

CITY OF SPRUCE GROVE

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
BYLAW NO. C-439-02**

Being a Bylaw to establish the Subdivision and Development Appeal board for the City of Spruce Grove

WHEREAS the Council wishes to establish a Subdivision and Development Appeal Board as required under the Municipal Government Act, R.S.A.2000, c M-26, as amended:

NOW THEREFORE the Council of the City of Spruce Grove hereby ENACTS AS FOLLOWS

Title

1. This Bylaw may be cited as the “Subdivision and Development Appeal Board Bylaw”

Definitions

2. The following words and terms are defined as follows:
 - a. “Spruce Grove” means the area within the legal boundaries of the City of Spruce Grove;
 - b. “Act” means the Municipal Government Act, R.S.A.2000, c M-26, as amended;
 - c. “Appellant” means a person who has served a written Notice of Appeal as set out in Division 10 of Part 17 of the Act;
 - d. “Applicant” means a person who made the initial application upon which an appeal is based or authorized person acting on his behalf;
 - e. “Board” means the Subdivision and Development Appeal board of the City of Spruce Grove established pursuant to this Bylaw;
 - f. “City” means the Municipality of the City of Spruce Grove;
 - g. “Council” means the Council of the City of Spruce Grove;
 - h. “Development Officer” means one of the persons appointed to the office of Development Officer by Council; and
 - i. “Member” means a member of the Subdivision and Development Appeal Board appointed pursuant to this Bylaw.

Establishment

3. A Subdivision and Development Appeal Board is hereby established.

Membership and Term

4. The Board shall consist of not less than three (3) members appointed by resolution of Council, as follows:
 - a. One (1) member shall be an alderman, as appointed by resolution of Council; and
 - b. The remaining members shall be appointed by resolution of Council from residents of Spruce Grove.

Council shall also appoint, by resolution, an alternate for the alderman, who shall attend Board hearings when the designated alderman is not available.

5. No member of the City’s Subdivision or Development Approving Authority may be appointed as a member of the Board.

6. The term of office for all members shall be not more than three (3) years commencing on January 1st following appointment and shall terminate on December 31st of the final year.
7. A member may serve more than one (1) term but in no event shall a member serve more than three (3) consecutive terms.
8. In the event of a vacancy, Council may by resolution, appoint a new member to serve for the remainder of the vacating member's term.

Quorum, Chair and Rules of Procedure

9. A quorum at any Board hearing shall be three (3) members. One (1) member shall be the designated alderman or the alderman's alternate.
10. At each hearing, the members of the Board who are present at the hearing shall designate one (1) member as Chair. The Board member who is also a member of Council shall not be designated as Chair.
11. For those matters not covered in Part 17 of the Act or the regulations thereto or this Bylaw, the Board shall determine the procedures for the conduct of hearings.

Functions and Duties

12. The board shall hear appeals from a decision of the Subdivision Authority or the Development Authority.
13. An order, decision or approval made, given or issued by the Board shall be issued by the Board as a statement of the Board under the signature of the Board Secretary.
14. The granting and duration of an adjournment is at the discretion of the Board.
15. Where in the opinion of the Board an adjournment is warranted, the Board may request technical information, legal opinions or other assistance and may adjourn the hearing for this purpose.
16. **The Chair:**
 - a. Shall be responsible for the conduct for the meeting;
 - b. May limit a submission if it is determined to be repetitious or in any manner inappropriate; and
 - c. Shall, when a hearing is tabled or adjourned and a time is not fixed for its continuation, announce that notice of the continuation of the meeting shall be sent to those persons leaving their name and address with the secretary. Thereafter, only those persons leaving their name and address shall be entitled to notice of the continuation of the hearing.
17. Once the hearing is closed, the Board shall not hear or consider any additional verbal or written evidence.
18. After hearing the appeal, the Board shall deliberate and reach its decision in private. In arriving at its decision, the majority vote of those members present shall constitute the decision of the Board.
19. A decision of the Board is not final until notification of the decision is given in writing.
20. A member who, for any reason, is unable to attend the whole of the hearing of an appeal shall not participate in the Board's deliberations or the decision made by the Board on that appeal.
21. If a member has a direct or indirect pecuniary interest in any matter before the Board, or if a member is aware of any reason which may likely lead him to entertain a bias when hearing any matter, the member shall declare such interest or likelihood of bias to the Board and shall abstain from discussion or voting upon such matter, and such abstention shall be recorded in the Minutes.

Fees

22. On filing an appeal, the appellant shall pay to the City the fee set out in the Schedule of Fees for the Planning and Development Division, which is passed by resolution of Council.

Adoption of Bylaw

23. Upon the coming into force of this Bylaw, the members of the Development Appeal Board appointed pursuant to Bylaw No. C-273-95 are continued as members of the Board under this Bylaw for the balance of their original terms upon which members will then be appointed in accordance with this Bylaw.
24. Bylaw No. C-273-95 is repealed upon third reading of this Bylaw.

This Bylaw shall take effect on the date of its final reading.

First Reading Carried 9 September 2002

Second Reading Carried 15 October 2002

Third Reading Carried 15 October 2002

Mayor

Manager of Administrative Services