



## Terms of Reference

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Committee Name: <b>Committee of Adjustment/Sign Variance/Property Standards and Fence Viewing</b>	Committee Type: <b>Statutory</b>
Staff Support/Departmental Support: <b>Planning and Building Services Planning Division Municipal Law Enforcement Officer</b>	Created by <b>By-law No. 83-48 (COA) By-law 2011-79 (Sign By-law) By-law 2002-81</b>
Date Approved: <b>July 11, 1983 (COA)</b>	Amendments: <b>By-law 2012-80 (COA) Resolution 2018-293</b>

### Mandate/General Statement

#### Committee of Adjustment

The Committee of Adjustment makes decisions on Minor Variance, requests to expand legal non-conforming use applications to the Town's Zoning By-law, and Provisional Consent applications for the creation of new lots, lot line adjustments, easement/ROW applications, and lease applications all pursuant to the *Planning Act*. Members are encouraged to conduct site visits for each of the applications prior to the public meeting.

#### Sign Variance Committee

The Sign Variance Committee makes decisions respecting sign variance requests to the sign By-law 2011-79, as amended, being a by-law to regulate or prohibit signs or other advertising devices and the posting of notices.

#### Property Standards Committee/Fence Viewing

The Property Standards Committee regulates property maintenance and occupancy standards appeals in the Town of Midland. The Fence Viewing Committee administers applications pursuant to the *Line Fences Act*.

### Strategic Plan Priorities/ Legislative Requirements

- *The Planning Act*, R.S.O. 1990, c. P.13 (COA)
- *The Municipal Act*, S.O. 2001, c.25 (Sign Variance)
- *Ontario Building Code* (Property Standards)
- *Line Fences Act* (Fence Viewing)

# Committee Composition

## Committee of Adjustment

Pursuant to section 44(3) of the *Planning Act*, Members of the Committee shall hold office for the term of the Council that appointed them. Members shall hold office until their successors are appointed, and are eligible for re-appointment. Where a Member ceases to be a Member before the expiration of his or her term, Council shall appoint another eligible person for the unexpired portion of the term.

## Sign Variance Committee/Property Standards and Fence Viewing

Members shall be appointed by Council for a term of four (4) years to coincide with the term of the Council that appointed them or until replaced or re-appointed by a new incoming Council, whichever provides more consistent project overview.

The Committees shall consist of five (5) Members as follows:

Five (5) public representatives

X N Legislative/statutory requirement for Council representation.

2. A Chair and Vice Chair shall be elected in accordance with the provisions of Subsection 44(7) of the *Planning Act*. A Chair and Vice Chair shall be elected annually by the voting member.
3. The Human Resources Sub Committee shall review all committee applications.

## Committee Criteria

1. Preference will be given to persons who are residents and/or property owners within the Town of Midland.
2. Members shall be appointed based on the following skills and/or knowledge:
  - Experience and/or knowledge of the *Planning Act*, *the Municipal Act*, *Sign By-law*, *Ontario Building Code* and *Line Fences Act*.
  - Experience and/or knowledge of real estate and/or land development processes including Building Permit processes
  - Knowledge and/or experience with Sign and/or Building Permits
  - Knowledge and/or experience with Municipal Committees
3. Members must be able to commit the necessary time to Committee meetings and events (if applicable).
4. Members shall provide adequate notice to staff if unavailable to attend meetings.

5. Members should demonstrate a strong interest in the Committee's mandate, etc.
6. Acting on behalf of the Town/Code of Conduct, members shall conduct themselves as a representative of the Town.
7. Resignations from Committee members shall be tendered in writing to the Clerk or designated staff support. The Clerk will advise Council.
8. Attendance
  - a) If a member misses three (3) consecutive meetings and the Chair of the respective Committee has not granted permission for same, the Chair shall notify Council in writing concerning the absence.
  - b) Upon notification by the respective Committee Chair regarding the absence, Council may declare the seat of any member of the committee vacant.

## **Committee Duties**

### **Committee of Adjustment and Sign Variance Committee**

1. Pursuant to the *Planning Act* and By-law 83-48, as amended.
2. Pursuant to *the Municipal Act, 2001*, and By-law 2011-79 as amended.
3. 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 defer the application or reserve its decision.
4. 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 and the decision of the Committee, whether granting or refusing the 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.

### **Property Standards/ Fence Viewing**

5. Pursuant to the Ontario Building Code and *the Line Fences Act*.

## **Staff Support and Duties**

### **Committee of Adjustment and Sign Variance Committee**

1. Pursuant to section 44(8) of the *Planning Act* the Committee shall appoint a Secretary-Treasurer.
2. The Planning staff shall attend as required in an advisory capacity.

3. The Secretary-Treasurer shall confirm meeting dates and provide proper notice.
4. The Secretary-Treasurer shall publish and distribute agendas, and record and distribute the minutes to the Committee for approval.
5. The Secretary-Treasurer shall fulfill all the duties and responsibilities with respect to Decisions under the *Planning Act* including but not limited to Notices, satisfaction of Conditions, issuance of Certificate of Official, administering applications and Appeal, etc.

### **Property Standards/ Fence Viewing**

1. The Municipal Law Enforcement Officer shall attend as required in an advisory capacity.
2. The Municipal Law Enforcement Officer or designated staff support shall confirm meeting dates and provide proper notice.
3. The Municipal Law Enforcement Officer or designated staff support shall publish and distribute agendas and record the decision and distribute to the Parties involved.

### **Meetings**

1. The Clerk shall recommend the meeting schedule at the commencement of each Council term. The schedule shall be subject to the Committee's approval. Notice of any changes to the meeting dates shall be provided to the public in accordance with the Town's Procedural By-law. Meetings during the months of July and August shall be at the discretion of the Chair.
2. Meetings shall be held at the Town Municipal Offices or in such other place as appointed.
3. Pursuant to section 44(5) of the *Planning Act*, three members shall constitute a quorum.
4. Committee meetings shall follow the requirements of the *Planning Act* and the Town Procedural By-law as amended from time to time.

### **Reporting Structure**

#### **Committee of Adjustment and Sign Variance Committee**

1. Pursuant to the *Planning Act* and By-law 83-48, as amended.
2. Minutes of the Committee meetings shall be approved by the Committee at its next meeting and forwarded to Council as information through the Council Information Package (CIP).

**Property Standards/Fence Viewing**

1. Pursuant to the Ontario Building Code and *Line Fences Act*.

**Budget**

As approved by Council annually.

**Remuneration****Committee of Adjustment and Sign Variance Committee**

1. Pursuant to section 44(9) of the *Planning Act* and By-law 83-48, as amended.

**Review of Terms of Reference / Sunset Clause**

N/A

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