

THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BLUFFS

BY-LAW NO. 19-2011

**BEING A BY-LAW TO ESTABLISH A COMMITTEE OF ADJUSTMENT AND
COMMITTEE PROCEDURES.**

WHEREAS Section 54 (1) of the Planning Act, RSO 1990 as amended allows the Council of a County by by-law to delegate to the council of an area municipality the authority for the giving of consents under Section 53 of the Planning Act, RSO 1990 as amended in respect of land situate in the local or area municipality;

AND WHEREAS Section 54 (2) of the Planning Act, RSO 1990, as amended allows the Council who has been delegated the authority for the giving of consents under Section 54 (1) to in turn by by-law, to delegate the authority or any part of such authority to a committee of council;

AND WHEREAS the Council of the Corporation of the County of Grey passed By-law No. 3826-2000 on the 7th day of November 2000 to delegate the authority for the giving of consents under Section 53 of the Planning Act, RSO 1990 as amended to the Township of Georgian Bluffs effective January 1st, 2001;

AND WHEREAS Section 44 (1) of the Planning Act, RSO, 1990, as amended provides for a council of a municipality that has passed a by-law under Section 34 of the Planning Act, to constitute and appoint, by by-law a committee of adjustment for the municipality composed of such persons, not fewer than three, as the council considers advisable;

AND WHEREAS a Council that has constituted a committee of adjustment may by by-law empower the committee of adjustment to grant minor variances from the provisions of any by-law of the municipality that implements an official plan or from such by-laws of the municipality as are specified and that implement an official plan.

NOW THEREFORE the Council of the Corporation of the Township of Georgian Bluffs enacts as follows:

1. The Council of the Corporation of the Township of Georgian Bluffs hereby establishes a Committee of Adjustment for the Township of Georgian Bluffs under the authority of Sections 44 (1) and 45 (1), (2) and (3) of the Planning Act, RSO, 1990, c.P.13 as amended, with delegated Consent Granting Authority under the authority of Section 5 (1) and Section 53 of the Planning Act, RSO, 1990, c.P.13, as amended.
2. The purpose of the Committee of Adjustment is to oversee specific aspects of land use planning and approvals, having regard to the Official Plan, the Comprehensive Zoning By-law and the Provincial Policy Statement.

3. That Schedule "A" (Committee of Adjustment Rules and Procedures) attached to this By-law forms a part of this By-law.
4. That By-law No. 3-2001 is hereby rescinded.
5. That this By-law shall come into full force and effect upon the final passing hereof.

Read a first and second time this 16th day of March, 2011.

Read a third time and passed this 16th day of March, 2011.

A handwritten signature in black ink, appearing to read 'Alan Barfoot', written over a horizontal line.

Mayor – Alan Barfoot

A handwritten signature in black ink, appearing to read 'Christine Fraser-McDonald', written over a horizontal line.

Acting Clerk Christine Fraser-McDonald

SCHEDULE "A" TO BY-LAW NO. 19-2011

TOWNSHIP OF GEORGIAN BLUFFS

COMMITTEE OF ADJUSTMENT RULES AND PROCEDURES

POWERS OF THE COMMITTEE

The Committee of Adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under Section 34 or 38 of the Planning Act, RSO, 1990, c.P.13 as amended, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the Committee the general intent and purpose of the by-law and of the Official Plan, if any, are maintained.

In addition to its powers above, the Committee, may upon any such application, (a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit, (i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under sub-clause (ii) continued until the date of the application to the Committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or (ii) the use of such land, building or structure for a purpose that, in the opinion of the Committee, is similar to the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the Committee continued until the date of the application to the Committee; or (b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the Committee, conforms with the uses permitted in the by-law.

The Committee of Adjustment is to act as the Consent Granting Authority and to receive process and make decisions on applications for Consents in accordance with the provisions of Section 53 of the Planning Act.

TIME FOR HEARING

The hearing on any application shall be held within thirty days after the application is received by the Secretary-Treasurer of the Committee.

NOTICE FOR HEARING

The Committee, before hearing an application, shall in the manner and to the persons and public bodies and containing the information prescribed, give notice of the application.

HEARING

The hearing of every application shall be held in public, and the Committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the Committee may adjourn the hearing or reserve its decision.

DECISION

No decision of the Committee on an application 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.

TERM OF OFFICE

Members shall be appointed annually. Members of the Committee shall hold office until their successors are appointed, and are eligible for re-appointment, and where a member ceases to be a member before the expiration of his or her term, the council shall appoint another eligible person for the remainder of the term.

QUORUM

Where a Committee is composed of three members, two members constitute a quorum, and where a Committee is composed of more than three members, three members constitute a quorum.

The Chair shall be counted in determining a quorum and shall be entitled to all the rights of a Committee member, including voting.

VACANCY

A vacancy in the membership or the absence or inability of a member to act does not impair the powers of the remaining members.

CHAIR

The members of the Committee shall elect one of themselves as chair, and when the chair is absent through illness or otherwise, the Committee may appoint another member to act as acting chair.

VOTING

No decision of the Committee on an application is valid unless it is concurred in by the majority of the members of the Committee that heard the application.

REMUNERATION

The members of the Committee shall be paid such compensation as the Council may provide.

BY-LAW

The Secretary-Treasurer of the Committee shall forward a certified copy of the appointment by-law to the Minister of Municipal Affairs and Housing by registered mail within thirty days of passing the by-law.

SECRETARY-TREASURER

The Committee shall appoint a Secretary-Treasurer and Deputy Secretary-Treasurer, who may be a member of the Committee and may engage such employees and consultants as is considered expedient, within the limits of the money appropriated for the purpose.

FILING OF DOCUMENTS, ETC.

The Secretary-Treasurer shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee, and Section 254 (1) of the Municipal Act, S.O. 2001, c.25 applies with necessary modifications to such documents.

PUBLIC RECORDS & FREEDOM OF INFORMATION

Subject to the Municipal Freedom of Information and Protection of Privacy Act any person may, at all reasonable hours, inspect any of the records, books, documents, and the minutes and proceedings of the Committee of Adjustment. The Secretary-Treasurer shall, within a reasonable time, furnish copies of them, certified by the Secretary-Treasurer if necessary upon payment of any fee established by the Township.

RULES OF PROCEDURE

In addition to complying with the requirements of the Planning Act, the Committee of Adjustment shall comply with such rules of procedure as are prescribed.

FEES

The Council of a municipality may by by-law establish a tariff of fees for the processing of applications made in respect of planning matters, which tariff of fees shall be designed to meet only the anticipated cost to the Committee of Adjustment constituted by the Council of the Municipality in respect of the processing of each type of application provided for in the tariff.

REDUCTION OR WAIVER OF FEES

Despite a tariff of fees being established, the Committee of Adjustment in processing an application may reduce the amount of, or waive the requirement for the payment of a fee in respect of the application where the Committee is satisfied that it would be unreasonable to require payment in accordance with the tariff.

MEETINGS

Generally the Committee shall hold monthly meetings or as often as required and the meetings shall be open to the public. No meeting shall take place unless all reasonable efforts have been taken to give a minimum of two days notice to all Committee Members. The notice shall indicate the date, time, place and purpose of the meeting.

All meetings shall be held at the Township of Georgian Bluffs Municipal office unless otherwise specified on the meeting notice.

If no quorum is present thirty (30) minutes after the time appointed the Secretary-Treasurer or Chair may discharge the members present and reschedule the meeting.

COMMITTEE OF ADJUSTMENT MEETING PROCEDURES

1. All meetings of the Committee of Adjustment shall be called to order by the Secretary-Treasurer or Chair of the Committee.
2. (a) The notice of an application to be considered at a meeting shall be given in a manner that the Secretary-Treasurer of the Committee deems appropriate in accordance with the provisions of the Planning Act, RSO 1990 as amended.

(b) Notice of Application procedures with respect to applications for validation of title, power of sale and foreclosure and for change to conditions shall be the same as the procedures for consent applications.
3. In consultation with the Committee Chair or Acting-Chair, the Secretary-Treasurer may cancel or reschedule an application meeting.
4. Generally, all meetings of the Committee shall be held in the meeting room of the Township of Georgian Bluffs Municipal Building as recorded on the Notice of an Application to consider an application as circulated by the Secretary-Treasurer or designate of the Committee.
5. (a) Three members constitute a quorum for the Committee of Adjustment Meetings. The Chair shall be counted in determining a quorum.

(b) If no quorum is present thirty (30) minutes after the time appointed for a Committee of Adjustment Meeting, the Chair of that meeting or the Secretary-Treasurer may discharge the members present and may cancel or reschedule the Committee of Adjustment Meeting.

6. An application information packet and proposed draft conditions related to applications shall be provided by the Secretary-Treasurer or designate, at the Committee of Adjustment Meeting for applicants, authorized agents, applicant's representatives, Committee members and anyone having an interest in an application.
7. (a) The meeting of the Committee of Adjustment shall be called to order by the Chair or the Secretary-Treasurer, or designate of the Committee.
 - (i) Committee members will be requested to disclose any conflict they may have with any item on the agenda.
- (b) The Secretary-Treasurer or designate shall call for any requests for deferral of an application or for any request for withdrawal of an application.
 - (i) A request to defer the consideration of an application to a later Meeting date must be for reasonable cause as determined by the Committee. The Committee at its own volition may defer the consideration of an application. The Committee shall set a new meeting date for the consideration of the application and shall indicate any other requirements or conditions for deferral, such as re-notification, amendment or additional required information. The Committee may determine that the consideration of an application on a deferred date is preemptory.
- (c) The Secretary-Treasurer or designate shall call each application in an order determined by the agenda or in an order determined by the Chair of the Committee of Adjustment Meeting and/or the Committee.
 - (i) Prior to consideration of the application by the Committee, the applicant or authorized agent shall file with the Secretary-Treasurer written affirmation that a sign was posted in accordance with the Planning Act.
- (d) The Chair of the Committee of Adjustment meeting shall ask the applicant, authorized agent or the applicant's representative to introduce themselves and present the application.
- (e) The Committee members, through the Chair, may ask questions of the applicant, authorized agent or applicant's representative at this time. Questions may be asked during the presentation. However, typically questions are put forward by members of the Committee at the conclusion of the presentation.
- (f) The Chair of the Committee of Adjustment meeting shall ask that the Secretary-Treasurer or designate, read all comments received from agencies, residents and others who responded to the circulation of the Notice of an Application. The Secretary-Treasurer or designate, at the direction of the Chair of the Committee of Adjustment meeting shall read aloud letters received from any persons expressing an interest in the application. At the discretion of the Chair of the Committee of Adjustment meeting, the Secretary-Treasurer or designate may summarize the nature of the interest(s)/concern(s) being expressed.

(g) The Chair of the Committee of Adjustment meeting shall ask the Secretary-Treasurer to read the proposed draft conditions and at the conclusion of the reading, the Chair shall ask the applicant, authorized agent or applicant's representative whether or not he/she is able to indicate consent to the imposition of the conditions should the application be favourably considered.

(h) The Chair of the Committee of Adjustment meeting shall invite anyone else having an interest/concern with respect to application(s) to come forward and advise the Committee of their position(s). The Committee members, through the Chair, may ask questions of those parties expressing an interest/concern.

(i) The Committee shall give the applicant, authorized agent or the applicant's representative the opportunity to respond to any comments received from commenting agencies or interested parties.

(j) The Committee members, through the Chair of the Committee of Adjustment meeting may ask additional questions at this time.

(k) After having considered the issues raised by the applicant, authorized agent, applicant's representative, any respondents and the evidence heard at the meeting by the Committee, the Chair of the Committee of Adjustment meeting shall ask whether the members wish to conduct further discussions on the merits of the application. At the conclusion of submissions, the Chair shall ask the members of the Committee for a motion with respect to the disposition of the application. The Chair of the meeting, upon receipt of a motion from a Committee member, shall ask for a seconder to the motion.

The Chair of the Committee of Adjustment meeting shall call for a vote by the Committee on the motion and the Chair shall announce at the meeting, the decision of the Committee, whether it be approved, refused or deferred. The Chair shall be entitled to all rights of a Committee member, including voting.

(l) Committee members concurring in the decision of the Committee shall sign the Notice of Decision at the Committee of Adjustment meeting and the names of members present not concurring in the decision shall be so noted on the Notice of Decision of the Committee.

8. The conduct of meetings, members, applicants/agents and others in attendance with respect to matters not specifically addressed shall generally be considered in accordance with the Statutory Powers Procedure Act, RSO 1990 as amended and the Municipal Conflict of Interest Act, RSO 1990 as amended, and Robert's Rules of Order.