

## **TOWN OF RIVERVIEW PLANNING ADVISORY COMMITTEE POLICIES AND PROCEDURES**

**WEREAS** the Council of the Town of Riverview has adopted By-Law # 300-71 being A By-Law to Establish a Planning Advisory Committee for the Town of Riverview;

**AND WHEREAS** the *Community Planning Act*, SNB. 2017, c 19 (the “Act”), permits the establishment of rules for the conduct of Planning Advisory Committee’s (the “Committee”) business;

**NOW THEREFORE BE IT RESOLVED** that the Committee adopts the following policies and procedures:

### **1. Composition of the Committee**

The Committee shall be composed of 9 members appointed by Riverview Town Council. The committee member terms of office shall be set by Council in accordance with the Community Planning Act.

### **2. Election of Officers**

- (1) The election of Chair, First Vice-Chair and Second Vice-Chair shall be held on the first meeting of the Committee and annually thereafter.
- (2) The Planning Director, or his or her designate, shall chair the meeting during the election of officers.
- (3) Nominations shall be made from the floor and election of officers shall follow immediately thereafter.
- (4) A candidate receiving a majority vote of the Committee shall be declared elected and shall serve for one year or until a successor is elected.
- (5) Vacancies in office shall be filled at the next meeting of the Committee by the regular election procedure.

### **3. Regular Meetings**

- (1) Regular meetings of the Committee shall be held on the second Wednesday of each month.

- (2) When the Planning Director, or his or her designate, determines that the volume of agenda items necessitates the scheduling of an additional meeting in any given month, the Committee shall also meet on the fourth Thursday of the month.
- (3) The agenda of each regular meeting of the Committee shall be established and posted on the Town of Riverview website at least 10 business days prior to the meeting.
- (4) All regular meetings will begin at 6:00 p.m. at Riverview Town Hall and shall be open to the public.
- (5) A regular or additional meeting of the Planning Advisory Committee may be held as a virtual meeting. A virtual meeting must allow participation of members, staff and the public. All attempts will be made to declare the meeting is a virtual meeting through public notification and include how the public may participate and hear the meeting. However, notification of the change to a virtual meeting after public notification has been circulated will be done by posting the virtual link on the website as soon as possible. Where possible, committee members, the applicant and confirmed attendees will be notified by e-mail or phone.
- (6) A quorum shall consist of five members of the Committee.
- (7) If a quorum is not established at the beginning of the meeting, the members present will wait 15 minutes before declaring the meeting is cancelled due to lack of quorum.
- (8) When any matter or proceeding is not contemplated herein, the chair shall use the most recent edition of Roberts Rules of Order as a guide.

#### **4. Special Meetings**

- (1) Special meetings may be called by the Chair at the Chair's discretion.
- (2) The Chair shall call a special meeting when requested to do so by a majority of the members of the Committee.
- (3) Notice of special meetings, including agenda items to be discussed, shall be given to Committee members by mail, email, or fax at least 48 hours in advance of such meeting.
- (4) The agenda of special meetings shall be posted on the Town of Riverview website at least 48 hours prior to the meeting.
- (5) Only items on the agenda of a special meeting shall be discussed at the special meeting.

- (6) Except as otherwise provided herein, the rules of procedure for regular meetings shall also apply to special meetings.
- (7) Any or all costs associated with a Special Meeting shall be borne by the applicant and a \$500 deposit against such costs shall be paid at the time of the request. Should the cost be either greater or less than the deposit made, the difference shall be paid by or refunded to the applicant once the final costs are determined. The Committee retains the discretion to waive any or all of the costs of the Special Meeting.
- (8) Notwithstanding Policy 6 (1), notice to the public of the Special Meeting shall be sent out at least 5 days prior to the meeting.

## **5. Applications**

- (1) An application for any approval required by the Committee will only be considered upon receipt of all supporting documentation.
- (2) Completed applications shall be received no later than the second Friday of the previous month in order to be considered by the PAC at its regular meeting of that month. Notwithstanding, late applications may be considered, provided that a proper review of the application can take place and that the requirements of the Act are met.
- (3) Applications shall be placed on the agenda with a report and recommendation prepared under the direction of the Planning Director, or his or her designate.
- (4) The applicant will be advised of the date proposed for the Committee meeting at which the application will be considered and will be provided with a copy of the report referred to in subsection (3) above by the Wednesday prior to the meeting.
- (5) An applicant may withdraw his or her application in writing at any time.

## **6. Public Notice for PAC Applications**

- (1) Property owners within 60 metres of a property which is the subject of a variance, terms and conditions, ruling of compatibility, non-conforming use, or temporary use approval application shall be notified by mail or personal delivery, at least 10 business days prior to the meeting, of the time, date, and location of the meeting, as well as the nature of the application being considered.

- (2) The notice in subsection (1) above will indicate:
  - (a) that views or concerns may be submitted by letter or in person before the Committee at the meeting;
  - (b) that all letters received will be public documents and must be signed; and
  - (c) will indicate that a staff report is available and where it can be viewed.
- (3) All public letters received may be posted on the website with the staff report and/or distributed to anyone if requested prior to the meeting.

## **7. Chair**

- (1) The Chair shall preside at all meetings of the Committee.
- (2) In the absence of the Chair, the First Vice-Chair shall act as Chair.
- (3) In the absence of both Chair and First Vice-Chair, the Second Vice-Chair shall act as Chair.
- (4) When none of the officers are present at a meeting of the Committee, a Chair for that meeting shall be chosen by at least four votes of the members of the Committee present.

## **8. Agenda**

- (1) An agenda will be prepared for each meeting of the Committee and will be distributed to members on the Wednesday prior to the meeting. The following information shall be incorporated in the agenda and report subject.
  - (a) Names of applicant and Owner
  - (b) Brief description of the development.
- (2) The order of business shall be as set out below:
  - (a) Adoption of Agenda
  - (b) Adoption of Minutes
  - (c) Business Arising from Minutes
  - (d) Variance Applications, Conditional Use, Ruling of Compatibility, Non-Conforming Use and Temporary Approvals
  - (e) Tentative Subdivision Applications
  - (f) Rezoning Applications, Municipal Plan and Zoning By-law Amendments, and other by-law amendments
  - (g) Other Business
  - (h) Adjournment

- (3) An item not on the agenda may be brought to the meeting by the Planning Director, or his or her designate, but must be added to the agenda by majority vote of the members present.
- (4) Remarks by the members shall be addressed through the Chair, and not more than one member shall speak at any one time.
- (5) The Chair shall adhere to the following process for each application on the Committee's agenda:
  - (a) The Chair will call the agenda item by identifying the name of the applicant and the address of the subject property.
  - (b) Planning staff will then provide a brief overview of the application including a summary of the staff recommendation.
  - (c) For those items which involve a decision of the committee, the Chair shall invite the applicant to make a presentation to the Committee in support of their application, followed by any other person present at the meeting wishing to speak in support or opposition of the application, each of whom will have no more than 10 minutes to address the Committee. Public engagement of items that involve a recommendation or views of the committee shall be conducted by Council, the decision making authority.
  - (d) All participation in the meeting must be done in a respectful manner. Any member of the public who engages in conduct that is considered disruptive, threatening or offensive will be giving a warning to cease the behavior and failure to do so may result in the termination of their public participation or removal from the meeting
  - (e) The Chair will provide the applicant will an opportunity to respond to the issues raised by those speaking in opposition to the application.
- (6) The Committee members may question anyone addressing the Committee.
- (7) Decisions on all agenda items shall be made by motion.
- (8) All members, including the Chair, shall vote.
- (9) A motion to table is always in order and is not debatable.

## **9. Minutes**

- (1) Minutes of the Committee's meetings shall be kept, which shall include motions, resolutions and decisions, and which must be approved at a subsequent meeting.
- (2) The minutes will be public after they are approved by the Committee.
- (3) All decisions of the Committee shall be communicated to the applicant in writing within 3 business days following disposition of the matter.

## **10. Amendments**

These policies and procedures may be amended at any time, provided that a notice of motion containing the proposed amendments has been filed at a regular meeting held at least one month prior to the meeting at which the amendments are to be considered.

## **11. Attendance**

Where a Committee member, without leave of the Committee, fails to attend three consecutive regular meetings of the Committee or four regular meetings in a twelve month period, the Committee shall recommend to Council that the member be replaced.

## **12. Conflict of Interest**

The conflict of interest provisions of the *Local Governance Act* shall apply.

## **13. Participation of Committee Members at Public Council Meetings**

Unless sanctioned by the Committee, a Committee member shall not appear before Council to make any personal representation on community planning matters in which the Committee has a role in providing written views or recommendations on.

## **14. Discussion of Application with Public**

Committee members shall refrain from discussing any matters before the Committee with any member of the public, including the applicant.

## **15. Viewing of Planning Staff Reports**

Staff reports shall be available for viewing at Planning office the Wednesday before the public meeting.

## **16. Role of the Committee**

For reference purposes, the functions and responsibilities of the Committee as authorized under the Act are outlined in Appendix "A" attached hereto.

## ***17. Involvement of other Town Departments***

When required, or where there could be issues or questions from the public or Committee members, other Town staff will be requested to attend the meeting to provide advice and information.

## Appendix A – Role of the Planning Advisory Committee

The Planning Advisory Committee of the Town of Riverview performs both a decision-making (quasi-judicial) and an advisory role on behalf of the Town. The role of the Planning Advisory Committee is critical to the ongoing administration and review of the Municipal Development Plan and of Zoning By-law and the decisions made by this Committee can have significant impacts on how development occurs within the Town of Riverview. As such, the role and proper functioning of the Planning Advisory Committee must be given due care and attention in both its establishment and in its ongoing work. The functions of this type of committee are identified in various sections of the *Community Planning Act*. The following table highlights these functions and the corresponding references to the *Community Planning Act*.

Functions	Reference to CPA
<ul style="list-style-type: none"> <li>to advise and make recommendations to the council on any matter relating to community planning;</li> </ul>	4(b)
<ul style="list-style-type: none"> <li>Make recommendations to Council on the laying out of public or future streets</li> </ul>	7 (1)(g)
<ul style="list-style-type: none"> <li>Provide an opinion as to whether a site is unsuitable for a proposed purpose by virtue of its soil or topography</li> </ul>	53(2)(h)
<ul style="list-style-type: none"> <li>Permit a prohibited development for a temporary period</li> </ul>	53 (2)(1)
<ul style="list-style-type: none"> <li>Impose terms &amp; conditions for a particular purpose if permitted by the zoning by-law</li> </ul>	53 (3)(c)(i)
<ul style="list-style-type: none"> <li>Permit, subject to terms &amp; conditions, a proposed use if such use is sufficiently similar to or compatible with a permitted use</li> </ul>	55(1)(a)
<ul style="list-style-type: none"> <li>Permit such reasonable variance from the requirements of the zoning by-law</li> </ul>	55(1)(b)
Responsibility	Reference to CPA
<ul style="list-style-type: none"> <li>Permit a non-conforming use to continue beyond the ten month period</li> </ul>	60(2)(a)
<ul style="list-style-type: none"> <li>Permit a structure to be repaired or restored if it has non-conforming rights and destroyed more than 50%</li> </ul>	60(2)(b)
<ul style="list-style-type: none"> <li>Provide consent for a non-conforming use to extend into a portion of a structure that was constructed after the by-law is in effect</li> </ul>	60(3)
<ul style="list-style-type: none"> <li>Provide consent for a non-conforming use to be changed to a similar non-conforming use</li> </ul>	60(4)
<ul style="list-style-type: none"> <li>Approve such access other than a public street that they feel is advisable for the development of land</li> </ul>	75 (1)(c)
<ul style="list-style-type: none"> <li>Provide an opinion whether land is suited for the purpose intended</li> </ul>	75(1)(k)(i)
<ul style="list-style-type: none"> <li>Provide their opinion as to whether a proposed manner of subdividing prejudices the convenient subdivision of adjoining land</li> </ul>	75(1)(k)(ii)
<ul style="list-style-type: none"> <li>Approval of the naming of streets if given authority in the subdivision by-law</li> </ul>	75(1)(c)
<ul style="list-style-type: none"> <li>Permit such reasonable variance from the requirements of the subdivision by-law</li> </ul>	78(1)(a)



▪ May give notice to owners of land in the neighborhood of the proposed subdivision in which a variance has been requested	78(3)
▪ Refuse to grant an exemption from subdivision by-law	80(2)
▪ Consultation on the approval of the names of streets in a subdivision	84(7)
▪ Recommend the location of public streets or lands for public purposes shown in a subdivision plan	88(4)
▪ Provide its views on any proposed by-law if not previously given	110(1)(a)