



OFFICE CONSOLIDATION

BYLAW NUMBER 25P95

**BEING A BYLAW OF THE CITY OF CALGARY TO ESTABLISH A
SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

(As Amended by Bylaw Numbers 18P2000, 4P2001, 8P2002, 22P2002, 22P2005, 17P2007, 33M2008, 35P2009)

WHEREAS Section 627 of the *Municipal Government Act*, as amended, requires the establishment of a Subdivision and Development Appeal Board for The City of Calgary, and

WHEREAS Section 145 and 626 of the said Act require Council to provide for the procedure and conduct of bodies established by Council;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "The Subdivision and Development Appeal Board Bylaw".
2. In this Bylaw, unless the context otherwise requires:
 - (a) "Act" means the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended or replaced from time to time
 - (b) "Board" means the Subdivision and Development Appeal Board established by virtue of this Bylaw;
 - (c) "Calgary Planning Commission" means the Calgary Planning Commission established by bylaw of the City;
 - (c.01) "City Clerk" means the position of City Clerk as established by Bylaw 73M94."
 - (c.1) "City Manager" means the individual appointed by Council to the position of Chief Executive Officer from time to time;
 - (d) "Council" means the municipal council of the City;
 - (e) "City" means The City of Calgary;
 - (f) "Designated Officer" means a designated officer as defined in the Act;
 - (g) "Development Authority" means a development authority as provided for in Part 17 of the Act; and
 - (h) "Subdivision Authority" means a subdivision authority as provided for in Part 17 of the Act.

(B/L 4P2001, 2001 January 15)
(B/L 22P2002, 2002 December 2)
(B/L 22P2005, 2005 October 3)
(B/L 17P2007, 2007 June 1)

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3. (a) There is hereby established a Subdivision and Development Appeal Board.
- (b) The Board shall, subject to Section 4, be composed of a minimum of ten (10) to maximum of twelve (12) members, who shall be appointed by resolution of Council.
(B/L 33M2008, 2008 June 23)
4. (1) No person shall be appointed as a member of the Board:
 - (a) who is an employee of The City,
 - (b) who carries out subdivision or development powers, duties and functions on behalf of the City, or
 - (c) who is a member of the Calgary Planning Commission.
- (2) No more than two (2) members of Council may be appointed to be members of the Board at any one time.
- (3) A member of Council appointed to the Board shall not hear nor make a determination in respect of an appeal brought before the Board if the appeal relates to a development located or proposed to be located in that Council member's ward.
- (4) (a) Council shall appoint members of the Board by resolution;
- (b) Members of the Board, who are not members of Council shall be appointed for one-year January 1 to December 31 terms.
(B/L 35P2009, 2009 July 27)
- (5) DELETED BY BYLAW 35P2009, 2009 JULY 27
- (6) DELETED BY BYLAW 35P2009, 2009 JULY 27
- (7) In the event that a member of the Board who is not a member of Council is absent from two (2) consecutive meetings of the Board without first providing the Chairman with notice of and reasons for the member's absence (the sufficiency of such reasons to be determined by the Chairman in his sole discretion), that member of the Board shall be deemed to have resigned his or her position as a member of the Board.
- (8) Vacancies on the Board caused by retirement or resignation of a member of the Board may be filled by resolution of Council for the balance of that member's term only and the Board may continue to operate and conduct business until vacancies are filled provided that quorum requirements are fulfilled.
- (9) Each Board member, excluding those members who are members of Council, shall be paid an honorarium in accordance with and in the manner specified in a resolution approved, and amended from time to time, by Council.
(B/L 18P2000, 2000 October 16)
(B/L 22P2002, 2002 December 2)
(B/L 22P2005, 2005 October 3)

- 4.1 (a) In the event that a Subdivision and Development Appeal Board appointed pursuant to Sections 3 and 4 is unable to reach quorum on a specific appeal, Council shall appoint a Board to hear only that specific appeal or appeals, as the case may be, for which quorum could not be reached.
- (b) The Board appointed pursuant to subsection (a), shall be composed of a minimum of ten (10) to a maximum of twelve (12) members, who shall be appointed by a resolution of Council.
- (c) Any appointment made pursuant to subsection (a) shall comply with the requirements of Sections 4(1), (2) and (3).
- (d) DELETED BY 35P2009, 2009 JULY 27
- (e) Prior to hearing the appeal or appeals for which it is appointed, the members of a Board appointed pursuant to subsection (a) shall appoint a Chairman of the Board and may appoint a Vice-Chairman of the Board.
- (f) Notwithstanding Section 9(1), a Board established pursuant to subsection (a) shall meet regularly and as many times as necessary to complete the appeal hearings for which it was appointed.
- (B/L 8P2002, 2002 March 18)
(B/L 33M2008, 2008 June 23)
5. (1) The quorum of the Board shall be five (5) members of the Board.
- (2) Where Council appoints more than ten (10) members to the Board, the Board shall sit with a maximum of ten (10) members on each appeal, which members shall be selected by the Chairman in his sole discretion.
- (3) Notwithstanding subsections (1) and (2):
- (a) quorum of the Board shall be three (3) members of the Board for appeals pertaining exclusively to:
- (i) decks associated with single detached dwellings, semi-detached dwellings and duplex dwellings,
 - (ii) secondary suites,
 - (iii) garages associated with single detached dwellings, semi-detached dwellings and duplex dwellings,
 - (iv) fences,
 - (v) signs,
 - (vi) changes of use,

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- (vii) home occupations and live work units
and any associated preliminary issues.
 - (b) For those matters referenced in subsection (a), the Board shall sit with a maximum of five (5) members.
 - (c) When the Board sits as specified in subsections (a) and (b), the Chairman shall, in his sole discretion:
 - (i) select the Board members to preside over specified appeals, in accordance with subsection (4), and
 - (ii) appoint a Chairman for the purpose of the said appeals if he is not a presiding member of the Board hearing the appeal.
 - (4) (a) Members of Council shall not form a majority of the Board hearing an appeal.
 - (b) Notwithstanding subsection (a), a maximum of one (1) member of Council appointed to the Board may sit with the Board for those matters referenced in subsection (3)(a).
(B/L 33M2008, 2008 June 23)
6. The members of the Board shall annually appoint a Chairman of the Board and may annually appoint a Vice-Chairman of the Board.
(B/L 18P2000, 2000 October 16)
7. (1) The City Clerk is hereby appointed as the designated officer for the purposes of subsection 630(1) of the Municipal Government Act R.S.A. 2000, c.M-26, as amended.
- (2) An order, decision, approval, notice or other thing made or given by the Board may be signed on behalf of the Board by the City Clerk.
- (3) The City Clerk shall not sign an order, approval or decision made by the Board unless the order, approval or decision has been first approved in writing:
 - (a) by the Chairman or other member of the Board who chaired the hearing of the appeal to which the order, approval or decision relates, or
 - (b) in the absence or inability to act of the person who chaired such hearing, any other member of the Board who was present at such hearing.
(B/L 4P2001, 2001 January 15)
(B/L 22P2005, 2005 October 3)
(B/L 17P2007, 2007 June 1)
- 7.1 (a) A person who files a notice of appeal with the Board shall, at the time such notice of appeal is filed, pay to the City a fee of TWENTY FIVE DOLLARS (\$25.00) in respect of each such notice of appeal.

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- (b) A notice of appeal will not be considered as having been filed unless the notice of appeal and fee referred to in subsection (a) above have been received by the City Clerk within the time period for filing a notice of appeal prescribed by the Act.
- (c) The fee referred to in subsection (a) above shall not be waived or refunded under any circumstances.

(B/L 22P2002, 2002 December 2)
(B/L 17P2007, 2007 June 1)

- 8. Subject to and in accordance with the provisions of the Act, the Board shall hear and make determinations in respect of appeals brought in respect of
 - (a) decisions of a Subdivision Authority which are to be heard by the Board pursuant to Section 678 (2) of the Act,
 - (b) orders, decisions or development permits made or issued by a Development Authority as contemplated by Section 685 of the Act, and
 - (c) such other matters as the Board may now or may hereafter be required to hear by the Act or by bylaw of the City.
- 9. (1) The Board shall meet regularly, not less frequently than once each calendar month and as otherwise determined necessary by the Chairman, in his sole discretion.
- (2) Each member of the Board present at a meeting of the Board shall have a vote except for the person chairing the meeting who shall not vote except to break a tie amongst the remaining members of the Board.
- (3) The Board shall have the power to establish such other rules relating to matters of the operation and conduct of business of the Board as are deemed appropriate by the Board.

(B/L 33M2008, 2008 June 23)

- 10. The Development Appeal Board Bylaw, being Bylaw Number 4P80 of the City, is hereby repealed.

- 11. Notwithstanding Subsection 4(4), all persons who are members of the Subdivision and Development Appeal Board at the coming into force of Bylaw 25P2009 shall have their current terms terminated 31 October 2009 and are hereby appointed to terms commencing 2009 November 1 and expiring 2009 December 31.

(B/L 35P2009, 2009 July 27)

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12. This Bylaw shall come into force on the date it is passed.

READ A FIRST TIME THIS 13TH DAY OF NOVEMBER, 1995.

READ A SECOND TIME AS AMENDED THIS 13TH DAY OF NOVEMBER, 1995.

READ A THIRD TIME AS AMENDED THIS 13TH DAY OF NOVEMBER, 1995.

(Sgd.) A. Duerr
MAYOR

(Sgd.) D. Widdes
DEPUTY CITY CLERK

UNCERTIFIED COPY