

TOWN OF SIDNEY

BYLAW NO. 1672

A BYLAW TO ESTABLISH AN ADVISORY PLANNING COMMISSION.

WHEREAS the Town of Sidney Council has established under Section 898 of the *Municipal Act* a commission to be known as the Town of Sidney Advisory Planning Commission (the "Commission");

AND WHEREAS the Council wishes to make provision under Section 898 of the *Municipal Act* for appointing as members of the Commission persons who are not members of Council and to prescribe the procedures governing and matters to be considered by the Commission;

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

1. This bylaw may be cited for all purposes as the "**Advisory Planning Commission Bylaw No. 1672**"

2. **Establishment**

Pursuant to the provisions of the *Municipal Act*, Part 26, Division 5, Section 898, there is hereby established a Town of Sidney Planning Commission to be known as the Advisory Planning Commission, hereinafter referred to as "the Commission".

3. **Membership**

3.1 The Commission shall consist of ten (10) members, of which at least two-thirds (2/3) shall be residents of the Town of Sidney, appointed by Council.

3.2 Three (3) members of the Commission shall have appropriate professional design qualifications including but not restricted to architects, heritage, landscape architects, planners and design consultants.

3.3 One (1) member of the Commission shall have an appropriate professional environmental background.

3.4 One (1) member of the commission shall have an appropriate professional heritage background;

3.5 In the event that representatives cannot be appointed pursuant to 3.2 and 3.3, then additional members-at-large will be appointed.

3.6 Five (5) members shall be appointed for a two (2) year term by the first Council meeting held in December of each even year to take affect January of the new year.

- 3.7 Five (5) members shall be appointed for a two (2) year term by the first Council meeting held in December of each odd year to take affect January of the new year.
- 3.8 No member of the Commission shall serve for more than three (3) consecutive terms.
- 3.9 In the event that a member serves more than 3/4 of a term, it shall be for the purposes of this bylaw to be considered a term.
- 3.10 In the event of a vacancy, Council shall within thirty (30) days of such vacancy appoint a new member to fill the vacancy for the unexpired term thereof.
- 3.11 At any time, Council may revoke the appointment of any member of the Commission by a 2/3 majority of Council members present.
- 3.12 Council may grant a member of the Commission a temporary leave of absence for a time greater than two (2) consecutive months, but not greater than four (4) consecutive months in any given twelve (12) month span. If a member of the Commission has received Council's permission for a leave from the Commission, Council shall then appoint a replacement member for the period of the approved absence.
- 3.13 A Council member or employee of the Town of Sidney is not eligible to be a member of the Commission, but may attend meetings in a resource capacity.
- 3.14 The Commission may from time to time invite resource persons to attend meetings in an advisory capacity only and such persons shall not have voting privileges.
- 3.15 An alternate member may be appointed to the Commission for a one year term. The alternate member may attend all meetings and shall only vote when a member is absent.

4. Procedure

- 4.1 At its first meeting following annual appointments by Council, the Commission shall elect from among its members a Chairperson and Vice Chairperson.
- 4.2 A majority of the persons appointed to the Commission constitute a quorum of the commission.
- 4.3 Roberts Rules of order shall apply to the Commission.
- 4.4 A member of the Commission who abstains from voting shall be deemed to have voted in the affirmative.

- 4.5 All meetings of the Commission shall be at the call of the Chairperson, and where possible will be held on the first and third Tuesday of each month.
- 4.6 All matters brought before the Commission shall be decided by a majority of the members of the Commission present at the meeting.
- 4.7 All meetings of the Commission shall be held in open session except where 2/3 of the Commission members present resolve to close the Commission Meeting on the basis of one of the grounds allowed under the Municipal Act in which case the resolution shall state the fact that the meeting is to be closed and the basis under which the meeting is to be closed.
- 4.8 Council may appoint a Secretary to attend the Commission meetings in a non-voting capacity to record minutes and the Commission's budget shall pay the costs of providing said Secretary services.
- 4.9 The Secretary shall cause proper records of all proceedings to be kept including minutes of all meetings and perform such other duties as required by the Commission.
- 4.10 The minutes of the Commission's meetings, forthwith after their verification, shall be certified correct by the Chairperson and delivered to the Corporate Administrator's Department to be presented to Council for receipt and consideration of Commission recommendations.
- 4.11 Where any member of the Commission or his/her family or his/her employer or his/her business associates has any interest in any matter being considered by the Commission, that member shall absent his/herself from all aspects of that consideration.

5. Terms of Reference:

It shall be the duty of the Commission:

- 5.1 To advise Council on items which have been referred to the Commission by Council.

The Commission shall deliver a written report to Council on the matter referred to it by Council:

- i. within sixty (60) days from the date of the Council referral; or
- ii. within a period of time specified in the referral.

- 5.2 To consider all matters respecting land use, planning or proposed bylaws, amendments and permits under Division (2) (3) (7) (9) and (11) of Part 26 of the *Municipal Act* that are referred to it by Council. These matters shall include the design merits of plans submitted in support of applications and consideration shall be given to the following principles:
 - i. professional critique on the overall design;

- ii. the character of the proposed development in relation to its surroundings;
- iii. site development, including landscaping and preservation of natural amenities;
- iv. building design with reference to human needs, including size of entrances and location of same, view, privacy and noise;
- v. outdoor lighting and signs;
- vi. other concerns which may relate to matters of health, safety, security, amenity and public interest.

5.3 To consider all matters with regards to transportation, townscape and long range planning that are referred to the Commission by Council.

5.4 To consider environmental and heritage matters referred to the Commission.

6. Financial Administration

6.1 Council shall include in its annual budget such sums as Council deems necessary to meet the expenses of the Commission.

6.2 The Commission nor any member of the Commission shall not any commitments on behalf of the Town of Sidney nor incur any expenditures charged against the Town of Sidney without the prior approval of Council.

7. Rescinding Bylaw

Bylaw No. 1595 – “Advisory Planning Commission Bylaw No. 1595” is hereby repealed.

Introduced and read a first time the 12th day of February, 2001.

Read a second time the 12th day of February, 2001.

Read a third time the 12th day of February, 2001.

Adopted the 26th day of February, 2001.

MAYOR

CORPORATE ADMINISTRATOR