

THE CORPORATION OF THE TOWN OF SMITHS FALLS

BY-LAW NO. 10397-2022

BY-LAW TO ADOPT THE TERMS OF REFERENCE FOR THE PLANNING ADVISORY COMMITTEE

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WHEREAS Section 9 of the Municipal Act, 2001 as amended confers upon municipalities the authority to govern their affairs as they consider appropriate;

WHEREAS Section 8 of the Planning Act 1990, as amended, requires the Council of a single-tier municipality that is not in a territorial district to appoint a Planning Advisory Committee;

WHEREAS Section 44 of the Planning Act 1990, as amended, permits Council to constitute a Committee of Adjustment by By-law composed of such persons, but not fewer than three, as the Council considered advisable;

WHEREAS Section 56 of the Planning Act 1990, as amended, permits the Council to constitute a Land Division Committee composed of such persons, but not fewer than three, as Council considered advisable;

WHEREAS Council has adopted the Property Standards By-law 8723-2014, as amended, in accordance with Section 15.1 of the Building Code Act, as amended;

AND WHEREAS Section 15.6 of the Building Code Act, as amended, prescribes that a By-law enacted under Section 15.1 shall provide for the establishment of a committee composed of such persons, not fewer than three, as Council considers advisable to hold office for such term and on such conditions as the By-law may establish;

NOW THEREFORE the Council of the Corporation of the Town of Smiths Falls enacts as follows:

1. THAT the Terms of Reference for the Planning Advisory Committee, attached hereto as Appendix "A", is hereby adopted.
2. THAT Schedule "A" attached hereto shall be read with and form part of this By-law.
3. THAT the provisions of this by-law shall come into force and take effect on the passing thereof.
4. THAT By-law 9990-2018 (Adoption of the Terms of Reference for the Planning Advisory Committee) is hereby repealed.

Read a first and second time this 5th day of December, 2022.

Read a third time and passed this 5th day of December, 2022.

Mayor

Clerk

Smiths Falls Planning Advisory Committee
Terms of Reference
Effective December 5, 2022

1. Purpose

The Planning Advisory Committee is appointed and authorized by Council to undertake specific administrative advisory and approval functions under the Planning Act and Building Code Act. This includes the holding of all statutory public meetings required in consideration of planning applications, the review of major site plan applications and the review of background reports, studies and processes associated with policy development activities. The Planning Advisory Committee will also assume the duties and responsibilities of the Committee of Adjustment and Property Standards Committee.

2. Mandate:

Under Section 8 of the *Planning Act*, the Council of a single tier municipality shall appoint a Planning Advisory Committee and may delegate certain authority to the Committee. Council may also appoint a Committee of Adjustment to render decisions under certain sections of the Act and, where a Property Standards By-law is in effect, shall appoint a Property Standards Committee to hear appeals pursuant to Section 15(3.1) of the Building Code Act. The Planning Advisory Committee shall fulfill these roles as follows:

2.1 Advisory Role

Pursuant to Section 8 of the Planning Act, the Planning Advisory Committee has been tasked with providing advice to Council and staff (as the case may be) on the following matters:

- a) Official Plan Amendments;
- b) Zoning By-law Amendments;
- c) Major Site Plan Control applications and amendments thereto;
- d) Subdivision and Condominium Applications;
- e) Class 2 Development Permit Applications; and,
- f) Any policy development initiatives as directed by the Town.

2.1.1 Public Meetings

The Committee shall host statutory public meetings in accordance with the Planning Act to receive comments from the public and applicant, consider reports, overviews and recommendations from Town staff and discuss the planning merits of applications.

2.1.2 Recommendation to Council

Following a public meeting, the Committee is responsible for providing written recommendations to Council, through the Committee of the Whole or staff (relating to site plan control applications), in the form of a motion. The Committee's motion may include the following recommendation to Council:

- a) Approval;
- b) Approval with modifications;
- c) Deferral; or,
- d) Denial.

No recommendation of the Committee shall be considered valid unless it is concurred by the majority of members.

2.1.3 Evaluation Criteria

The Committee is tasked with advising Council on planning applications and policy initiatives and evaluating whether a proposal represents good land use planning in the public interest of the Town. The assessment can involve balancing competing interests.

To assist in a meaningful evaluation, Committee members should have a familiarity with and regard for:

- a) Town of Smiths Falls Official Plan;
- b) Town of Smiths Falls Zoning By-law
- c) Town of Smiths Falls Site Plan Control By-law
- d) Town of Smiths Falls Development Permit By-law;
- e) Provincial Policy Statement; and,
- f) Any other policy, plan or applicable law that might be adopted by Council or other government agency.

The Committee shall also have regard for comments provided by the public or technical review agencies through evaluations.

2.2 Decision Making Role:

Pursuant to Sections 45 and 53 of the Planning Act, the Planning Advisory Committee has been delegated to fulfill the role of the Committee of Adjustment and render decisions on the following matters:

- a) Minor variance applications;
- b) Permission to change or extend legal non-conforming uses;
- c) Interpret the Zoning By-law where a term is defined in a general matter; and,
- d) Applications for consent and related land division functions.

2.2.1 Public Meetings

The Committee shall host public meetings in accordance with the Planning Act to receive comments from the public and applicant, consider reports, overviews and recommendations from Planning staff and to discuss the planning merits of applications.

2.2.2 Committee Decision

Following a public meeting, the Committee shall render written decisions on any application brought before it, with reasons, in the following forms:

- a) Approval (with or without conditions);
- b) Approval with modifications;
- c) Deferral; or
- d) Denial.

No decision of the Committee shall be valid unless it is concurred by the majority of members in accordance with the Planning Act. Decisions of the Committee shall be expressed in writing and signed by all members who concurred with the decision. When rendering a decision, the Committee must state the reasons for their decision and the effect written and oral submissions had on their decision.

2.2.3 Evaluation Criteria

The Committee is tasked with rendering decisions on Planning Act applications pursuant Sections 45 and 53. The evaluation can involve balancing competing interests. To assist in a meaningful evaluation, Committee members should have a familiarity with:

- a) Town of Smiths Falls Official Plan;
- b) Town of Smiths Falls Zoning By-law
- c) Town of Smiths Falls Site Plan Control By-law
- d) Town of Smiths Falls Development Permit By-law;
- e) Provincial Policy Statement
- f) Any other policy or applicable law that might be adopted by Council or other government agency.

The Committee shall evaluate **Minor Variance Applications, Permissions to Enlarge** and requests for interpretation to the Zoning By-law in accordance with the evaluation criteria set forth in the Act. For minor variances, the four evaluation tests are:

- a) Is the application minor in nature?
- b) Is the application desirable for the appropriate development of the lands?
- c) Does the application conform to the general intent of the Zoning By-law?
- d) Does the application conform to the general intent of the Official Plan?

The Committee shall evaluate **Consent Applications** in accordance with the criteria established in Section 51(24) of the Planning Act as well as the Town's Official Plan.

The Committee shall also have regard for comments provided by the public or technical review agencies.

2.3 Property Standards By-law Appeals Role:

Pursuant to Section 15.6 of the Building Code Act, the Planning Advisory Committee has been delegated to fulfill the role of the Property Standards Committee and render decisions on appeals to orders under the Town's Property Standards By-law.

2.3.1 Public Meetings

The Committee shall host public meetings in accordance with the Ontario Building Code Act and Property Standards By-law to consider appeals from owners or occupants of premises to orders or terms and conditions of orders issued under the Property Standards By-law.

2.3.2 Committee Decision

Following a public meeting, the Committee shall render, by motion, written decisions on any appeal brought before it, in the following forms:

- e) Confirm the order;
- a) Modify the order;
- b) Rescind the order; or,
- c) Extend the timeline for complying with the order.

No decision of the Committee shall be considered valid unless it is concurred by the majority of members. Decisions of the Committee shall be completed in writing and signed by all members who concurred the decision.

2.3.3 Evaluation Criteria

The Committee is tasked with rendering a decision on appeals under the Property Standards By-law. The evaluation can involve balancing competing interests. Pursuant to Section 15(3.1) of the Act, the Committee shall consider the general intent and purpose of the Property Standards By-law and of the Official Plan.

3. Membership

3.1 Appointment

Planning Advisory Committee members will be appointed by Council, the term of which shall coincide with the term of Council.

- a) Two (2) Council members shall be appointed to the Committee;
- b) A minimum of four (4) and maximum of five (5) citizen members living in the Town shall be appointed to represent the Town of Smiths Falls at large. A cross section of individuals shall be chosen in order to bring to the Committee a diversity of professional and community experience and technical expertise.
- c) Additional members may be appointed to the Committee throughout the duration of the Term of Council, up to the maximum membership prescribed.

3.2 Administration

- a) All members of the Committee appointed by Council shall be considered voting members.
- b) The membership will appoint one voting member as Chairperson and one voting member as Vice Chair (to act in the absence of the Chairperson) for the term of the Committee.
- c) A majority of members shall constitute quorum, unless the meeting fulfills the role of the Committee of Adjustment, in which case the quorum shall be three (3) (*see Sec. 44(5) of Planning Act*).
- d) The membership will appoint one staff person as the Secretary-Treasurer for the term of the Committee and responsible for Committee proceedings and records pursuant the Planning Act.

4. Staff Liaison

The Town will provide one staff member (non-voting) to the Committee to provide technical and administrative support to the Committee. The staff liaison will be responsible for the following activities:

- a) Prepare agenda packages;
- b) Act as the recording secretary during meetings of the Committee;
- c) Act as the point of contact between the Committee and staff that prepare and deliver reports to the Committee for review and consideration;
- d) Maintain records of agenda packages, minutes, staff reports and motions of the Committee;
- e) Provide orientation to the Committee at the beginning of the Term;

Inform the Committee of potential training opportunities and funding Initiatives.

5. Meetings

The Committee will meet monthly, or as agenda items require it. For the ease of planning, every attempt will be made to hold meetings on a consistent day of the week, regular time and location throughout the year. In exceptional circumstances, additional meetings may be held as required at the call of the Chair.

All meetings will have a formal agenda. Agenda packages will include the meeting agenda, minutes from the previous meeting, staff reports and applicable reference materials. Agenda packages will be sent to the Committee via email to all members in advance of the meeting. Alternative arrangements for circulation of the agenda package may be arranged with the staff liaison.

6. Committee Remuneration

Remuneration for the Planning Advisory Committee shall be as established by Council. Meetings, conferences, workshops and other Committee business that allows for the continued education and training of members shall be reimbursed as per established Town By-laws and policies and as applicable to the Committee's mandate.

7. Code of Conduct

Council of the Corporation of the Town of Smiths Falls established a Code of Conduct for Members of Council and its local boards (Bylaw 9973-2018).

The Town of Smiths Falls is committed to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the organization. It is the Town's goal to provide a healthy and safe work environment that is free from any form of harassment or violence.

All Committees of Council are also subject to the Policy Respecting the Appointment of Citizen Members for the Town of Smiths Falls Boards and Committees