BYLAW NO. 248
SUMMER VILLAGE OF KAPASIWIN

Being a Bylaw of the Summer Village of Kapasiwin, in the Province of Alberta, to Establish a Subdivision and Development Appeal Board to hear all appeals in respect to Subdivision and Development Applications

WHEREAS Section 627 of the Municipal Government Act, RSA 2000 requires each Municipality to provide for a Subdivision and Development Appeal Board; and

WHEREAS Section 627 (b) of the Municipal Government Act, RSA 2000 allows each Municipality to enter into an agreement with one or more municipalities to establish an Inter-municipal Subdivision and Development Appeal Board;

NOW THEREFORE, the Council of the Summer Village of Kapasiwin, in the Province of Alberta, duly assembled, enacts as follows:

Part I:

1. That a board known as the Subdivision and Development Appeal Board of the Summer Village of Kapasiwin, hereinafter called "The Board" is hereby established'

2. The Board shall be comprised of members of the Joint Appeal Pool established through agreement with Summer Villages within Lac Ste. Anne County;

    a) The Summer Village shall supply a minimum of one (1) member, appointed by resolution of Council, to the Joint Appeal Pool;
    b) No person who is a Development Officer or a member of a Municipal Planning Commission in the hosting municipality shall be appointed from the Joint Appeal Pool to act as a member of the Joint Appeal Board convened to hear the appeal in the hosting municipality;
    c) Each member shall be appointed for a term not exceeding three (3) years and may be re-appointed upon the expiry of its members;
    d) Any vacancy caused by the death, retirement or resignation of a member shall be filled by resolution of Council;
    e) A member shall not be disbanded or discharged without cause.

3. Three (3) members of the Pool shall constitute a quorum for the making of all decisions and for doing any action required or permitted to be done by the Board provided that a majority of the members are not Councillors for the Summer Village of Kapasiwin;

4. A decision of The Board shall be made only by those members present at a meeting duly convened;

5. The decision of the majority of the members present at a meeting duly convened shall be deemed to be the decision of the Board;

6. The Board shall hold such meetings as are necessary to fulfill The Board's responsibility;

7. The Board shall prepare and maintain a record of written minutes of the business transacted at all meetings of The Board, copies of which shall be regularly filed with the Council;

8. The remuneration, travelling and other expenses of the Joint Appeal Pool members shall be as per municipal policy.

9. The setting of fees for any matter coming before The Board shall be established by resolution of Council as it considers necessary.

10. a) The Board shall elect a Chairman from among those pool members in attendance at any required meeting;
    b) The election of Chairman shall occur at the beginning of each meeting.

11. a) The administration of subdivision appeals shall be performed by the Secretary of the Board as appointed by the Development Authority in accordance with an agreement established with the Development Authority;
    b) The administration of development appeals shall be performed by the Secretary of the Board as appointed by the Development Authority in accordance with an agreement established with the Development Authority.

PART II

12. The Board shall hear appeals where a Development Officer or Municipal Planning Commission:
    a) refuses or fails to issue a Development Permit to a person within 40 days of receipt of the application;
    b) issues a Development Permit subject to conditions;
    c) issues an order under Section 645 of the Municipal Government Act, RSA 2000.

13. The Board shall hear appeals from any other person affected by an order, decision or development permit of a Development Officer or Council.

14. The Board shall give at least five (5) days notice, in writing, of the public hearing to:
    a) the appellant;
    b) The Development Officer from whose order, decision or development permit the appeal is made;
    c) Council of the municipality if it is not the Development Officer;
    d) Those owners required to be notified under the Land Use Bylaw and any other person that the Development Appeal Board considers to be affected by the appeal and should be notified.

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15. In determining an appeal, The Board:
    a) shall comply with any regional plan, statutory plan, and subject to clause 15 (c), any Land Use Bylaw or land use regulations in effect;
    b) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision of its own;
    c) development permit notwithstanding, that the proposed development does not comply with the Land Use Bylaw or land use regulation if, in its opinion:
        i) the proposed development would not;
            a) unduly interfere with the amenities of the neighbourhood, or
            b) materially interfere with or affect the use, enjoyment or value of neighbouring properties, and
        ii) the proposed development does not conflict with the use prescribed for that land or building in the Land Use Bylaw or land use regulations, as the case may be.

16. The Board shall give its decision, in writing together with reasons for the decision, within fifteen (15) days of the conclusion of the hearing;

17. This Bylaw hereby rescinds Bylaw number 212 and any other Bylaw for the establishment of a Subdivision and Development Appeal Board of and for the Summer Village of Kapasiwin.

18. This Bylaw comes into effect February 12th, 2016.

READ a first time this 11 day of February, 2016.

READ a second time this 11 day of February, 2016.

READ a third and final time this 11 day of February, 2016.

Mayor

Municipal Administrator