

SUMMER VILLAGE OF BURNSTICK LAKE
BYLAW NO. 5-92

Being a Bylaw of the Summer Village of Burnstick Lake in the Province of Alberta, to establish a Development Appeal Board.

WHEREAS pursuant to the provisions of the Planning Act being Chapter P-9 of the Revised Statutes of Alberta, 1980 and amendments thereto, the Council may establish a Development Appeal Board; and

AND WHEREAS the Council of the Summer Village of Burnstick Lake deems it desirable to pass a Development Appeal Board Bylaw;

NOW THEREFORE, THE COUNCIL OF THE SUMMER VILLAGE OF BURNSTICK LAKE DULY ASSEMBLED ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the Summer Village of Burnstick Lake Development Appeal Board Bylaw.
2. In this Bylaw:
 - (a) "Act" means The Planning Act, R.S.A. 1980, Chapter P-9, as amended.
 - (b) "Council" means the Council of the Summer Village of Burnstick Lake.
 - (c) "Development Officer" means a person appointed by resolution of Council as a Development Officer who is authorized to act on behalf of Council in those matters delegated to him by the Land Use Bylaw.
 - (d) "Land Use Bylaw" means Land Use Bylaw No. 99 of the Municipal District of Clearwater No. 99 insofar as the provisions of that Bylaw apply to the Municipality by reason of Order in Council 1024/91, and any replacement Land Use Bylaw enacted by the Council pursuant to the Act.
 - (e) "Municipality" means
 - (i) The Municipal Corporation of the Summer Village of Burnstick Lake, and
 - (ii) where the context requires, means the area of land contained within the boundaries of the municipality's limits.

ESTABLISHMENT OF DEVELOPMENT APPEAL BOARD

3. The Development Appeal Board for the Summer Village of Burnstick 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 the adoption of this Bylaw and any or all of whom may be members of the Council.
 - (b) Each member of the Board shall be appointed for a term specified by Resolution of Council.
 - (c) Notwithstanding clause (b), a person may be re-appointed upon the expiry of his term.
 - (d) No person who is a Development Officer shall be appointed to the Board.
 - (e) Vacancies shall be filled by resolution of Council.

- (f) The members of the Board shall elect from its membership a Chairman and an Vice-Chairman.
- (g) Elections of the Chairman and Vice-Chairman shall occur at the first meeting of the Board after the adoption of this Bylaw.
- (h) In the event of absence or inability of the Chairman to preside at a meeting, the Vice-Chairman shall preside.
- (i) 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.
- (j) Council, by Resolution, shall appoint a Secretary to the Board, who shall not have a vote.
- (k) A majority of the appointed number of Board members shall constitute a quorum.

DUTIES AND RESPONSIBILITIES

4. The Board:

- (a) shall hold a public hearing on an appeal by any person affected by a decision of the Development Officer on a development permit;
- (b) shall hold a public hearing on an appeal by a person affected by an order issued by the Development Officer under Section 81 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 the 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 Development Officer;
 - (iii) the applicant, or the person acting on his behalf if not the appellant;
 - (iv) the Director of the Red Deer Regional Planning Commission or his assigned staff member;
 - (v) any other person 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 a development permit, the Development Officer's decision, the letter of appeal, or the order of the Development Officer as the case may be;
- (f) at the public hearing, shall hear:
 - (i) the appellant or any person acting on his

- behalf;
- (ii) the Development Officer;
- (iii) the Director of the Red Deer Regional Planning Commission or a member of his staff;
- (iv) any person who was served with notice of the hearing;
- (v) any other person who claims to be affected by the order or decision and that the Board agrees to hear;
- (g) hear appeals in public, but it may at any time deliberate in camera;
- (h) give its decision in writing together with reasons of the decision within fifteen (15) days of the conclusion of the hearing;
- (i) shall make and keep written records of the proceedings and a summary of the evidence presented at the hearing;
- (j) in determining an appeal, shall comply with the Red Deer Regional Planning Commission's Regional Plan, and the Land Use Bylaw subject to subsections (l) and (m);
- (k) may confirm, revoke, or vary the order, decision, or any condition attached to the development permit or order to make or substitute an order, decision, or condition of its own;
- (l) may make an order or decision or issue or confirm the issue of a development permit notwithstanding that the proposed development does not comply with the Land Use Bylaw, if in its opinion, the proposed 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;
- (m) shall however, not allow the permanent use of land or building not listed as a "Permitted Use" or "Discretionary Use" in the district in which the building or land is situated.

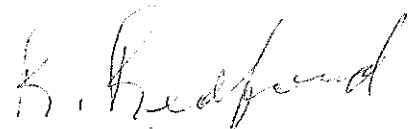
5. The Secretary shall:

- (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 the 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;

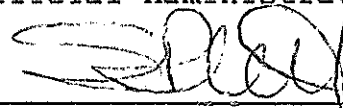
(e) carry out such other administrative duties as the Board may specify.

6. This Bylaw comes into force upon third reading thereof.

READ a first, second and third time and finally passed this 9th day of March A.D. 1992.



Official Administrator



Municipal Administrator