

Committee of Adjustment Terms of Reference

MANDATE

This Committee considers applications for minor variances from the Zoning By-law, applications for land division (consent to sever land), and variances to the fence by-law and any other specified by Council that implements the Official Plan. It is the responsibility of the Secretary-Treasurer to accept all applications for processing, upon submission by the applicant.

Applications to the Committee of Adjustment will be processed in accordance with the requirements of Sections 44 and 53 of the *Planning Act*, applicable regulations (O.Reg. 200/96 and 197/96 as amended) the *Statutory Powers Procedures Act* and Committee of Adjustment procedure.

The Committee is authorized by the *Planning Act* to consider applications for:

- Minor variances from the provisions of the Zoning By-law
- Extensions, enlargements or variations of existing legal non-conforming uses under the Zoning By-law
- Land division (severing a new lot from an existing lot, adding land to an existing lot, easements, mortgages or leases in excess of 21 years)
- Determine whether a particular use conforms with the provisions of the Zoning By-law where the uses of land, buildings or structures permitted in the by-law are defined in general terms

COMMITTEE STRUCTURE

- 5 members of the public appointed by Council.
- Eligible members of the public are those who are entitled to be an elector in the Town under section 17 of the *Municipal Elections Act*. For clarity, members do not necessarily have to be Canadian Citizens, but must reside in St. Marys or be a property owner (personal or business).
- Employees of the Town of St. Marys are not eligible to serve on Town committees. Immediate family members of employees are eligible, but only for Committees where there is no potential for a conflict of interest.

GENERAL RULES OF OPERATION

The Committee is subject to the rules established in Council's Code of Conduct and Council's Procedure By-Law. All meetings of the Committee are open to the public, and rules governing the procedure for Council meetings shall be observed by the Committee insofar as they are applicable.

All appointed members will be voting members, and a quorum of the Committee shall be the majority of those appointed by Council as members of the Committee.



At the first meeting, the members shall determine the preferred day and time for Committee meetings.

If a member is absent from meetings of the Committee for three successive months without being authorized to do so by a resolution of the Council, the position held by the member will consider to be vacated.

Should a vacancy exist on the Committee during the term, Council may appoint a person to fill the vacancy for the unexpired portion of the term.

ROLE OF COMMITTEE CHAIR

A committee Chair and Vice-Chair will be elected yearly from committee members to preside over meetings and committee business.

The Chair's role is to:

- In accordance with the Town's Procedure By-Law, preside at all meetings, and control proceedings and discussion to ensure smooth transition of the business as listed on the agenda.
- Vote on all matters requiring a formal motion.

ROLE OF COMMITTEE MEMBERS

The Committee Members shall:

- Report to the Chair any issues that they feel should be addressed by the Committee.
- Attend and participate in Committee meetings.
- Contribute time, knowledge, skill and expertise during meetings in order to fulfill the Committee's mandate and report their concerns and issues to the Committee.
- Abide by the procedural decisions made by the Chair.
- Disclose any pecuniary interests and conflict of interest per the requirements of the *Municipal Conflict of Interest Act*.
- Actively participate in carrying out the responsibilities of the Committee.
- Be considered to be voting members of the Committee.

ROLE OF STAFF

- Corresponding with members of the Committee.
- Is without voting privileges.
- Act as the Secretary-Treasurer, including meeting package preparation.
- Research reports and prepare meeting packages in co-operation with the Chair.
- Give notice of meetings and prepare all associated correspondence.
- Preserve all records and correspondence in accordance with the Town Records Retention By-law.
- Act as a resource personnel for Town policies and procedures.



REPORTING REQUIREMENTS

Committee minutes are to be provided to the Clerk for insertion on the Council agenda.

FINANCIAL PLANNING

Members of the public serving on the Committee will receive remuneration in the amount of \$20.00 per meeting attended. There will be no remuneration for Council members serving on the Committee.

Reimbursement for travel and other expenses incurred in the performance of Committee duties will be paid in accordance with the Town's policies.

Any financial requirement of the Committee shall be approved by Council prior to expenditure.

FREQUENCY OF MEETINGS

The Committee will meet as applications for Consent to Sever and Minor Variance are deemed complete by the Secretary / Treasurer.

TERM

The term of the Committee shall coincide with the term of the appointing Council.