

BYLAW

Advisory Planning Commission

No. 578, 2024

Consolidated for convenience only December 2024

This Consolidation includes the following Bylaw Amendments:

578-01, 2020

578-02, 2024

This version of this bylaw is a consolidation of amendments to the original bylaw as of the date specified. This consolidation is done for the convenience of users and accurately reflects the status of this bylaw as of the specified date but must not be construed as the original bylaw and is not admissible in Court unless specifically certified by the Corporate Officer for the District of Sechelt. Persons interested in the definitive wording of this bylaw and its amendments should view the original bylaws at the District of Sechelt.

DISTRICT OF SEHELDT
Bylaw No. 578, 2019

A Bylaw to establish an Advisory Planning Commission for the District of Sechelt

WHEREAS the District of Sechelt may establish an Advisory Planning Commission pursuant to Section 461 of the *Local Government Act*;

NOW THEREFORE the Council of the District of Sechelt in open meeting assembled enacts as follows:

1.0 CITATION

1.1 The name of this bylaw for citation purposes is “District of Sechelt Advisory Planning Commission Bylaw No. 578, 2019.

2.0 DEFINITIONS

2.1 In this bylaw:

Commission means the Advisory Planning Commission.

Council means the Municipal Council of the District of Sechelt.

District means the municipal corporation of the District of Sechelt.

3.0 MANDATE

3.1 The Advisory Planning Commission is established to advise Council on the following:

- (a) Applications to amend the Official Community Plan
- (b) Applications to amend the uses or densities established in the Zoning Bylaw
- (c) Applications for Temporary Use Permits
- (d) Applications for major form and character Major Development Permits
- (e) Any planning matter which may be referred to the Commission by Council.

3.2 The Advisory Planning Commission acts only in an advisory capacity to Council, and the final decisions in all matters brought before the Commission rests with the Council. Council is not obligated to wait for the Commission’s recommendations before making decisions on issues before them.

4.0 MEMBERSHIP

4.1 The Advisory Planning Commission shall be composed of eleven members with the following conditions:

- (a) No less than nine (9) members shall be residents of the District of Sechelt.”

- 4.2** Council shall seek to provide a well-balanced group and may choose to give preference to members with professional qualifications or expertise in the areas of community planning, architecture, landscape architecture, accessibility, building technology, urban design or sustainability.
- 4.3** Members are appointed for terms of two years, with terms of five (5) members expiring on December 31st of even-numbered years and the terms of four (4) members expiring on December 31st of off-numbered years.
- 4.4** Notwithstanding section 4.3, all members shall continue to hold office until their successors are appointed. In the event 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.
- 4.5** Advisory Planning Commission members can be removed by a resolution of Council.
- 4.6** No member of the Advisory Planning Commission shall serve for more than three (3) consecutive terms.
- 4.7** A Council member, an employee or officer of the District, or an approving officer is not eligible to be a member of an Advisory Planning Commission, but may attend a meeting in a resource capacity.
- 4.8** Council may appoint a Councillor to serve as a non-voting liaison to the Advisory Planning Commission.

5.0 ELECTION OF CHAIR AND VICE-CHAIR

- 5.1** The meetings of the Advisory Planning Commission shall be presided over by a Chair who shall be elected from the Advisory Planning Commission members at the first meeting of each calendar year. The Chair shall appoint another member to service as Vice-Chair in case of the Chair's absence. The Chair shall be entitled to vote at all meetings.
- 5.2** The role of the Chair is limited to a maximum of two years, unless an extension is recommended by the appointed members and approved by Council.

6.0 MEETINGS AND ATTENDANCE

- 6.1** Meetings shall be conducted according to the Community Charter, the District of Sechelt Council Procedures Bylaw and in accordance with Roberts Rules of Order.
- 6.2** The Advisory Planning Commission shall hold regular meetings during each month at such time and place as may be fixed by resolution of Council. Additional meetings may take place as required. The Chair may cancel a meeting where there are no items referred to it.
- 6.3** No act or proceeding of the Advisory Planning Commission is valid unless it is authorized by resolution at a meeting.

- 6.5 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.

7.0 CONFLICT OF INTEREST

- 7.1 If an 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 member has a direct or indirect pecuniary interest in the matter or for any reason, the member must declare this and state the general nature of why the member considers this to be the case.
- 7.2 After making the declaration in accordance with Section 7.1, the Advisory Planning Commission member;
- (a) Must not take part in the discussion of the matter and is not entitled to vote on any question in respect of the matter,
 - (b) Must immediately leave the meeting or that part of the meeting during which the matter is under consideration, and
 - (c) Must not attempt in any way, whether before, during or after the meeting, to influence the voting on any questions in respect of the matter.
- 7.3 When an Advisory Planning Commission member's declaration is made under Section 7.1, the person recording the minutes of the meeting must record the members declaration, the reasons given for it, and the times of the member's departure from the meeting room and their return.

8.0 QUORUM

- 8.1 Quorum is four (4) members.
- 8.2 If quorum is not present within fifteen (15) minutes of the time fixed for the meeting, the Chairperson shall record the names of the members present and the Chairperson shall call another meeting.

9.0 DELEGATIONS AND PARTICIPATION

- 9.1 If the Advisory Planning Commission is considering an amendment to a plan or bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend the meeting of the Advisory Planning Committee and be heard.
- 9.2 The Planning and Development 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 permit is to be considered, to advise the applicant of his or her entitlement to appear before the Advisory Planning Commission. The Planning and Development Department will forward the information to the applicant and the applicant will contact the chairperson.
- 9.3 Advisory Planning Commission meetings are open to the public and a copy of the minutes may be obtained at the District office.

9.4 The Chair may determine if members of the public shall be permitted to address the Commission.

10.0 VOTING

10.1 All matters before any meeting of the Advisory Planning Commission shall be decided by a majority of the members present.

10.2 All appointed members of the Advisory Planning Commission may vote on all questions. In the event of a tie vote, 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

11.0 MINUTES

11.1 The District shall supply a Recording Secretary for the Advisory Planning Commission who shall be responsible for the preparation of the minutes of the meetings.

11.2 Minutes shall be taken in accordance with the District's Council Procedure Bylaw and shall also include:

- (a) Record of members of the Advisory Planning Commission present, District staff and Council members present, and delegations or presentors who have made representation to the Advisory Planning Commission
- (b) Record of all items dealt with by the APC
- (c) Record of all motions and voting decisions of the Advisory Planning Commission members;
- (d) An overview of the primary factors considered by the Advisory Planning Commission in making a decision;
- (e) Summary of dissenting opinions, if any.

11.3 Minutes of the Advisory Planning Commission shall be signed by the Chairperson or Vice-Chairperson presiding at the meeting.

11.4 Minutes shall be made available to all members of the Advisory Planning Commission, Council and the public.

12.0 FINANCIAL ADMINISTRATION

12.1 The members of the Advisory Planning Commission must serve without remuneration, but may be paid reasonable and necessary expenses that arise directly out of the performance of their duties.

12.2 The District shall, in its annual budget, provide for the necessary funds to pay for the operating costs of the Advisory Planning Commission.

12.3 No expenditure shall be made by the Advisory Planning Commission that is not provided for in the annual budget of the District of Sechelt or the annual budget as amended.

12.4 Accounts for authorized expenditures of the Advisory Planning Commission shall be paid by the Financial Officer of the District of Sechelt in the same manner as other accounts.

13.0 TRANSITIONAL

13.1 Provisions of this Bylaw shall not affect the unexpired terms of office of those members appointed to the Commission prior to the adoption of the bylaw.

14.0 SEVERABILITY

14.1 If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

15.0 REPEAL

15.1 The District of Sechelt Advisory Planning Commission Bylaw No. 322, 1997 is hereby repealed.

READ A FIRST TIME THIS 16th DAV OF January, 2019

READ A SECOND TIME THIS 16th DAV OF January, 2019

READ A THIRD TIME THIS 16th DAV OF January, 2019

ADOPTED THIS 6th DAV OF February, 2019

Mayor

Corporate Officer *A rMW*