

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO.999

A BYLAW TO ESTABLISH AN ADVISORY PLANNING COMMISSION.

WHEREAS, pursuant to Section 461 of the *Local Government Act*; Council may, by bylaw establish an Advisory Planning Commission;

The Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts as follows:

1. TITLE

This Bylaw may be cited for all purposes as “Advisory Planning Commission Bylaw No 999, 2014”.

2. INTERPRETATION

In this bylaw, “Commission” means the Cumberland Advisory Planning Commission, and “Council” means the Council of the Village of Cumberland.

3. PURPOSE

The Cumberland Advisory Planning Commission is established.

4. FUNCTION

The function of the Commission is to advise Council on all matters referred to it by Council (as referred to in Section 461(1) of the *Local Government Act*).

5. REFERRALS

The Director of Development and Bylaw Services is authorized to refer the following matters to the Commission for review: *[Bylaw 1259]*

- (a) Official Community Plan Bylaw amendments,
- (b) Zoning Bylaw amendments,
- (c) Temporary use permit applications,
- (d) Complex development permit and development variance permit applications, and
- (f) Any planning related request that is referred to it by Council.

6. *[Deleted by Bylaw 1199]*

7. MEMBERSHIP

1. The Commission shall consist of a minimum of five and a maximum of seven appointed members.
[Former 2 deleted by Bylaw 1259]
2. The Village will strive to achieve representation from all parts of the Village. Areas of interest that will be sought are:
 - a) The education sector
 - b) Environmental matters
 - c) Land development industry
 - d) Affordable housing *[Bylaw 1259]*
 - e) Local business community
 - f) Representative of youth in the community
 - g) Representative of the community aged 65+ population
 - h) Architect or landscape architect; and
 - i) Representatives of the community at large. *[Bylaw 1096]*
3. The appointment of members to the Commission shall be by resolution of Council.
4. Commission members shall be appointed by Council to a four-year term, and may be reappointed for further terms. *[Bylaw 1096, 1199]*
- 4.1 Appointments to the Commission expire on February 28 of the year following a general local election. *[Bylaw 1199, 1259]*
5. In event of a vacancy occurring among the appointed members of the Commission, Council may appoint a new member to fill such vacancy for the unexpired portion of the term.
6. Any appointed member who is absent from three consecutive regularly scheduled meetings, without having provided a satisfactory reason to the Commission chair, shall be deemed to have resigned from the Commission.
7. If a member of the Commission receives Council permission for a leave of absence, Council shall then appoint a replacement member for the period of the approved absence. Such a leave of absence shall be for a time greater than two consecutive months but not exceeding six consecutive months in any given 12 month period.

8. Employees, Council members and the approving officer of the Village of Cumberland may not be appointed as members of a Commission.
9. A Commission member may be removed by a two-thirds (2/3) vote of Council.

8. CHAIR AND SECRETARY

1. The Commission chair shall be selected, at the first meeting in each and every year, by the members of the Commission.
2. If the chair is absent from any meeting of the Commission, the members present shall elect one of their numbers to serve as acting chair and the member so elected shall preside at such meeting.
3. A Commission shall choose, at the first meeting in each and every year, a secretary to record and submit the minutes in a format dictated by the Village, to the Deputy Corporate Officer.

9. MEETINGS

1. Meetings shall be called within one month of any application referred to the Commission by Council. The Commission must consider any application referred to it and a recommendation made to Council within 45 days of the date of referral to the Commission, unless the application has been withdrawn. If no recommendation is made within that time, Council will consider the application without a recommendation from the Commission. Nothing in this section precludes Council from considering any application at any time whether or not the application has been referred to the Commission.
2. The secretary of the Commission shall forward copies of notices and agendas for meetings of the Commission to all members and to the Deputy Corporate Officer of the Village at least 24 hours prior to a meeting.
3. A majority of the Commission members shall be deemed to be a quorum.
4. In the event that a quorum is not present within 15 minutes after the time appointed for a meeting, the names of those present will be recorded and the meeting shall be cancelled.

10. MINUTES AND RECOMMENDATIONS

1. Minutes of the Commission shall be on the form provided and shall contain the following information:
 - a) Date, time and location of the meeting;
 - b) Members of the Commission, both present and absent;
 - c) Items dealt with by the Commission;
 - d) Delegations who have made representation to the Commission;

- e) Discussion of items dealt with by the Commission;
 - f) Recommendation to Council stating the following:
 - i) Item to be approved, with stated reasons; or
 - ii) Item to be recommended subject to various conditions, with conditions stated; or
 - iii) Item to be denied with reasons stated;
 - g) The mover and seconder of each recommendation shall be recorded, whether the recommendation was carried or defeated.
2. Minutes of the Commission will be submitted to the Village within 10 days following the meeting of the Commission. *[Bylaw 1259]*
3. Recommendations shall be adopted by a simple majority of the Commission present.

11. REPRESENTATION

- 1. The chair or delegate of the Commission may, on behalf of the Commission make representation either verbally or in writing to Council.
- 2. No member of the Commission shall, on behalf of the Commission, make representation either verbally or in writing, to any member of the public, government agency, media or other meeting, unless they have been directed to do so by Council.
- 3. Planning department staff shall contact an applicant of a bylaw amendment or a permit, prior to the meeting of the Commission at which the bylaw amendment or the permit is to be considered, to advise the applicant of his/her entitlement to appear before the Commission.
- 4. The applicant may speak to their application the meeting.

12. PUBLIC REPRESENTATION

Commission meetings are open to the public for observation only, and public can request to be a delegation.

13. EXPENSES

- 1. Members of the Commission shall serve without remuneration except that any reasonable and necessary expenses that arise directly out of performance of their duties be reimbursed to them from the annual budget of the Commission that has received approval of Council.

2. Commission expenses may include hall rentals for commission meetings, postage, photocopying, other general expenses and reasonable expenses for educational purposes.
3. Commission expenses shall be reimbursed at rates provided for in the Village of Cumberland travel expense policy.

14. INTERPRETATION

Whenever the singular or masculine is used in this Bylaw, the same is deemed to include the plural or feminine or the body politic or corporate as the context requires.

READ A FIRST TIME THIS	23rd	DAY OF	June	2014.
READ A SECOND TIME THIS	14th	DAY OF	July	2014.
READ A THIRD TIME THIS	14th	DAY OF	July	2014.
ADOPTED THIS	28th	DAY OF	July	2014.

Mayor

Corporate Officer