

TOWN OF SIDNEY

BYLAW NO. 2181

A BYLAW TO ESTABLISH AN ADVISORY PLANNING COMMISSION.

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

1. Citation

This bylaw may be cited for all purposes as the Town of Sidney “**Advisory Planning Commission Bylaw No. 2181, 2019**”.

2. Definitions

“Commission” means the Advisory Planning Commission of the Town of Sidney.

“Council” means the Mayor and Councillors of the Town of Sidney.

“Town” means the Town of Sidney.

3. Establishment

A commission to be known as the Advisory Planning Commission, pursuant to Section 461 of the *Local Government Act*, is hereby established.

4. Mandate

The Commissions’ mandate is as follows:

- 4.1 To advise Council on matters which have been referred to the Commission by Council and report back to Council:
 - i. within 60 days from the date of the Council referral; or
 - ii. within a period of time specified in the referral.
- 4.2 To consider all matters respecting land use, community planning or proposed bylaws and permits under Part 14 of the *Local Government Act* that are referred to the Commission 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 and amenities.
- 4.3 To consider environmental matters referred to the Commission by Council.
- 4.4 To consider all matters with regards to transportation, townscape and long range planning that are referred to the Commission by Council.

- 4.5 To consider heritage matters, under Part 15 of the *Local Government Act*, referred to the Commission by Council.

5. Membership

- 5.1 The Commission shall be comprised of 9 members, appointed by Council resolution, and include the following:
- i. 2 members with professional design qualifications, including but not restricted to architects, heritage, landscape architects, planners and design consultants;
 - ii. 1 member with professional environmental background;
 - iii. 1 member with professional heritage background; and
 - iv. 5 members of community at large.
- 5.2 A member of Council shall be appointed to serve as a non-voting liaison to the Commission.
- 5.3 In accordance with the *Local Government Act*, at least 2/3 (6) of the membership shall be residents of the Town.
- 5.4 In the event that representatives cannot be appointed pursuant to Section 5.1i, 5.1ii or 5.1iii, then additional residents of the Town will be appointed.
- 5.5 Appointment of members shall be for a 2-year term.
- 5.6 No member of the Commission shall serve for more than 3 consecutive terms (6 consecutive years). 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.
- 5.7 Members who have served the maximum tenure permitted are subject to a mandatory 1 year of absence from the Commission prior to seeking re-appointment for any subsequent term.
- 5.8 In the event of a vacancy, Council shall within 30 days of such vacancy appoint a new member to fill the vacancy for the balance of the term.
- 5.9 A member of the Commission may resign at any time upon sending written notice to the Town.
- 5.10 Council may terminate the appointment of any member of the Commission at any time.
- 5.11 If a member of the Commission is absent from 4 consecutive meetings of the Commission, except due to illness or with leave of Council, the member's appointment shall be reconsidered by Council.
- 5.12 Council may grant a member of the Commission a temporary leave of absence for a time greater than 2 consecutive months, but not greater than 4 consecutive months in any given 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.

- 5.13 A Council member or employee of the Town is not eligible to be a member of the Commission, but may attend meetings in a resource capacity.

6. Procedure

- 6.1 At the first meeting of each calendar year, the Commission shall elect from among its members a Chairperson and Vice Chairperson.
- 6.2 A majority (5) of the persons appointed to the Commission constitute a quorum of the commission.
- 6.3 The meeting rules and procedures will be in accordance with the Council & Committees Procedure Bylaw, and subsequently Robert's Rules of Order.
- 6.4 The Commission will meet on the first and third Tuesday of each month, provided however, where there is no business to transact a meeting will not be necessary.
- 6.5 All matters brought before the Commission shall be decided by a majority of the members of the Commission present at the meeting.
- 6.6 All meetings of the Commission shall be open to the public, except where permitted under the *Community Charter*, in which case the Commission may do so by adopting a resolution in accordance with the *Community Charter*.
- 6.7 A public participation opportunity is not provided at a meeting of the Commission, however members of the public wishing to speak in respect to a matter before the Commission may do so by speaking directly to Council at a Council Meeting, or may submit written correspondence to the Town. Correspondence addressed to the Commission will be forwarded to Council.
- 6.8 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.
- 6.9 When the Commission is considering an amendment to a plan or bylaw, or the issuance of a permit, the applicant or the applicant's representative for the amendment or permit is entitled to attend the meeting and to be heard.
- 6.10 Minutes of the Commission are not verbatim and shall include a summary of the discussions at the meeting and the Commission's resolutions. Meetings of the Commission may be audio recorded for minute taking purposes, and once the minutes have been approved by the Commission the audio recording shall be deleted.
- 6.11 The draft minutes of the Commission shall be reviewed by the presiding Chairperson and delivered to the Town's Corporate Officer for reporting to Council as soon as practical.
- 6.12 Minutes of the Commission, once approved by the Commission, shall be signed by the presiding Chairperson, and delivered to the Town's Corporate Officer for safekeeping.

7. Conflict of Interest

- 7.1 Where any member of the Commission attending a meeting of the 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 the matter, because the member has:
- i. a direct or indirect pecuniary interest in the matter; or
 - ii. another interest in the matter which constitutes a conflict of interest,
- the member must declare this and state in general terms the reason why the member considers this to be the case.
- 7.2 After making the declaration under Section 7.1, the member of the Commission must not:
- i. remain or attend at any part of the meeting referred to in Section 7.1 during which the matter is under consideration;
 - ii. participate in any discussion of the matter at such a meeting;
 - iii. vote on a question in respect of the matter at such a meeting; or
 - iv. attempt in any way, whether before, during or after such a meeting, to influence the voting on the question in respect of the matter.

8. Financial Administration

- 8.1 Council shall include in its annual budget such funds as Council deems necessary to meet the expenses of the Commission.
- 8.2 The Commission nor any member of the Commission shall not make commitments on behalf of the Town nor incur any expenditures charged against the Town without the prior approval of Council.

9. Rescinding Bylaw

The Town of Sidney "Advisory Planning Commission Bylaw No. 1672, 2001" and amendments thereto, are hereby repealed.

Read a first time the	25 th day of	November, 2019.
Read a second time the	25 th day of	November, 2019.
Read a third time the	25 th day of	November, 2019.
Adopted the	16 th day of	December, 2019.

MAYOR

CORPORATE OFFICER