

ADVISORY PLANNING COMMISSION BYLAW

BYLAW NO. 2268

CONSOLIDATED FOR CONVENIENCE

JULY 30, 2003

**In case of discrepancy, the original Bylaw
or amending bylaw must be consulted.**

Consolidates Amendments authorized by:

- Amendment Bylaw (No. 1), 2003, No. 2554

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2268

A Bylaw to establish an Advisory Planning Commission and provide for its composition and procedures.

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

Establishment

1. This bylaw may be cited as the “ADVISORY PLANNING COMMISSION BYLAW, 1996, NO. 2268”.
2. Pursuant to the provisions of the *Municipal Act*, Part 29, Division 1, Section 955, a Commission, to be known as the “Esquimalt Advisory Planning Commission” (A.P.C.), is hereby established.
3. Council shall include in its annual budget such sums as are necessary to defray the expenses of the Commission.

Members

4. The Commission shall consist of seven (7) members appointed by Council who are not members of Council or officers or employees of the Township and of whom six (6) are residents of the Township of Esquimalt. *[Bylaw No. 2554]*
5. Council may appoint three (3) members of the Commission who hold appropriate design qualifications, including but not restricted to, architects, landscape architects, and design consultants. *[Bylaw No. 2554]*
6. Members of the Advisory Planning Commission shall be appointed for two year terms, with the terms of 4 members expiring on December 31st of even-numbered years and the terms of 3 members expiring on December 31st of odd-numbered years. *[Bylaw No. 2554]*
7. At its first meeting in January in each year following the establishment of the Advisory Planning Commission, Council shall appoint new members to the Commission as required.

8. No member of the Commission shall serve for more than three (3) consecutive terms.
9. At any time, the Council may revoke the appointment of any member of the Commission.
10.
 - (a) If a member of the Commission is absent, except with leave of the Council, from three (3) consecutive meetings of the Commission, the member's appointment shall be terminated.
 - (b) If a member of the Commission has received Council's permission for a leave for the Commission, Council shall then appoint a replacement member for the period of the approved absence.
11. Whenever a vacancy arises on the Commission, Council shall within thirty (30) days of such vacancy, appoint a person to fill such vacancy for the balance of the term.
[Bylaw No. 2554]
12. All members of the Commission shall serve without remuneration, but any Commission member may be paid by the Township for reasonable and necessary expenses as defined by existing Council policies.

Procedure

13. At its first meeting each year, the Commission shall elect from among its members a Chairperson who shall preside over the meetings of the Commission.
14. All meetings of the Commission shall be at the call of the Chairperson, and where possible will be held the third Tuesday of each month.
15. Four (4) members of the Commission shall constitute a quorum. *[Bylaw No. 2554]*
16. Subject to the provisions of subsections (a) and (b) hereof, the Commission may adopt rules for its procedure and may from time to time vary such rules by the affirmative vote of a majority of all the members of the Commission. Where no rule has been made then the rules of procedure of Esquimalt Council shall apply except that:
 - (a) all questions except the adoption or varying of rules as heretofore provided, shall be decided by a simple majority vote of the members present at the meeting. In the case of a tie vote the question shall be defeated,

- (b) if during a meeting of the Commission any ruling of the Chairman is challenged by a member, the Chairman's ruling shall immediately be put to a vote without debate and the result of such vote shall govern, and
 - (c) a failure to vote is considered a vote in the affirmative. [Bylaw No. 2554]
17. All meetings of the Commission shall be held in open session and where the Commission is considering an amendment to a plan or bylaw or the issuance of a permit, the applicant for the amendment or permit only is entitled to be heard.

Duties and Referrals

18. The Commission shall advise Council on all matters respecting land use, community planning or proposed bylaws and permits under the *Municipal Act* which are referred to it by Council.
19. The Advisory Planning Commission shall deal with all applications for a rezoning, an amendment to the Official Community Plan, or a development permit prior to the application being considered by Council..
20. The Commission shall deal expeditiously with all matters referred to it by Council and shall submit its recommendation, with reasons therefore, to the Council:
- (a) within thirty (30) days; or
 - (b) within a period of time specified in the referral.
21. Each Advisory Planning Commission agenda and the minutes of each meeting shall be forwarded to Council for information. Once the minutes of an Advisory Planning Commission meeting have been received by Council, they are available to the public upon request.
22. When making recommendations, the Commission shall take into consideration:
- (a) professional critique of the merits of the overall design;
 - (b) the character of the proposed development in relation to its surroundings and its effect on neighbourhood amenities;
 - (c) site development, including landscaping and preservation of natural amenities;
 - (d) building design in reference to human needs including convenience of access, protection of views, provision of light, maintenance of privacy and mitigation of noise;
 - (e) outdoor lighting and signs;

- (f) the promotion of health, safety, security, convenience, and the public interest;
 - (g) other land use matters;
 - (h) transportation alternatives.
23. The Commission shall before making a recommendation to the Council consider any applicable official community plan or local area plan and may consult the Planning Officer or other staff of the Township.
24. After consideration of rezoning applications, the A.P.C. will:
- (a) Recommend approval of the application to Council together with any special conditions; or
 - (b) Recommend rejection of the application to Council; or
 - (c) Recommend to Council that consideration of the application be postponed pending the receipt of technical information; or
 - (d) Where the Commission is unable to come to a recommendation, the matter in question shall be referred directly to Council.
25. A recommendation of the Advisory Planning Commission will be made available to the applicant or their agent in writing within 48 hours of the Commission's consideration of their application. Recommendations of the Commission will not be made available to persons other than the applicant or agent until the recommendation has been placed on a Council agenda.
26. The Commission shall cause proper minutes to be kept of its proceedings. The Township of Esquimalt shall provide a secretary for the A.P.C. meetings.
27. Deleted. [Bylaw No. 2554]
28. Pursuant to s. 898(5) of the *Local Government Act* a designated Council member, employee or officer of the Township, or the designated Approving Officer for the Township, may attend a meeting of the Commission in a resource capacity only and may be invited to speak by the Chair. [Bylaw No. 2554]
29. An amendment to the Zoning Bylaw, a community plan, or any permit shall not be invalid by reason of non-compliance on the part of the Commission with the provisions of this bylaw.
30. The Township of Esquimalt Advisory Planning Commission Bylaw, 1975, No. 1505, and Amending Bylaw No. 1523 (Amendment No. 1) are hereby repealed.

Read a first time by the Municipal Council on May 5, 1997.

Read a second time by the Municipal Council on May 5, 1997.

Read a third time by the Municipal Council on May 5, 1997.

Third reading reconsidered and bylaw amended by the Municipal Council on May 12, 1997.

ADOPTED by the Municipal Council on May 26, 1997.

R. T. RICE
MAYOR

R. SERIGHT
MUNICIPAL CLERK