

The Corporation Of The Township of Stone Mills Bylaw Number 2012-629

Being a bylaw to govern the proceedings of The Township Of Stone Mills Committee Of Adjustment.

WHEREAS the Planning Act, R.S.O. 1990, Chapter P.13 has defined a "local board" to include any school board, public utility commission, transportation commission, public library board, board of park management, board of health, police services board, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or of two or more municipalities or portions thereof; and

WHEREAS The Township of Stone Mills Committee of Adjustment is considered to be a local board as defined by the Planning Act; and

WHEREAS Section 238(2) of the Municipal Act, S.O. 2001 c.25 as amended provides that: "Every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings"; and

WHEREAS Section 239 of the Municipal Act, S.O. 2001 c. 25 provides that "Except as provided in this section, all meetings shall be open to the public" however, "A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act".

NOW THEREFORE the Council of The Corporation Of The Township Of Stone Mills enacts as follows:

1. This bylaw shall be known as the Procedural Bylaw for The Township Of Stone Mills Committee Of Adjustment.
2. That the schedule for the regular meetings of the Committee of Adjustment shall be identified on Schedule "A" which is attached hereto and forms part of this bylaw.
3. That Schedule "A" may be amended at any time by a motion duly carried at a regular meeting of the Committee of Adjustment without an amendment to this bylaw.
4. For the purposes of this bylaw, the following words or phrases shall have the meanings associated therewith.

Word Or Phrase	Definition
Agenda Package	Includes the meeting agenda for the meeting to which it pertains, all responses to the Notice of Application for each application being considered, the Notice of Application for each application and the proposed conditions pertaining to the approval of each application
Chairperson	The Chairperson of the Committee of Adjustment
Comments	Shall include any verbal presentation or concerns expressed by any person at a meeting of the Committee of Adjustment and pertaining to a specific application
Commenting Body	Those persons, positions, provincial ministries or agencies as prescribed by Sections 45 or Section 53 of the Planning Act as applicable, and shall specifically include the Clerk, Public Works Manager, Chief Building Official and Fire Chief for the Township of Stone Mills, the Quinte Conservation Authority and such other persons or bodies deemed appropriate by the Secretary with regard to the specific application and to whom a Notice of Application was provided
Committee	Members of the Committee of Adjustment as appointed by Council
Council	The elected Council of The Corporation Of The Township Of Stone Mills
Meeting	A meeting of the Committee of Adjustment held for the purpose of considering applications for minor variance and consents pursuant to the provisions of the Planning Act.
Member	An individual appointed by the Council to the Committee of Adjustment
Quorum	A majority of the members of the Committee of Adjustment
Secretary	The Secretary Treasurer of the Committee of Adjustment as appointed by the Council and shall include any person that has been delegated the same responsibility in the absence of the Secretary Treasurer
Township	The Corporation Of The Township Of Stone Mills

5. Intent

- 5.1. The intent of this bylaw is to provide the rules and procedures for which the Committee will conduct business on behalf of the Township.
- 5.2. The rules and procedures identified herein shall be observed in all proceedings of the Committee and shall constitute the rules of order and the dispatch of business before the Committee.
- 5.3. The Committee may temporarily suspend one or more of the rules by a vote of the majority of the Members present only as they pertain to a change in the order of the agenda business.
- 5.4. The conduct of meetings and members with respect to matters not specifically addressed in this By-law, generally shall be in accordance with the Statutory Powers Procedures Act, RSO 1990, c.S.22, as amended, and the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, as amended. Conduct not covered by these

Acts shall otherwise be in accordance with the Bylaw that governs the proceedings of meetings of Council and the Committees of Council for the Township of Stone Mills.

- 5.5. Where the content of this bylaw refers to the masculine gender, it shall be deemed to include the feminine gender and vice-versa.
- 5.6. Where the content of this bylaw refers to the singular, it shall be construed to include the plural where applicable.

6. Members

- 6.1. No person shall act as a Member of the Committee unless that person has been appointed as a Member of the Committee by the Council.
- 6.2. The Chairperson and the Vice Chairperson of the Committee shall be elected by the Members from among those appointed by Council at the first meeting of the Committee following the inaugural meeting of the Council and the election shall be conducted by the Secretary.
- 6.3. The Chairperson and the Vice Chairperson shall be elected for the term of the Committee.
- 6.4. The Chairperson shall be counted in determining a quorum and is entitled to all the rights of a Member on the Committee including voting on motions, however the Chairperson shall not introduce a motion but may second a motion.
- 6.5. Where the Chairperson is absent from a meeting, the Vice Chairperson shall assume the duties of the Chairperson.
- 6.6. Where the Chairperson and the Vice Chairperson are absent from a meeting, the Secretary shall, from among the Members, request a Member to act as Chair of the meeting.

7. Meetings

- 7.1. All special meetings of the Committee shall be called by the Chairperson or the Secretary in consultation with the Chairperson.
- 7.2. All meetings of the Committee shall be open to the public and no person shall be excluded therefrom except for improper conduct at the discretion of the Chairperson.
- 7.3. In consultation with the Chairperson, the Secretary may cancel or reschedule any meeting.
- 7.4. All meetings of the Committee shall be held at the Centreville Hall in the Municipal Office of the Township of Stone Mills.
- 7.5. Notice of meetings shall be posted on the website for the Township of Stone Mills and included in all application packages.
- 7.6. Notice of a meeting for Members shall constitute the Agenda.

8. Agendas

- 8.1. The Secretary shall prepare an agenda for each meeting.

- 8.2. The agenda shall identify the business to be dealt with at that meeting and the business shall be listed in the following order:
 - i. Call To Order
 - ii. Additions Or Deletions To Agenda
 - iii. Approval Of Agenda
 - iv. Declaration Of Conflict Of Interest Or The General Nature Thereof
 - v. Adoption Of Minutes
 - vi. Business Arising From Minutes
 - vii. Minor Variance Applications
 - viii. Severance Applications
 - ix. Deputations (Other Than Pertaining To Applications)
 - x. Other Business
 - xi. Adjournment
- 8.3. Applications to be considered at the next meeting of the Committee shall be provided to the Members at the meeting immediately prior to the meeting at which the applications will be considered.
- 8.4. The agenda package shall be made available to each Member of the Committee at least five days prior to the meeting.

9. Conduct Of Meetings

- 9.1. The meeting shall be called to order by the Chairperson at the scheduled time.
- 9.2. The majority of the members of the Committee shall constitute a quorum. If a quorum is not present at a scheduled meeting, all matters scheduled to be considered at that meeting shall be deferred.
- 9.3. If a quorum is not present thirty minutes after the time scheduled for the meeting, the Chairperson of the meeting or the Secretary shall discharge those Members present and shall cancel and/or re-schedule the meeting.
- 9.4. Where the particulars concerning an application are discussed or if the correspondence has been read, the Committee is seized of the application and a decision must be made with respect to the application.
- 9.5. The Chairperson shall call each application in the order determined by the agenda or in an order determined by the Committee as authorized by motion of the Committee.
- 9.6. The Chairperson shall ask the applicant or his authorized agent or representative to attend at the table and to introduce him to the panel.
- 9.7. At the request of the Chairperson, the Secretary shall read aloud all recommendations including a synopsis of any concerns arising from the circulation of the Notice of Application.
- 9.8. Members of the Committee may ask questions of the applicant through the Chairperson, including whether or not the applicant understands the conditions requested and whether the applicant has any questions or comments on same.

10. Conflicts Of Interest Or The General Nature Thereof

- 10.1. Members of the Committee shall disclose any pecuniary interest or the general nature thereof on any matter to be considered at the meeting.
- 10.2. When a Member has disclosed a conflict of interest or the general nature thereof, a notation of this conflict shall be recorded in the minutes of that meeting, and when the matter for which the conflict is being discussed, the Member shall remove himself entirely from the room in which the matter is being discussed.
- 10.3. The Member shall not at any time, attempt either on his own behalf, or while acting for, by or through another person, to influence the voting on any matter or to influence an employee of the Township or any person who may have an interest in a contract with the Township in respect of any matter to which the conflict of interest or the general nature thereof pertains.

11. Deferral Of Applications

- 11.1. A communication in writing from the applicant or his agent requesting a deferral of an application may be considered by the Committee in the absence of the applicant or his agent.
- 11.2. A request for deferral of an application to a later meeting date shall be for a reasonable cause and the Committee shall set a new meeting date for consideration of the deferred application.
- 11.3. The Committee shall by motion indicate the requirements or conditions for a deferral.
- 11.4. If no person is present to represent an applicant at the time the application is to be considered by the Committee, that application will be deferred to the next scheduled meeting of the Committee.
- 11.5. If the Committee commences discussions respecting the particulars of an application, the Committee will be seized of the application and the Committee shall make a decision with respect to the application.
- 11.6. When an application has been deferred, a Notice of Deferral shall be circulated to all persons who received the original Notice of Application advising persons of the date of the meeting at which the application will be considered.
- 11.7. The Notice of Deferral shall be circulated in a like manner and in accordance with the time requirements of the Notice of Decision.
- 11.8. An application may be deferred for a maximum of two times, following which the application will be denied.
- 11.9. An application shall not be deferred for a period of time greater than six months from the date the application was originally scheduled to be heard.

12. Presentations

- 12.1. The Chairperson shall invite all persons having an interest in the application to come forward, state their name and address and provide any comments or concerns respecting the application being considered.

- 12.2. Any person presenting comments or concerns relating to an application shall ensure that all comments or concerns are relative to the application being considered as determined by the Chairperson.
- 12.3. The Chairperson shall provide the presenter with sufficient time to present all comments or concerns relating to the application.
- 12.4. The Chairperson may restrict the presentation of any comments at a meeting when the nature of the comments are repetitive of comments already received, however this shall not be construed to restrict any person(s) from stating his concurrence with comments already received.
- 12.5. The Chairperson shall provide the applicant and Members the opportunity to respond to any comments expressed by any person attending the meeting or any comments or recommendations received from commenting agencies.

13. Consideration of Applications

- 13.1. Applications to be considered by the Committee of Adjustment and accepted between the first day of any month and the last day of that same month shall be processed in the month immediately following the month in which the application was accepted.
- 13.2. For the purposes of this section, processed shall mean the development of a file, the preparation of the Notice of Application and the distribution of the Notice of Application and such associated information relevant to the application in accordance with the requirements of the Planning Act.
- 13.3. An application that has been processed in any given month shall be considered by the Committee of Adjustment at a public meeting held in the month following the processing of the application and in accordance with Schedule "A" attached hereto.
- 13.4. No decision shall be made by the Committee of Adjustment with respect to an application until such time as the application is considered at a public hearing.
- 13.5. No application shall be discussed between Members prior to a public meeting.
- 13.6. The Committee shall not approve an application other than the one applied for.
- 13.7. The Committee may approve minor amendments to an application arising from recommendations from a commenting body, from comments received at the public meeting, to address a concern of a Member of the Committee or at the request of the applicant, however any amendment to the application shall be specifically included in the approval granted with respect to that application.
- 13.8. An application shall not be approved by the Committee unless the purpose and effect of the application is in conformity with the applicable provisions of the Official Plan and the Provincial Policy Statements.
- 13.9. The Committee in considering an application shall have regard to an official plan or an amendment to an official plan that has been

adopted by the Council but has not yet received approval by the Minister.

- 13.10. An application that proposes to create a new lot by severance shall not be approved unless the severed and the retained lot complies the requirements of the zoning bylaw.
- 13.11. Where a property is a legal non-conforming use and a severance would create additional non-conforming attributes, the severance shall not be granted unless relief is obtained from the zoning bylaw by amendment or minor variance.
- 13.12. A decision of the Committee with respect to an application shall whenever possible be consistent with a recommendation from a commenting body, however when a decision is made with respect to an application that is not consistent with a recommendation of a commenting body, the Committee shall by motion provide an explanation as to why the decision of the Committee was inconsistent with the recommendation of the commenting body.

14. Decisions

- 14.1. After having considered the application together with any responses from the applicant and having heard all comments from persons present at the meeting, the Chairperson shall ask the members of the Committee for a decision with respect to the application being considered.
- 14.2. All decisions of the Committee pertaining to an application shall be by motion of the Committee.
- 14.3. All Members present at a meeting must vote on a motion pertaining to a decision respecting an application unless a Member has disclosed a pecuniary or other conflict of interest in respect to the application prior to the application being considered.
- 14.4. No decision of the Committee on an application for a minor variance is valid, unless it is concurred by the majority of the members of the Committee that heard the application, and the decision of the Committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision, and shall be signed by the Members who concur in the decision.
- 14.5. The Secretary, immediately prior to the calling of a vote on a motion for the purposes of a provisional approval, shall provide a brief description of each condition to be included with the approval of an application.

15. Conditions

- 15.1. Conditions imposed by the Committee in respect to the approval of an application shall be justified, relate to the application, are intended to address a policy requirement of the Township or are intended to address an issue respecting the application.
- 15.2. Where a condition of approval of an application requires that the Council enter into an agreement with the applicant and Council having considered the purpose and content of the agreement, is of the opinion that the agreement is not in the best interests of the Township, and as such fails to endorse the agreement, the approval

granted with respect to the application will be deemed to be denied.

16. Voting:

- 16.1. All voting shall be by a show of hands.
- 16.2. A vote shall be taken at the direction of the Chair on each motion duly moved and seconded. Voting shall continue on each motion put forward by a Committee Member until a clear and deliberate decision is made by a majority vote on a motion.
- 16.3. A decision shall not be made as a result of a tie vote.
- 16.4. A Member may at any time prior to the calling of a vote on a motion of the Committee, request that a recorded vote be taken by the Secretary, and upon such a request being received, the Secretary shall poll each Member with respect to the motion and shall record this vote and announce the results of this vote and the recorded vote shall be indicated in the minutes of that meeting in which the recorded vote was requested.
- 16.5. When the Secretary receives a request for a recorded vote, the Secretary shall poll each Member in the alphabetical order of the last name of each Member, however in all instances, the Chairperson shall be the last Member to cast a vote.

17. Minutes

- 17.1. The Secretary shall prepare and retain for the Committee, a record of the proceedings of all meetings and this record shall be known as the minutes of the meeting.
- 17.2. The minutes shall record all motions of the Committee together with a summary of any verbal comments raised at the meeting by any person in attendance with respect to each application.
- 17.3. The minutes shall be marked as "Draft" until such time as the minutes are approved by the Committee.
- 17.4. The minutes shall be submitted for approval to the Committee at the next meeting of the Committee.
- 17.5. The minutes of the Committee shall be circulated to the next meeting of the Council following the meeting of the Committee to which they pertain.
- 17.6. The minutes shall be posted on the website for the Township of Stone Mills as soon as practical upon the minutes being prepared.

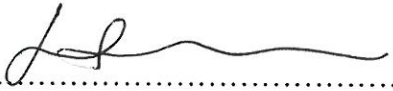
18. Applications

- 18.1. Notice of an application to be considered at a meeting shall be given in accordance with the Planning Act, as amended, and the applicable regulations thereto.
- 18.2. The applicant shall post the Notice of Application on the subject property as a means of providing public notice of the proposed application in addition to the notice required by regulations under the Planning Act. With respect to applications for minor variances, this notice shall be posted not less than 10 days prior to the public

hearing and 14 days prior to the public hearing with respect to consent applications.

- 18.3. The Secretary shall provide, at the request of the applicant, copy of all responses arising from the Notice of Application together with any proposed conditions to be attached to the approval of the application prior to the meeting at which the application is to be considered.

This By-law having been read a first, second and third time is hereby adopted this 6th day of February 2012.


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Doug Bearance, Reeve


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Darlene Plumley, CAO/Clerk

Schedule "A: Of Bylaw 2012-629

All regularly scheduled meetings of the Committee of Adjustment shall be conducted as follows:

Day: First Wednesday of Each Month

Time: 5:00 P.M.

Location: Centreville Hall, Municipal Office
Centreville, Ontario