

BY - LAW NO. HAM-2023-05
A BY-LAW TO ESTABLISH A PLANNING ADVISORY COMMITTEE

The Council of the municipality of Hampton, under authority vested in it by Section 3 of the *Community Planning Act*, R.S.N.B. (1973) Chapter C-12, enacts the following:

1. TITLE

This By-law may be cited as the Hampton Planning Advisory Committee By-law.

2. DUTIES AND POWERS OF THE PLANNING ADVISORY COMMITTEE

- (A) The powers and duties accruing under the provisions of the *Community Planning Act* (S.N.B. 2017, c.19) and amendments thereto.
- (B) To advise and make recommendations to the Council of the municipality of Hampton on matters relating to community planning.
- (C) To give its views to the Council on any by-law proposed to be made under the *Community Planning Act*.
- (D) To exercise the powers and perform the duties relating to community planning that are given to by the *Community Planning Act* or the Council of the municipality of Hampton.

3. MEMBERSHIP OF THE PLANNING ADVISORY COMMITTEE

- (A) The Planning Advisory Committee shall consist of a minimum of at least five voting members, but no more than 9 voting members.
- (B) The Town of Hampton Mayor shall serve as an ex officio member of the Hampton Planning Advisory Committee. Non-voting staff members may include the Chief Administrative Officer, Director of Planning, Engineering and Development and support staff as required.
- (C) Council of the municipality of Hampton, shall, by resolution, appoint members to serve on the Planning Advisory Committee.
- (D) Council of the municipality of Hampton, may, by resolution, remove a member from the Planning Advisory Committee.
- (E) The Mayor shall appoint the Council member to the Planning Advisory Committee.
- (F) A person appointed to the Planning Advisory Committee may be a member of the Council of the municipality of Hampton or an employee or agent of the local government, but the majority shall be other than members of the council and employees or agents of the local government.

- (G) To be a voting member of the Planning Advisory Committee, a person shall be eligible to vote under the *Municipal Elections Act* and be a resident of the municipality of Hampton. Staff members who are appointed to the Planning Advisory Committee are not voting members.
- (H) The voting members of the Hampton Planning Advisory Committee may include:
- One member of the Hampton Council;
 - One member who may also be an active Member of the Hampton Environment Committee;
 - One member who may also be an active Member of the Hampton Leisure Services Advisory Committee;
 - One member who may also be an active Member of the Hampton Public Works Advisory and Utilities Commission
 - One member who may also be an active Member of the Hampton Economic Development and Tourism Committee; and
 - Four members who are not actively serving on another Committee of Council.

4. TERMS OF OFFICE

- (A) Subject to subsections 3(b) and 3(c), a voting member of the Planning Advisory Committee, with the exception of the member of Council, shall be appointed for a term of three (3) years and is eligible for reappointment for an additional three (3) year term.
- (B) When a member of Council or an employee or agent of the municipality of Hampton is appointed to the Planning Advisory Committee:
- (a) Unless the Council fails to appoint another person to replace him, the member of Council or the employee or agent ceases to be a member of the Planning Advisory Committee on ceasing to be a member of the Council or employee or agent of the municipality of Hampton; and
 - (b) If the Council replaces the member of the Council under Subsection 4(A)(a), the appointment is for the remainder of the term of the member replaced.
- (C) If a council fails to appoint a successor for a member of the advisory committee whose term of office would but for this subsection have expired, the member continues to hold office until his or her successor is appointed, and when appointed, the successor holds office until the day his or her term would have expired if he or she had been appointed at the appropriate time.

- (D) When appointing the first members of the Planning Advisory Committee, the council of the municipality of Hampton shall designate members in the following manner so that as nearly as possible the term of office of one-third of the members expires each year:
- (a) members who hold office until the first day of January of the year following their appointment;
 - (b) members who hold office until the first day of January of the second year following their appointment; and
 - (c) members who hold office until the first day of January of the third year following their appointment.
- (E) The Planning Advisory Committee shall elect a chair and a vice-chair of the committee from among its voting membership. This election occurs at the first committee meeting of any given year. The term of office of the chairperson and vice chairperson is one year, but they are eligible for re-election.
- (F) The chair and the vice-chair of the Planning Advisory Committee shall be appointed for a term of one year and are eligible for re-election or re-designation.
- (G) Unless otherwise appointed, the Planning Coordinator shall serve as secretary of the Planning Advisory Committee and shall keep records of the committee's proceedings.
- (H) At least one of the non-voting staff members shall attend all Planning Advisory Committee meetings to offer advice to the Committee and to present the Town's position on items before the Committee.

5. VACANCY

- (A) A vacancy results in the committee when:
- (a) a member is absent from three or more consecutive regular monthly meetings of the Committee;
 - (b) a member's term expires;
 - (c) a Council member's Council term expires; or
 - (d) a staff member ceases to be a servant of the municipality.
- (B) A vacancy does not occur when a member is absent from three or more consecutive meetings of the committee due to illness or a prior grant of leave from the committee.
- (C) Where a member of the Hampton Planning Advisory Committee dies, resigns, becomes ineligible to be a member or is removed from office, Council may appoint another person to succeed him or her and such person shall take office for the remainder of the term of the member he or she succeeds.

6. ADMINISTRATION OF THE PLANNING ADVISORY COMMITTEE

- (A) The Planning Advisory Committee may make rules for the conduct of its business.
- (B) The Planning Advisory Committee shall keep records of its proceedings.
- (C) The expenses of the Planning Advisory Committee that are approved by the Council of the municipality of Hampton shall be paid by the Council.
- (D) The Planning Advisory Committee meetings will be held on the last Tuesday of every month, or at the call of the Chair, at 7:00pm, in Council Chambers at 648 Main Street.
- (E) Planning Advisory Committee Agenda's will be posted on the Hampton Website (Hampton.ca) a minimum of 6 days prior to any regular scheduled meetings. Special Meeting Agenda's will be posted a minimum of 24 hours prior to the Special Meeting.

7. DUTIES AND POWERS

The duties and powers of the Planning Advisory Committee are set out in Section 13 of the *Community Planning Act*, R.S.N.B. (1973), Chapter C-12 and amendments thereto.

8. APPLICATIONS

- (A) Due to review times required by Town Staff and the Planning Advisory Committee, submissions or applications for the Planning Advisory Committee Agenda must be submitted a minimum six (6) weeks before the regularly scheduled meeting. Incomplete applications will be considered at the next regularly scheduled meeting if deemed by the Director of Planning, Engineering and Development or their designate to be substantially complete before the 1st of the month.
- (B) Council may refer items at the regular Meeting of Council, on the second Tuesday of the Month, to be placed on the Planning Advisory Committee Agenda for the next meeting of the committee.
- (C) The Planning Advisory Committee will only consider applications that are fully completed to the satisfaction of the Director of Planning, Engineering and Development.

- (D) The applications within the jurisdiction of the Planning Advisory Committee received by the Planning, Engineering and Development Department, or referred to the Planning Advisory Committee by Council, shall be placed on the agenda as a report from Planning, Engineering and Development with a recommendation.
- (E) The applicant will also be strongly encouraged that they, or an authorized representative be in attendance. If the Applicant or authorized representative is not in attendance, the committee will proceed with the application and hearing comments from the public. The committee will then decide if they have enough information to make a decision regarding the application. If the committee determines that it cannot render a decision on the application because it has reasonable questions for the applicant, or unanswered concerns with the application preventing them from making an informed decision the committee has the option to:
- i) In applications where the committee makes the final decision, i.e. Variances, temporary use, etc.; table the application until the next meeting allowing for the applicant to attend and address the committee's questions.
 - ii) In applications where a recommendation to council is required; forward the application to council with "No Recommendation decision" due to unanswered questions or concerns resulting from the Applicant or authorized Agent not being present at the meeting. The Committee will provide Council with the specific concerns in leading to the No Recommendation decision.
- (F) An application which has been submitted to Planning, Engineering and Development may be withdrawn at any time prior to the agenda being finalized.
- (G) After the agenda has been finalized a request to withdraw an item submitted to Planning, Engineering and Development shall be made in writing or in person to the Planning Advisory Committee and the Planning Advisory Committee may grant or refuse such a request.
- (H) An application which has been referred to the Planning Advisory Committee by Council can only be withdrawn with the consent of Council.
- (I) When an application has been received which seeks approval of a matter which has been denied by the Planning Advisory Committee within the last year, it will not be reconsidered by the Planning Advisory Committee unless the Planning Advisory Committee adopts a motion that it is of the opinion that there is new evidence to consider or a substantive change in conditions.

9. NOTICE

- (A) Property owners within 100 m of a property which is the subject of an application shall be notified by mail or personal delivery, of the meeting time, date, location of the meeting and nature of the application that will be considered.
- (B) The notice will indicate that their view can be made by letter, email, or in person before the Planning Advisory Committee at the meeting. All letters received will be public documents and they must be signed. The Planning Advisory Committee will not accept any unsigned letters.
- (C) The notice will be mailed or delivered at least 10 days prior to the meeting date.
- (D) The notice will indicate that a staff report is available on the Friday prior to the Planning Advisory Committee meeting.
- (E) An electronic copy of the notices referenced in section 9(a) will be made public on the municipality of Hampton website (Hampton.ca) at least 10 days prior to the meeting date.
- (F) Where an application before the Planning Advisory Committee is tabled to a later meeting date a revised notice shall be made.

10. MEETING DECORUM AND PROCEDURE

- (A) Planning Advisory Committee meetings are held in open public session and provide a respectful environment for all parties to have their views made known. Staff and Committee members will conduct themselves in a respectful and professional manner, at all times.
- (B) Applicants, their Agents, and Members of the public:
 - i) May not address the committee without its permission.
 - ii) Shall maintain order and quiet.
 - iii) Shall not interrupt or interfere with the proceedings.
- (C) Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while at the committee meeting and refuses to apologize or withdraw their remarks when so directed by the Chair or willfully obstructs the conduct of business and refuses to desist when called upon to do so by the Chair may be ordered to leave the committee meeting.. In the case of a web conference or teleconference, if a member of the public is directed to leave, their connection to the meeting will be terminated.

- (D) The order of business shall be as set out in the regular agenda which shall have been delivered to the members on the Friday prior to the meeting, but the Planning Advisory Committee may alter the order by majority vote.
- (E) An item not on the agenda may be brought to the meeting by the Planning, Engineering and Development staff, but must be added to the agenda by majority vote of the Planning Advisory Committee.
- (F) Remarks by the members shall be addressed through the Chair and not more than one member shall speak at any one time.
- (G) The Chair shall adhere the following process for each application on the Planning Advisory Committee's agenda:
- i) The Chair will call the agenda item by identifying the name of the applicant and the address of the subject property.
 - ii) Planning, Engineering and Development staff will then provide a brief overview of the application including a summary of the staff recommendation.
 - iii) The Chair shall invite the applicant to make a presentation to the Planning Advisory Committee in support of their application.
 - iv) The Chair will then invite others present at an in-person meeting, or members of the Public present at a web conference or teleconference meeting, to speak in support or in opposition to the application; although a group spokesperson is also appropriate.
 - v) The Chair will provide the applicant with an opportunity to respond to the issues raised by those speaking in support and in opposition to the application.
 - vi) The applicant as well as anyone wishing to speak either in support or in opposition to the application shall be provided with no more than 10 minutes to address the Planning Advisory Committee. The Chair shall strictly enforce the time limit and no additional time will be provided unless approved by majority vote of the Planning Advisory Committee.
 - vii) The Planning Advisory Committee members may question anyone addressing the Planning Advisory Committee. Responses to questions from the committee members do not count toward the presentation time limit in section.
- (H) Closed Sessions shall not be permitted except in the case of receiving legal opinions & advice, and items not involving applications for rulings and / or recommendations covered under the Community Planning Act. Such Closed Sessions shall be subject to the adoption of a motion in Open Session by a simple majority of the Planning Advisory Committee members present to proceed to Closed Session. The general public shall be barred from attending such Closed Sessions.

- (I) Decisions on all items on the agenda of the Planning Advisory Committee shall be made by motion in open session and shall include reasons for the Planning Advisory Committee’s decision.
 - i) All members of the Planning Advisory Committee present at a meeting and who have not declared a conflict of interest shall vote. For greater clarity, the Chair is a voting member of the Planning Advisory Committee.
 - ii) In the case of a tie vote, the motion is lost. Abstentions shall not be permitted.

- (J) A tabling motion shall not be debated but shall be voted upon and disposed of accordingly.

- (K) If an item is tabled for the purpose of the Planning Advisory Committee receiving new information or receiving further advice from Staff relating to an application, the applicant and members of the public may make additional representations to the Planning Advisory Committee when such item is removed from the table at a future meeting subject to the condition that the focus and ambit of such additional representations shall be limited to the new information received or advice received from Staff as the case may be.


11. EFFECTIVE DATE

This By-law comes into effect on the date of final enactment thereof.

First Reading: January 10, 2023

Second Reading: January 10, 2023

Third Reading and Enacted: February 14, 2023


Robert Doucet, Mayor


Megan O'Brien Harrison,
Director of Legislative Services (Clerk)