUBDIVISION AND DEVELOPMENT APPEAL BOARD.**

WHEREAS the Municipal Government Act, R.S.A. 2000, Chapter M-26 provides that a municipal council is required to establish a Subdivision and Development Appeal Board;

NOW THEREFORE the Council of the Summer Village of Sunbreaker Cove, duly assembled, enact as follows:

### **1.0 Title**

1.1 This Bylaw shall be known as the "Subdivision and Development Appeal Board Bylaw".

### **2.0 Definitions**

2.1 In this Bylaw:

- a) "Act" means the Municipal Government Act, R.S.A. 2000, Chapter M- 26;
- b) "Board" means the Subdivision and Development Appeal Board of the name of municipality established pursuant to this Bylaw;
- c) "Council" means the Council of the Summer Village of Sunbreaker Cove;
- d) "Development Authority" means the person or persons appointed pursuant to the Development Authority Bylaw No. 54-95;
- e) "Land Use Bylaw" means the Summer Village of Sunbreaker Cove Land Use Law #99-13, as amended or replaced from time to time:
- f) "Member" means a member and shall include the appointed alternate member (s) of the Subdivision and Development Appeal Board appointed pursuant to this Bylaw;
- g) "Subdivision Authority" means the Subdivision Authority as established pursuant to Subdivision Authority Bylaw 111-16;
- h) "Summer Village" means the Summer Village of Sunbreaker Cove.

2.2 Terms not specifically defined have the same definition as provide in the Act.

### **3.0 Establishment and Membership**

3.1 The Subdivision and Development Appeal Board for the Summer Village is hereby established.

3.2 The Board shall consist of three persons appointed by Council, the majority of which shall be citizens-at-large. Council may pull members-at-large from the community to sit as needed provided they are not in conflict with the hearing.

3.3 No Member of the Commission shall:

- a) be employed as a Development Officer with the Summer Village; or

- b) sit as a member of the Summer Village's Municipal Planning Commission.

#### **4.0 Officers**

- 4.1 The Chairman of the Board shall be appointed annually by Resolution of Council;
- 4.2 If the Chairman is absent or unable to preside at a Board meeting, the Vice-Chairman shall preside, and in the event of the absence or inability of both to preside at a meeting of the Board, the members present in constituting a quorum shall elect one of them to act as Chairman for that meeting.

#### **5.0 Committees**

- 5.1 The Board may establish committees of the Board, but where it does at least one of the Chairman or Vice-Chairman shall be a member.

#### **6.0 Quorum**

- 6.1 A quorum for the Board shall consist of a majority of the Members, but councillors may not form the majority of the quorum.
- 6.2 A quorum for a committee of the Board shall consist of a majority of the Member of the Committee, but Councillors may not form the majority of the quorum.

#### **7.0 Secretary Duties**

- 7.1 Council shall appoint by Resolution a person to serve as Secretary to the Board, who shall:
  - a) not have a vote;
  - b) give all notice
    - (i) required to be given under the Act; and any regulations thereunder, and
    - (ii) directed to be given by the Board;
  - c) notify all Members of the Board of the meetings of the Board, including hearings;
  - d) Prepare and maintain a file of written minutes of business transacted at all meetings, including hearings, of the Board;
  - e) For each hearing, record and issue a decision of the Board and its findings, with reasons, to all affected parties;
  - f) Be authorized to sign on behalf of the Board any order, decision, approval, notice or any other thing made, given or issued by the Board;
  - g) Undertake such other duties as Council or the Board may require.

#### **9.0 Hearings and Procedures**

- 9.1 The Board shall determine an appeal in accordance with the provisions of Part 17 of the Act.

- 9.2 The hearings of the Board shall be in public, but the Board may at any time recess and deliberate in private.
- 9.3 The Chairman or acting Chairman:
- a) shall be responsible for the conduct of a meeting;
  - b) may limit a submission if it is determined to be repetitious or inappropriate in any manner.
- 9.4 A request for adjournment of a hearing may be granted at the discretion of the Board, but any adjournment must be to a specific time and date.
- 9.5 The Board may adjourn to a specific time and date upon its own volition to request technical information, legal opinions or other information desired by the Board.
- 9.6 Only those Members present at a whole hearing of an appeal shall be able to vote on the appeal, wherein those voting form a quorum.
- 9.7 A decision of the Members forming a quorum at a duly convened meeting of the Board or Committee thereof shall be deemed to be the decision of the whole Board.
- 9.8 Upon conclusion of a hearing the Board shall deliberate and reach its decision in private.
- 9.9 In the event of a tie vote, the appeal shall be deemed to be denied.
- 9.10 A decision of the Board is not final until notification of the decision is given in writing.
- 9.11 Notwithstanding Section 7 (f) an order, decision or approval made, given or issued by the Board may be signed by the Chairman or Vice-Chairman of the Board.
- 9.12 If the Subdivision Authority fails or refuses to endorse a plan of subdivision of subdivision or other instrument as approved by the Board on appeal, the Chairman or Vice-Chairman of the Board is authorized to endorse the subdivision instrument.
- 9.13 For any procedures not covered in Part 17 of the Act or by bylaw of the Summer Village, the Board may establish procedures for the conduct of hearings.
- 9.14 No recording of hearing procedures will be permitted on any device including, but not limited to, cell phones, tablets, tape recorders, etc.
- 9.15 No person shall be permitted to wear a hat during the hearing procedures including, but not limited to, board members, staff, delegates, or public in attendance.

#### **10.0 Conflict of Interest**

- 10.1 If a Member has direct pecuniary interest in a matter before the Board, or if a Member is aware of any reason which may lead to a possible bias when hearing the matter, the Member shall declare an interest or likelihood of bias to the Board and shall remove himself/herself from the panel, abstain from discussion and voting on the matter, and such abstention shall be recorded in the minutes.

#### **12.0 Effective Date and Repeals**

- 12.1 This Bylaw repeals Bylaw #116-17 and shall come into force and effect when it receives third reading and is duly signed.

Read for a first time this 19<sup>th</sup> day of March, 2018.

Read for a second time this 19<sup>th</sup> day of March, 2018.

Read for a third and final time this 19<sup>th</sup> day of March, 2018.

---

Teresa Beets, Mayor

---

Phyllis Forsyth, CAO