

Bylaw No. 901-2015
SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW

A BYLAW OF THE CITY OF LEDUC IN THE PROVINCE OF ALBERTA, TO ESTABLISH A SUBDIVISION AND DEVELOPMENT APPEAL BOARD AND TO SET FORTH THE POWERS AND DUTIES THEREOF

- WHEREAS:** the Municipal Council of the City of Leduc desires to establish a Subdivision and Development Authority as required under the *Municipal Government Act*, R.S.A. 2000 Chapter M-26, as amended; and
- WHEREAS:** the City of Leduc Land Use Bylaw and amendments thereto enacted to regulate the use and development of land and buildings within the City; and
- WHEREAS:** the purpose of the Board is to hear appeals from the Subdivision Authority and the Development Authority;
- NOW THEREFORE:** the Municipal Council of the City of Leduc in the Province of Alberta, duly assembled, hereby enacts as follows:

PART I: TITLE

1. This Bylaw may be cited as the "Subdivision and Development Appeal Board Bylaw".

PART II: ESTABLISHMENT

2. The Subdivision and Development Appeal Board is hereby established.

PART III: DEFINITIONS

3. The following terms are defined below:
 - a. "Act" means the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended;
 - b. "Applicant" means a person who applies for subdivision approval or development permit;
 - c. "Appellant" means a person who appeals to the Subdivision and Development Appeal Board in accordance with the Act, and the Land Use Bylaw;
 - d. "Board" means the Subdivision and Development Appeal Board as established by virtue of this Bylaw;
 - e. "City" means the Municipal Corporation of the City of Leduc;
 - f. "Council" means the Council of the City of Leduc;
 - g. "Development Officer" means the official or officials of the Municipality with the responsibility of receiving, considering and deciding on applications for development under the Land Use Bylaw;
 - h. "Member" means a Member of the Board;
 - i. "Person" shall include in addition to a natural person, a body corporate.

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PART IV: MEMBERSHIP

4. The Board shall consist of five Members who shall be appointed by resolution of Council and be composed of:
 - a. Five Members at large, being residents of the City of Leduc; and
 - b. Council shall also appoint, by resolution, one alternate Member, being resident of the City of Leduc.

PART V: TERMS OF OFFICE

5. a. That the terms of office of the Members shall be as follows:
 - i. The terms of the respective Members at large shall be for initial terms ending December 31, 2016, December 31, 2017 and December 31, 2018 respectively, and thereafter for three year terms.
 - ii. The term of the respective alternate Member at large shall be for one year terms that commence on January 1 and end on December 31.
- b. Notwithstanding paragraph 5.a., all Members shall remain in office until their respective successors are appointed.
- c. In the event of a vacancy occurring, the person appointed to fill such vacancy shall hold office for the remainder of the term concerned in the vacancy which has arisen.
- d. Any Member of the Board who shall be absent from three consecutive meetings of the Board (unless such absence is caused through illness or such absences authorized by a resolution of the Board entered upon the Minutes) shall forfeit his or her office and another Member shall be appointed in his or her place for the remainder of his or her term of office.

PART VI: PROCEEDINGS

6. a. The Board shall elect the Chair from members of the Board at the Annual Organizational Meeting.
- b. The duties of the Chair include:
 - i. To be responsible for all things required in the Act to be carried out by the Board.
 - ii. To limit a submission if the Chair deems it to be repetitious.
 - iii. When a Hearing is tabled and a time is not established to reconvene, to announce that notice of the continuation of the Hearing will be sent to those persons leaving their name and address with the Secretary.
 - iv. To permit rebuttals, but limit the time or extent of the rebuttals at the discretion of the Chair.
 - v. To make such requests or announcements as the Chair deems necessary to ensure the Hearing proceeds smoothly and that all interested parties have a reasonable opportunity to be heard.
 - vi. To designate another Board Member to act as Chair for any hearing the elected Chair is not present.
- c. A quorum of the said Board shall be three (3) Members of the Board.

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- d. If a Member has any interest, whether direct or indirect, in any matter before the Board, the Member shall declare such interest to the Board before discussion of the matter, and shall not participate in the Hearing, or discuss or vote upon the matter. Such abstention shall be recorded in the Minutes.
- e. If a Member is absent from all of a Hearing, the Member shall not participate in the Board's deliberations or decision on that appeal.
- f. The decision of the majority of the members of the Board present at a hearing shall be deemed to be the decision of the whole Board.
- g. The Chair shall only vote in the event of a tie.

PART VII: SIGNING AUTHORITY

- 7. a. An order, notice or any other document made, given or issued as a product of a decision rendered by the Board, shall be signed by the Chair.
- b. In the absence of the Chair, a document of the Board may be signed by any other Board Member.
- c. General correspondence and information documents may be signed by the Chair or Secretary on behalf of the Board.

PART VIII: SECRETARY

- 8. The Office of a Secretary to the Board shall be established and appointed by the Board. The duties of the Secretary shall be as follows:
 - a. The Secretary shall not vote on any matters before the Board, but shall be in attendance at all meetings of the Board. In the absence of the Secretary, the Chair may appoint an alternate to keep records at meetings, and that alternate may be a Member of the Board.
 - b. The Secretary is the liaison between the public and the Board. Any communication with the Board shall be made directly to the Secretary's office.
 - c. The Secretary shall:
 - i. Prepare Hearing agendas;
 - ii. Send out Hearing notifications and decisions;
 - iii. Provide the necessary assistance to the Chair to meet the statutory requirements of the Board;
 - iv. Keep Board records, including a record of Hearings;
 - v. Make relevant documents available for public inspection; and
 - vi. Handle correspondence and information documents on behalf of the Board.

PART IX: FUNCTIONS AND DUTIES

- 9. The Board's functions and duties shall be as outlined in the Act.

PART X: REMUNERATION

- 10. Each Board Member shall be paid remuneration of \$100.00 per Hearing attended and per annual Board Organizational Meeting attended.

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11. A Member who chairs a Meeting or Hearing shall receive an additional \$25.00 per meeting chaired.

PART XI: OTHER POWERS

12. The Board shall have the power to establish such other rules relating to matters of the operation and conduct of business of the Board as are deemed appropriate.

13. Any Appellant shall pay to the City the appeal fee, as stated in the Fees and Charges Bylaw, at the same time a Notice of Appeal is served to the Secretary of the Board.

14. Upon written application from the Appellant, the Board may decide to return an appeal fee to the Appellant if the Appellant is not the Applicant and it is determined by the Board that the Appellant's land may have been negatively affected by the development appealed.

15. The Board may request the City to make available any planning or legal advisors as the Board considers necessary to advise the Board on matters under appeal.

16. Upon the coming into force of this Bylaw, the members of the Development Appeal Board appointed pursuant to Bylaw 360-95 are continued members of the Board under this Bylaw until new Members are appointed in accordance with this Bylaw.

PART XII: REPEALS

17. Bylaw No. 360-95 is repealed.

PART XIII: EFFECTIVE DATE

18. This Bylaw comes into force on January 1, 2016.

READ A FIRST TIME IN COUNCIL THIS 14TH DAY OF SEPTEMBER, 2015.

READ A SECOND TIME IN COUNCIL THIS 28TH DAY OF SEPTEMBER, 2015.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 28TH DAY OF SEPTEMBER, 2015.

September 28, 2015

Date Signed

'original signed'

Greg Krischke
MAYOR

'original signed'

Sandra Davis
CITY CLERK