

TOWN OF GIBSONS

Bylaw No. 1158, 2012

A Bylaw to establish an Advisory Planning Commission in the Town of Gibsons
(Consolidated for Convenience only to include amendment 1158-01)

WHEREAS the Town may establish an Advisory Planning Commission pursuant to Section 898 of the Local Government Act;

NOW THEREFORE the Council of the Town of Gibsons in open meeting assembled enacts as follows:

1.0 CITATION

1.1 This Bylaw may be cited as the “Town of Gibsons Advisory Planning Commission Bylaw No. 1158, 2012.”

2.0 ESTABLISHMENT OF ADVISORY PLANNING COMMISSION

2.1 An Advisory Planning Commission is established to advise Council upon:

2.1.1 Development Permit Applications for Form and Character in Development Permit Areas No. 3, 4, 5, 6, 7, 8, and 9 which shall be referred to the Advisory Planning Commission as a matter of course;

2.1.2 Other land use and planning matters which may be referred to it by the Council.

2.1.3 Development Permit Applications for Form and Character in Development Permit Areas No. 3, 4, 5, 6, 7, 8 and 9 with concurrent Development Variance Permit applications shall be referred to the Advisory Planning Commission as a matter of course.

2.1.3 inserted with
Amendment Bylaw
1158-01

3.0 MEMBERSHIP

3.1 The Advisory Planning Commission shall be composed of seven members with the following conditions:

3.1.1 No less than five (5) members shall be residents of the Town of Gibsons, whose principle place of living and sleeping is in the Town of Gibsons;

3.1.2 Two (2) or fewer members may be either non-resident property owners or residents of the Sunshine Coast Regional District (SCRD).

- 3.2 The members appointed by Council shall hold office at the pleasure of Council for a two-year term commencing January 1st in the year they are appointed and terminating two years later on December 31st, except the initial appointees, three of whom shall hold office from the date of appointment until the 31st of December 2014 and four of whom shall hold office from the date of appointment until the 31st of December 2015.
- 3.3 Notwithstanding Section 3.2, all members shall continue to hold office until their successors are appointed. In the event of a vacancy occurring in the membership of the Advisory Planning Commission, the Council shall appoint a person to fill such vacancy for the unexpired term of office of the member being replaced.
- 3.4 Advisory Planning Commission members can be removed by a resolution of Council.
- 3.5 No member of the Advisory Planning Commission shall serve for more than three (3) consecutive terms.
- 3.6 As a condition of appointment, each member shall acknowledge in writing his or her obligations under this bylaw, the bylaws of the Town, and all applicable provisions of the Community Charter and Local Government Act, including but not limited to the conflict of interest requirements contained in Division 6 of the Community Charter.

4.0 VOTING

- 4.1 All matters before any meeting of the Advisory Planning Commission shall be decided by a majority of the members present.
- 4.2 All appointed members of the Advisory Planning Commission may vote on all questions. In the event of an equality of votes, the question shall be decided in the negative. Any member of the Advisory Planning Commission who abstains from voting shall be deemed to have voted in the affirmative.

5.0 ELECTION OF CHAIRPERSON

- 5.1 Council shall appoint a Chairperson from among the Advisory Planning Commission members at the beginning of each calendar year who shall preside at all meetings for the balance of the year.
- 5.2 If the Chairperson fails to attend any meeting of the Advisory Planning Commission, the appointed members present shall elect one of their number to be Acting Chairperson and the member so elected shall preside at the meeting.
- 5.3 If the Chairperson ceases to be a member of the Advisory Planning Commission, Council shall appoint a new Chairperson from among the Advisory Planning Commission members who shall preside at all meetings for the balance of the year.
- 5.4 Chairpersonship is limited to a maximum of two years, unless an extension is recommended by the appointed members and approved by Council.

6.0 QUORUM

- 6.1 Four (4) appointed members of the Advisory Planning Commission is a quorum.
- 6.2 If a quorum is not present within fifteen (15) minutes of the time fixed for a meeting, the Chairperson shall record the names of the members present and the Chairperson shall call another meeting.

7.0 MEETINGS AND ATTENDANCE

- 7.1 Meetings shall be conducted according to the *Community Charter*, the Town of Gibsons Procedure Bylaw and in accordance with Roberts Rules of Order.
- 7.2 Meetings shall be called by the Chairperson within one month of any application or other matter referred to an Advisory Planning Commission by the Town Council, or within one month of any Development Permit Application referred to it as a matter of course.
- 7.3 Meetings will normally be held on Monday at 12:00 p.m. (noon) in the Town Hall Council Chambers, or as otherwise determined by the Advisory Planning Commission.
- 7.4 The Advisory Planning Commission must consider any application referred to the Advisory Planning Commission and make a recommendation to Council within 45 days of the date of referral to the Advisory Planning Commission, unless the application has been withdrawn. If no recommendation is made within that time, Council will consider the application without a recommendation from the Advisory Planning Commission.
- 7.5 If the Chairperson refuses or neglects to call a meeting, at the request of not less than two members, within 2 business days of the receipt of such request, then such members may call a special meeting giving at least 24 hours notice of such meeting to all members.
- 7.6 Save with respect to matters expressly dealt with or provided for in this bylaw, the rules governing proceedings of the Advisory Planning Commission shall be those governing the proceedings of Council under the Procedure Bylaw, insofar as the said rules may be applicable.
- 7.7 The Chairperson shall preside at all meetings of the Advisory Planning Commission, and shall preserve order and decide all points of order which may arise, subject to an appeal to the other members present. All such appeals will be decided without debate.
- 7.8 No act or proceeding of the Advisory Planning Commission is valid unless it is authorized by resolution at a meeting.
- 7.9 Any appointed member of the Advisory Planning Commission who is absent from three consecutive regular meetings, without leave or valid reason satisfactory to the Advisory Planning Commission, shall be deemed to have resigned.

- 7.10 If the Advisory Planning Commission is considering an amendment to a plan or bylaw, or the issue of a permit, the applicant for amendment, or permit is entitled to attend meetings of the Advisory Planning Commission and be heard.
- 7.11 The Planning Department shall contact an applicant for a bylaw amendment or a permit, prior to the meeting of the Advisory Planning Commission at which the bylaw amendment or the permit is to be considered, to advise the applicant of his or her entitlement to appear before the Advisory Planning Commission. The Planning Department will forward the information to the applicant and the applicant will contact the Chairperson.

8.0 MINUTES

- 8.1 The Administration Department shall supply a Secretary for the Advisory Planning Commission who shall be responsible for the preparation of the minutes of the meetings.
- 8.2 Minutes shall be taken in accordance with the Council Procedure Bylaw and shall also include:
 - 8.2.1 Record of all motions and voting decisions of the Advisory Planning Commission members;
 - 8.2.2 An overview of the primary factors considered by the Advisory Planning Commission in making a decision.
 - 8.2.3 Summary of dissenting opinions, if any.
- 8.3 Minutes of the Advisory Planning Commission shall be signed by the Chairperson or Acting-Chairperson presiding at the meeting.
- 8.4 Minutes shall be made available to all members of the Advisory Planning Commission, Council, and the public.

9.0 ANNUAL BUDGET

- 9.1 All items of revenue and expenditure relating to the activities of the Advisory Planning Commission shall be included in the annual budget.
- 9.2 No expenditure shall be made by the Advisory Planning Commission that is not provided for in the annual budget of the Town of Gibsons or the annual budget as amended.
- 9.3 All monies received by the Advisory Planning Commission shall be paid into the hands of the Financial Officer of the Town of Gibsons for deposit to the credit of the Town in a general fund bank account.
- 9.4 Accounts for authorized expenditures of the Advisory Planning Commission shall be paid by the Financial Officer of the Town of Gibsons in the same manner as other accounts.

10.0 CONFLICT OF INTEREST

- 10.1 If a Advisory Planning Commission member attending a meeting of the Advisory Planning Commission considers that he or she is not entitled to participate in the discussion of a matter or to vote on a question in respect of a matter because the Advisory Planning Commission member has a direct or indirect pecuniary interest in the matter or for any other reason, the member must declare this and state the general nature of why the member considers this to be the case.
- 10.2 After making the declaration in accordance with Section 10.1, the Advisory Planning Commission member
 - 10.2.1 must not take part in the discussion of the matter and is not entitled to vote on any question in respect of the matter,
 - 10.2.2 must immediately leave the meeting or that part of the meeting during which the matter is under consideration, and
 - 10.2.3 must not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect of the matter.
- 10.3 When the Advisory Planning Commission member's declaration is made under Section 10.1
 - 10.3.1 the person recording the minutes of the meeting must record the member's declaration, the reasons given for it, and the times of the member's departure from the meeting room, and if applicable, the member's return, and
 - 10.3.2 the person presiding at the meeting must ensure that the member is not present at the meeting at the time of any vote on the matter.