

## **TOWN OF GIBSONS**

### **Bylaw No. 1288, 2021**

A Bylaw to establish an Advisory Design Panel in the Town of Gibsons

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

#### **1. CITATION**

1.1 This Bylaw may be cited as the “Town of Gibsons Advisory Design Panel Bylaw No. 1288, 2021.”

#### **2. ESTABLISHMENT OF ADVISORY DESIGN PANEL**

2.1 An Advisory Design Panel is established to advise Council upon:

2.1.1 The design quality of development applications (including but not limited to form and character Development Permits, Zoning Amendments, and OCP Amendments) referred to it from the Planning and Development Services Department and/or Council and to make recommendations to Council on the approval process.

#### **3. PURPOSE AND SCOPE**

3.1 The Design Panel provides a community and quality design perspective on the development application review process and advises Council on the approval process.

3.2 The Design Panel considers the following:

3.2.1 Development Permit Area guidelines outlined in the Official Community Plan;

3.2.2 General principles of good design and practicality of implementing the design improvements as may be suggested by the Design Panel.

3.2.3 New buildings and structures harmonize with neighbouring development;

3.2.4 The building design is of high quality and contributes to the improvement of the public realm;

3.2.5 Ample pedestrian orientation and circulation in commercial and multi-family development;

3.2.6 Integration of economic health, social equity, land use, sustainability, and environmental stewardship into the development;

3.2.7 Due regard for public safety and accessibility;

3.2.8 The intended function of the project, and the existing and future context within which the project is located; and

3.2.9 Compliance with other relevant Town bylaws (such as the Tree Preservation Bylaw);

#### **4. COMPOSITION**

4.1 The Advisory Design Planning is comprised of six (6) regular members. The Advisory Design Panel shall consist of:

4.1.1 Two (2) architects (members or retired members of the Architectural Institute of British Columbia) or urban designers;

4.1.2 One (1) landscape architect (member of the British Columbia Society of Landscape architects) or landscape specialist from a related background;

4.1.3 Three (3) residents and/or property owners of the Town of Gibsons with a combination of backgrounds in:

engineering, urban planning, accessibility, community heritage, real estate, industry, construction, affordable housing, building design, arboriculture, crime prevention, and other fields of specific interest to development form and character.

4.2 Whenever possible, and where professional qualifications identified in section 4.1 are equal, positions on the Design Panel are to be filled by residents and/or property owners of the Town of Gibsons.

#### **5. APPOINTMENT AND MEMBERSHIP**

5.1 Council shall appoint all members to the Design Panel.

5.2 Council shall appoint one member as Chair of the Design Panel, and one member as Vice-Chair of the Design Panel.

5.3 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 (2) years later on December 31st, except the initial appointees, three (3) of whom shall hold office from the date of appointment until the 31st of December 2021 and three (3) of whom shall hold office from the date of appointment until the 31st of December 2022.

5.4 Notwithstanding Section 5.3, 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 Design Panel, Council shall appoint a person to fill such vacancy for the unexpired term of office of the member being replaced.

- 5.5 Advisory Design Panel members can be removed by a resolution of Council.
- 5.6 No member of the Advisory Design Panel shall serve for more than three (3) consecutive terms.
- 5.7 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 Part 4 of the Community Charter.
- 5.8 All members appointed to the Panel shall serve without remuneration.

## **6. LIAISONS**

- 6.1 The following representatives will participate as liaisons and as non-voting members on the Design Panel:

- 6.1.1 A member of Council (or designate);
- 6.1.2 The Director of Planning (or designate);
- 6.1.3 The Director of Infrastructure Services (or designate);

- 6.2 The role of the staff liaisons include:

- 6.2.1 Providing information and professional advice;
- 6.2.2 Serving as one of the communication channels to and from Council.

- 6.3 The role of the Council liaison includes:

- 6.3.1 Bringing such matters to the Design Panel's attention as is appropriate for it to consider in support of Town of Gibsons' Council direction;
- 6.3.2 Serving as one of the communication channels to and from Council.

## **7. VOTING**

- 7.1 All matters before any meeting of the Advisory Design Panel shall be decided by a majority of the voting members present.

- 7.2 All appointed members of the Advisory Design Panel 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 Design Panel who abstains from voting shall be deemed to have voted in the affirmative.

## **8. ELECTION OF CHAIRPERSON**

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

## **9. QUORUM**

- 9.1 The quorum for the Design Panel is four (4) of the voting members appointed under section 3 (Composition).
- 9.2 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.

## **10. MEETINGS AND ATTENDANCE**

- 10.1 Meetings shall be conducted according to the *Community Charter*, the Town of Gibsons Procedure Bylaw and in accordance with Roberts Rules of Order.
- 10.2 The Design Panel shall meet as often as determined by the Director of Planning, in the Council Chambers or another designated meeting space as decided by the Design Panel.
- 10.3 Meetings shall generally be held once a month and not more than twice a month, as determined by the Director of Planning.
- 10.5 Save with respect to matters expressly dealt with or provided for in this bylaw, the rules governing proceedings of the Advisory Design Panel shall be those governing the proceedings of Council under the Procedure Bylaw, insofar as the said rules may be applicable.
- 10.6 The Chairperson shall preside at all meetings of the Advisory Design Panel, 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.

- 10.7 No act or proceeding of the Advisory Design Panel is valid unless it is authorized by resolution at a meeting.
- 10.8 Any appointed member of the Advisory Design Panel who is absent from five (5) consecutive regular meetings, without leave or valid reason satisfactory to the Advisory Design Panel, shall be deemed to have resigned.
- 10.9 If the Advisory Design Panel 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 Design Panel and be heard.
- 10.10 The Planning Department shall contact an applicant for a bylaw amendment or a permit, prior to the meeting of the Advisory Design Panel 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 Design Panel. The Planning Department will forward the information to the applicant and the applicant will contact the Chairperson.
- 10.11 Presentations to the Design Panel shall not exceed ten (10) minutes, with the possibility that a motion can be made to extend the presentation as required.

## **11. MINUTES**

- 11.1 The Director of Corporate Services shall supply a Recording Secretary for the Advisory Design Panel who shall be responsible for the preparation of the agendas and minutes of the meetings.
- 11.2 Minutes shall be taken in accordance with the Council Procedure Bylaw and shall also include:
  - 11.2.1 Record of all motions and voting decisions of the Advisory Design Panel members;
  - 11.2.2 An overview of the primary factors considered by the Advisory Design Panel in making a decision.
  - 11.2.3 Summary of dissenting opinions, if any.
- 11.3 Minutes of the Advisory Design Panel shall be signed by the Chairperson or Acting-Chairperson presiding at the meeting.
- 11.4 Minutes shall be made available to all members of the Advisory Design Panel, Council, and the public.

## **12. ANNUAL BUDGET**

- 12.1 All items of revenue and expenditure relating to the activities of the Advisory Design Panel shall be included in the annual budget.

- 12.2 No expenditure shall be made by the Advisory Design Panel that is not provided for in the annual budget of the Town of Gibsons or the annual budget as amended.
- 12.3 All monies received by the Advisory Design Panel 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.
- 12.4 Accounts for authorized expenditures of the Advisory Design Panel shall be paid by the Financial Officer of the Town of Gibsons in the same manner as other accounts.

### **13. CONFLICT OF INTEREST**

- 13.1 If a Advisory Design Panel member attending a meeting of the Advisory Design Panel 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 Design Panel 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.
- 13.2 After making the declaration in accordance with Section 13.1, the Advisory Design Panel member
  - 13.2.1 must not take part in the discussion of the matter and is not entitled to vote on any question in respect of the matter,
  - 13.2.2 must immediately leave the meeting or that part of the meeting during which the matter is under consideration, and
  - 13.2.3 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.
- 13.3 When the Advisory Design Panel member's declaration is made under Section 13.1
  - 13.3.1 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
  - 13.3.2 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.

### **14. AUTHORITY**

- 14.1 The Design Panel has no decision-making authority.
- 14.2 The Design Panel has no delegated authority from Council.
- 14.3 The Design Panel is reminded that it cannot direct staff or take any action contrary to existing Council policies and directives.

**READ A FIRST TIME** this the 19th day of January, 2021

**READ A SECOND TIME** this the 19th day of January, 2021

**READ A THIRD TIME** this the 19th day of January, 2021

**ADOPTED THIS** the 2nd day of February, 2021

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William Beamish, Mayor

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Lindsey Grist, Corporate Officer