

BY-LAW NO. 148

BEING A BY-LAW OF THE SUMMER VILLAGE OF GHOST LAKE,
IN THE PROVINCE OF ALBERTA, TO ESTABLISH A
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

WHEREAS PURSUANT TO THE PROVISIONS of the Municipal Government Act, Chapter M-26.1, 1994 as amended, the Summer Village of Ghost Lake must, by by-law, establish a Subdivision and Development Appeal Board; and

WHEREAS the Council deems it desirable to establish a Subdivision and Development Appeal Board;

NOW THEREFORE the Council of the Summer Village of Ghost Lake in the Province of Alberta, duly assembled, hereby enacts as follows:

1. This By-law may be cited as the Summer Village of Ghost Lake Subdivision and Development Appeal Board By-law.
2. In this By-law:
 - (a) "Act" means the Municipal Government Act, Chapter M-26.1, 1994 as amended.
 - (b) "Council" means the Council of the Summer Village of Ghost Lake.
 - (c) "Development Authority" means the person, agency or authority, which is authorized as the authority to exercise the powers and duties on behalf of the Municipality in the issuance of permits for development in accordance with Land Use By-law 94.
 - (d) "Municipality" means:
 - (i) the Municipal Corporation of the Summer Village of Ghost Lake;
 - (ii) where the context requires, means the area of land contained within the boundaries of the Municipality's corporate limits.
 - (e) "Subdivision Authority" means the person, agency, or authority authorized by by-law as the authority to exercise the powers and duties on behalf of the Municipality in the approval or refusal of applications for subdivision.

ESTABLISHMENT OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

3. The Subdivision and Development Appeal Board for the Summer Village of Ghost Lake (*hereinafter referred to as the Board*) is hereby established and shall consist of the following:
 - (a) The Board shall be composed of not less than three (3) members who shall be appointed by resolution of Council upon adoption of this By-law.
 - (b) The majority of the Board shall be citizen members.
 - (c) Each member of the Board shall be appointed for a term specified by Resolution of Council, but in no case shall the appointment be for more than three (3) years.
 - (d) Notwithstanding clause (c), a person may be re-appointed upon the expiry of his term.
 - (e) No person who is the designated Subdivision or Development Officer or a Member of the Subdivision Authority shall be appointed to the Board.
 - (f) Vacancies shall be filled by resolution of Council.
 - (f) Vacancies shall be considered to have occurred upon:
 - (i) a member ceasing to own property in the Summer Village;
 - (ii) death of a member;




- (iii) resignation of a member or upon ceasing to hold office as a Councillor;
 - (iv) retirement of a member;
 - (v) being absent for three (3) consecutive meetings;
 - (vi) for cause.
- (h) The members of the Board shall elect from its membership a Chairman and a Vice-Chairman.
 - (i) Elections of the Chairman and Vice-Chairman shall occur at the first meeting of the Board after adoption of this By-law, and the first meeting following the annual organizational meeting of Council.
 - (j) In the event of absence or inability of the Chairman to preside at a meeting, the Vice-Chairman shall preside.
 - (k) In the event of absence or inability of both the Chairman and Vice-Chairman to preside at a meeting, the members present, in constituting a quorum shall elect one of its members to preside as Chairman for the meeting.
 - (l) All appointees shall be required to disclose any conflict of interest in the same manner as required of an elected official under the provisions of the Act.
 - (m) If a conflict is declared, that member shall not sit or vote on that item before the Board.
 - (n) Council, by resolution, shall appoint a Secretary to the Board, who shall not have a vote.
 - (o) Two (2) members of the Board present shall constitute a quorum.
 - (p) Only those members present at any meeting of the Board may vote on any matter before it.
 - (q) The setting of fees for any matter coming before the Board shall be established by resolution of Council.

DUTIES AND RESPONSIBILITIES

4. The Board:

- (a) Shall hold a public hearing on an appeal by any person affected by a decision of the Subdivision Authority on a subdivision application or the Development Authority on a development application.
- (b) Shall hold a public hearing on an appeal by a person affected by an order issued by the Development Authority under Section 645 of the Act.
- (c) May meet as frequently as is necessary, but it shall meet and hold a public hearing within thirty (30) days from receipt of a written notice of appeal.
- (d) Upon receipt of a written notice of appeal, shall meet and establish a date, time and place for the public hearing and shall give at least five (5) days notice in writing of the public hearing to:
 - (i) the appellant;
 - (ii) the Subdivision or Development Authority that made the decision;
 - (iii) the applicant, or the person acting on his behalf, if not the appellant;




- (iv) those persons required to be notified under the Land Use By-law;
 - (v) those owners of land that are adjacent to the subject land and that were notified by the subdivision approval authority;
 - (vi) if land that is the subject of the application is adjacent to the boundaries of another municipality, that municipality;
 - (vii) any school authority to whom the application was referred;
 - (viii) every Government department that was given a copy of the application pursuant to the subdivision and development regulations;
 - (ix) any other persons that the Board considers to be affected by the appeal and should be notified.
- (e) Shall make available for public inspection all relevant documents and materials respecting the appeal including the application for the subdivision or permit, the Subdivision or Development Authorities decision, the letter of appeal, or the order of the Development Authority.
- (f) At the Public Hearing, shall hear:
- (i) the appellant or any person acting on his behalf;
 - (ii) the Chairman of the Subdivision Authority on subdivision applications;
 - (iii) the Development Officer on development permits or orders;
 - (iv) the Municipality's designated planning advisor;
 - (v) the applicant or his agent acting on his behalf for the subdivision or development permit, if he is not the appellant;
 - (vi) any person who was served with notice of the hearing;
 - (vii) any other person who claims to be affected by the order or decision and that the Board agrees to hear;
 - (viii) consider any written submissions from any person referred to in sub-clauses (i) to (vii).
- (g) Hear appeals in public, but it may at any time deliberate in camera.
- (h) Give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the hearing.
- (j) In determining an appeal:
- (i) must have regard to any statutory plan;
 - (ii) must conform with the uses of land referred to in Land Use By-law 94;
 - (iii) must be consistent with the land use policies;
 - (iv) must have regard to but is not bound by the subdivision and development regulations;
 - (v) may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision or development authority or make or substitute an approval, decision or condition of its own;
 - (vi) may, in addition to the other powers it has, exercise the same power as a subdivision or development authority is permitted to exercise pursuant to the Act or the regulations or by-laws.
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- (k) May make an order or decision or issue or confirm the issue of a subdivision decision or development permit notwithstanding that the proposed subdivision or development does not comply with the land use regulations, if in its opinion, the proposed subdivision or development would not:
 - (i) unduly interfere with the amenities of the neighbourhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of the neighbouring properties.
 - (l) shall, however, not allow the permanent use of land or a building not listed as a "Permitted Use" or "Discretionary Use" in the district in which the building or land is situated.
5. The Secretary shall:
- (a) notify all members of the Board of the arrangements for the holding of the hearings and other meetings of the Board.
 - (b) ensure that notices of the hearings of the Board are given to all affected parties;
 - (c) prepare and maintain a file of written minutes of business transacted at all meetings of the Board, copies of which shall be regularly filed with Council;
 - (d) issue all notices of decision of the Board;
 - (e) carry out such other administrative duties as the Board may specify.
6. Development Appeal Board By-law No. 95 is hereby repealed.
7. This By-law comes into full force and effect on the date of its third reading.

READ A FIRST TIME this 15th day of August, 1995 A.D.

READ A SECOND TIME this 12th day of September, 1995 A.D.

READ A THIRD TIME and finally passed this 12th day of September, 1995 A.D.

MAYOR 

SECRETARY-TREASURER 