

# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

## BYLAW NO. 2792

A Bylaw to establish an Advisory Planning Commission and to 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 of Commission**

1. This bylaw may be cited as the "ADVISORY PLANNING COMMISSION BYLAW, 2012, No. 2792".
2. The Council establishes an advisory planning commission to perform the functions set out in this bylaw, referred to hereafter as the Commission.
3. Council shall include in its annual budget such sums as are necessary to defray the expenses of the Commission.

### **Commission Membership**

4. The Commission shall consist of fourteen members appointed by Council who are not members of Council or officers or employees of the Township, and of whom at least ten are residents of the Township of Esquimalt. In making appointments the Council shall have regard to the qualifications of design review subcommittee members set out in section 8.
5. At the establishment of the Commission, Council shall appoint members as follows:
  - a. Seven members shall be appointed for a term expiring on December 31, 2013; and
  - b. Seven members shall be appointed for a term expiring December 31, 2014.
6. Upon the expiry of the initial terms, all new appointments shall be made for a term of two years.
7. At the establishment of the Commission, and at all times thereafter, the Council shall designate seven members as members of a design review subcommittee of the Commission, referred to hereafter as the Design Review Committee.
8. The Design Review Committee shall, to the extent that appropriately qualified members have been appointed to the Commission under section 4, be composed of two members of the Architectural Institute of BC, two members of the BC Society of Landscape Architects, and three members with knowledge or experience in heritage conservation, building access for persons with disabilities, crime prevention through environmental design, energy conservation, environmentally sustainable building design and construction or another field relevant to urban design.

9. No member of the Commission shall serve for more than three consecutive terms, including any term on any advisory planning commission of the Township established prior to the enactment of this bylaw.
10. At any time, the Council may revoke the appointment of any member of the Commission and appoint another member in that member's place, having regard to the qualifications of Design Review Committee members set out in section 8.
11. If a member of the Commission is absent, except with leave of the Council, from three consecutive meetings of the Commission, the member's appointment shall be deemed to have been terminated.
12. If a member of the Commission has received Council's permission for a leave from the Commission's meetings, Council may appoint a replacement member for the period of the approved absence.
13. Whenever a vacancy arises on the Commission, Council shall within thirty days of such vacancy or such longer period as may be required to identify an eligible replacement member, appoint a person to fill such vacancy for the balance of the term.
14. All members of the Commission shall serve without remuneration, but any Commission member may be paid by the Township for reasonable and necessary expenses that are reimbursable according to policies adopted by the Council from time to time.

### **Commission Procedure**

15. At its first meeting each calendar year, the Design Review Committee shall elect from among its members a Chairperson who shall preside over the meetings of the Committee, and the remaining members of the Commission, referred to hereafter as the "APC", shall elect from among their number a Chairperson who shall preside over the meetings of the APC.
16. All meetings of the APC shall be at the call of the Chairperson, and shall be held monthly on the third Tuesday of each month unless, in any particular month, a quorum of four cannot be assembled on that day, in which case the meeting may be on another day on which a quorum is available.
17. All meetings of the Design Review Committee shall be at the call of the chairperson and shall be held as required to deal with matters that have been referred to the Committee. A quorum of the Design Review Committee is four.
18. Subject to the provisions of subsections (a) and (b), the APC and the Design Review Committee may each adopt rules for their procedure and may from time to time vary such rules by the affirmative vote of a majority of all their members. 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 procedural 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; and
  - b. if during a meeting any ruling of the Chairperson is challenged by a member, the Chairperson's ruling shall immediately be put to a vote without debate and the result of such vote shall govern.
19. All meetings shall be open to the public and where the APC or Design Review Committee is considering an amendment to a plan or bylaw or the issuance of a permit, the applicant is entitled to be heard. The public will be given an opportunity to speak to the application at a Council meeting but will not be given an opportunity to speak to an application during an APC or Design Review Committee meeting.
  20. The APC and Design Review Committee shall cause proper minutes to be kept of their respective proceedings. The Township shall provide a recording secretary for the meetings of the APC and Design Review Committee.
  21. Resource persons may attend APC and Design Review Committee meetings as follows:
    - a. Any Council member, employee or officer of the Township, or the Approving Officer for the Township, may attend a meeting in a resource capacity and may be invited to speak by the Chair.
    - b. Other persons may, by invitation, attend meetings in an advisory capacity and may be invited to speak by the Chair.
    - c. Persons attending meetings in a resource or advisory capacity shall not vote on matters under consideration.
  22. Neither an amendment to the Zoning Bylaw or Official Community Plan nor any permit shall be invalid by reason of non-compliance on the part of the APC or the Design Review Committee with the provisions of this bylaw dealing with procedure.

### **Duties and Referrals**

23. The APC shall advise Council on all matters respecting land use, community planning and proposed bylaws and permits under the *Local Government Act*, other than matters referred to the Design Review Committee under Section 24, which are referred by Council or by Township staff pursuant to the Township's development application procedures and fees bylaw.
24. The Design Review Committee shall advise Council on matters of urban design arising with respect to:
  - a. applications for development permits in development permit areas for the establishment of objectives for the form and character of development, other than Development Permit Area No. 5 unless the Council refers the application to the Design Review Committee, and not including applications that are within the jurisdiction of the Director of Development Services unless the Director refers the application to the Design Review Committee;

- b. applications for amendments to official community plans or zoning bylaws that establish or amend form and character guidelines, including applications initiated by the Township;
  - c. applications for zoning bylaw amendments in connection with which the applicant proposes a specific building design, that are referred to the Design Review Committee by Council or by the Director of Development Services; and
  - d. applications for heritage alteration permits.
25. The APC and Design Review Committee shall deal expeditiously with all matters referred to it and shall submit a recommendation, with reasons, to the Council or the Director of Development Services, as the case may be, within 30 days of the referral or such shorter period of time as the Council or Director may specify in the referral.
26. Each APC and Design Review Committee agenda and the minutes of each meeting shall be forwarded to Council and the Director for information. Once the minutes of a meeting have been received by Council, they shall be made available to the public for inspection, upon request.
27. The APC shall before making a recommendation to the Council consider any applicable official community plan or local area plan and may consult the Director of Development Services or other staff of the Township, and in relation to any rezoning application shall recommend approval or rejection of the application, approval of the application subject to conditions recommended by the APC, or postponement of Council consideration of the application pending receipt of additional information from the applicant.
28. The Design Review Committee in relation to any application for a development permit or heritage alteration permit may recommend the approval of the application subject to any condition or requirement that the Committee recommends, having regard to the relevant provisions of the *Local Government Act*, or postponement of Council consideration of the application pending receipt of additional information from the applicant including changes in the proposed design that are in the Committee's opinion necessary for compliance with the applicable development permit guidelines or heritage protection, as the case may be.
29. A recommendation of the APC or Design Review Committee shall be made available to the applicant or their agent, in writing, within 48 hours of consideration of the application.

### **Repeal**

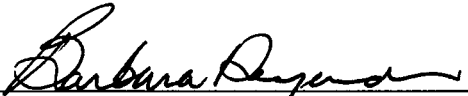
30. The Township of Esquimalt Advisory Planning Commission Bylaw, 1997, No. 2268 is repealed and the appointments made pursuant to that bylaw are rescinded.


Read a first time by the Municipal Council on 19<sup>th</sup> day of November, 2012.

Read a second time by the Municipal Council on 19<sup>th</sup> day of November, 2012.

Read a third time by the Municipal Council on 19<sup>th</sup> day of November, 2012.

ADOPTED by the Municipal Council on 21<sup>st</sup> day of January, 2013.

  
\_\_\_\_\_  
BARBARA DESJARDINS  
MAYOR

  
\_\_\_\_\_  
ANJA NURVO  
CORPORATE OFFICER

