

BYLAW NO. 2017-01

A BYLAW OF THE SUMMER VILLAGE OF PARKLAND BEACH IN THE PROVINCE OF ALBERTA TO ESTABLISH A SUBDIVISION AND DEVELOPMENT APPEAL BOARD

WHEREAS pursuant to the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended or replaced from time to time, Council may pass a bylaw to provide for an appeal, the body that is to decide the appeal and related matters;

AND WHEREAS Council of the Summer Village of Parkland Beach deems it necessary to establish a Subdivision and Development Appeal Board;

AND WHEREAS Council of the Summer Village of Parkland Beach deems it necessary to repeal Bylaw No. 2007-02 cited as the "Subdivision and Development Appeal Board Bylaw; and The Development Authority Bylaw; and The Subdivision Authority Bylaw.

NOW THEREFORE COUNCIL OF THE SUMMER VILLAGE OF PARKLAND BEACH DULY ASSEMBLED ENACTS AS FOLLOWS:

SHORT TITLE

This Bylaw shall be cited as the "*Subdivision and Development Appeal Board Bylaw*."

DEFINITIONS

In this bylaw, unless the context otherwise requires:

1. "*Act*" means the Municipal Government Act, R.S.A 2000, Chapter M-26., as amended.
2. "*Appellant*" – means the person who may appeal to the Board in accordance with the Act.
3. "*Applicant*" means a person who made the initial development or subdivision application upon which an appeal is based, or a person authorized to act on their behalf.
4. "*Board*" means the Summer Village of Parkland Beach Subdivision and Development Appeal Board.
5. "*Chief Administrative Officer*" means the Chief Administrative Officer for the Summer Village of Parkland Beach.
6. "*Council*" means the Council of the Summer Village of Parkland Beach.
7. "*Development Authority*" means a development authority established pursuant to Part 17; Division 3 of the *Municipal Government Act*.
8. "*Land Use Bylaw*" means the Summer Village Land Use Bylaw No. 2007-01, as amended, and includes any Bylaw passed in substitution for Bylaw No. 2007-01.
9. "*Subdivision Approving Authority*" shall mean Council or their designate authorized to exercise subdivision approving authority powers and duties on behalf of the municipality.
10. "Summer Village" means the Summer Village of Parkland Beach.
11. "*Enforcement Officer*" means a Bylaw Enforcement Officer appointed by the Summer Village pursuant to the Municipal Government Act, R.S.A. 2000, Chapter M-26., as amended, to enforce the Summer Village Bylaws, and includes a member of the Royal Canadian Mounted Police, a Community Peace Officer and, when authorized, a Special Constable.

GENERAL

Pursuant to the Act, Council hereby enacts as follows:

12. The Subdivision and Development Appeal Board is hereby established.
 - a. Pursuant to Section 627(a) Council must by bylaw establish a subdivision and development appeal board, or

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- b. Pursuant to Section 627(b) Council may authorize the municipality to enter into an agreement with one or more municipalities to establish an intermunicipal subdivision and development appeal board, or both.

13. The purpose of the Board is:

- a. to hear and decide upon appeals against decisions of the Subdivision Approving Authority;
- b. to hear and decide upon appeals from decisions (or lack of decision) of the Development Authority and in this respect to perform the duties assigned to the Subdivision and Development Appeal Board under the Act.

MEMBERSHIP AND TERMS

14. a. Council shall appoint members by resolution.

b. The Board shall be comprised as follows:

- i) One member Council,
- ii) One alternate member of Council,
- iii) Two members at Large, and
- iv) The Secretary to the SDAB
- v) Pursuant to Section 627(3)(a) of the Act, Councilors may not form the majority of the Board or the majority of the Board or a committee hearing an appeal.
- vi) Pursuant to Section 627(3)(b) of the Act, Councilors from a single municipality may not form the majority of the board or of a committee hearing an appeal.
- vii) An employee of the municipality, a person who carries out subdivision or development powers, duties and functions on behalf of the municipality, or a member of a municipal planning commission may not be appointed to the board.

c. Members at Large are appointed for two-year terms as of January 1 of the calendar year. Board members shall serve no more than two consecutive terms; however, such person may reapply after an absence of one year.

d. Appointment of members of Council is for a one-year term and takes place at Council's Annual Organizational Meeting.

e. Members at Large do not need to be a resident of the municipality.

15. At its first meeting each year, the Board shall elect a chairman and vice-chairman from its members.

16. A vacancy on the Board shall be filled as soon as is practical, but the Board may function notwithstanding, provided that a quorum is present.

17. A quorum of the Board shall not be less than two members for hearing and deciding appeals. The majority of the Board shall not be members of Council.

18. If any Board member is absent from three consecutive hearings, Council may declare the office of such member vacant and initiate the process to select a suitable candidate to fill the vacant position on the Board.

19. Council may remove any member of the Board for misconduct.

20. An employee of the Summer Village may act as secretary to the Board but shall not take part in the deliberation or decision process regarding appeals before the Board and the secretary shall have no vote. Neither the Chief Administrative Officer nor a representative of the Development Authority shall act as secretary to the Board.

23. A meeting of the Board may be called by the Board Secretary or Board Chairman, upon notice being given as set out in the Act.

25. The procedure for filing and processing appeals is specified within the Act.

26. Subject to the Act, the Board may establish rules for the administration of appeals and protocol for

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conduct at hearings conducted by the Board.

- 27. Meetings of the Board shall be open to the public, but the Board may go in camera at the close of a hearing to discuss the evidence presented.
- 28. Only those members of the Board present at a meeting shall vote on any matter before it.

CONFLICT OF INTEREST

- 29. Any member of the Board who has a pecuniary interest in a matter being considered by the Board shall comply with the provisions of Section 169 to 173 of the Act.

FEES AND CHARGES

- 30. Council may by resolution establish fees for subdivision and development appeals as provided in Schedule "A" attached to and forming part of this bylaw. Fees shall be sufficient to cover the cost of advertising, administration, and other expenses.
- 31. Council may by resolution establish the remuneration and expenses to be paid to Board members hearing an appeal.

EXCEPTIONS

- 32. In any place where this Bylaw conflicts with the Land Use Bylaw, this Bylaw shall govern.

EFFECTIVE DATE

- 33. Bylaw No. 2007-02 is hereby repealed.
- 34. This Bylaw comes into effect upon third and final reading.

First Reading:	January 9, 2017
Second Reading:	February 13, 2017
Third & Final Reading:	February 13, 2017

SUMMER VILLAGE OF PARKLAND BEACH

MAYOR

CHIEF ADMINISTRATIVE OFFICER

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SCHEDULE "A"

SUMMER VILLAGE OF PARKLAND BEACH BYLAW NO. 2017-01

SUBDIVISION AND DEVELOPMENT BOARD APPEAL FEES

Subdivision and Development Appeal Board	\$300.00
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Please Note

Fees are non-refundable

Fees are GST exempt