

## **PLANNING ADVISORY COMMITTEE CONSTITUTION**

**WHEREAS** the Council of the City of Fredericton has adopted By-Law Z-3, being A By-Law Relating to the Planning Advisory Committee for the City of Fredericton;

**AND WHEREAS** By-Law Z-3 permits the establishment of a Constitution for the Planning Advisory Committee;

**NOW THEREFORE BE IT RESOLVED** that the Planning Advisory Committee adopt the following document as its Constitution:

1. (a) Regular meetings of the Committee shall be held on the third Wednesday of each month except in the month of December when the regular monthly meeting may be held on the second Wednesday of that month.  
  
(b) Where a member of P.A.C. does not attend three consecutive regular meetings of P.A.C. or four regular meetings in a twelve month period, without excuse, the Committee recommends to Council that the member be replaced.
2. In addition to the regular meetings described in Section 1 above:  
  
(a) If the Chair of the Committee determines that the number of agenda items requires a second meeting in any month, he/she shall be authorized to call an additional meeting or meetings;  
  
(b) If a request for a special meeting is made to the Chair to transact such business as is set out in the request, the Chair may call an additional meeting to transact such business.
3. (a) In case of the death, resignation, disqualification or absence of the Chair, the Vice-Chair shall carry out the duties of the Chair;  
  
(b) If the Chair or Vice-Chair refuses or neglects to call a meeting when requested, any three (3) members of the Committee may call such a meeting.
4. Notice of all meetings, regular or special shall be given in writing by the Secretary of the Committee and shall specify the date, the time and the place of the meeting and, if a special meeting, shall set out the business
5. The agenda and supporting documentation shall be delivered to committee members not less than four days prior to the date of the meeting. Normally, the staff report will be available for public perusal at least two days prior to the committee meeting.
6. Subject to section 11 hereunder, the agenda of each regular and special meeting of the Committee shall be established and posted on the City of Fredericton website on the next business day following the last day for the addition of items to the meeting.

7. Unless otherwise specifically designated, all evening meetings of the Committee shall be held at the hour of 7 o'clock and all day-time meetings shall be held at noon.
8. All evening meetings of the Committee shall conclude not later than 11:00 p.m. unless the Committee, by simple majority, authorizes the continuation of the meeting beyond that hour.
9. The Committee designates the regular meeting in January of each year to be the Annual Meeting of the Committee when, immediately preceding or following the regular business, the Committee shall:
  - (a) Receive the Chairman's Report of the previous year's activities;
  - (b) Elect the Officers of the Committee;
  - (c) Review the Constitution.
10. All regular and special meetings of the Committee shall be open to the public.
  - (a) Notwithstanding Section 10 above, the Chairman of the Planning Advisory Committee may, at his/her discretion, hold special in-camera meetings of the Committee to discuss items of an administrative nature and for the purpose of receiving instruction from legal counsel and/or City staff.
  - (b) At the discretion of the Chair, public presentations and discussion may be limited to ensure the business of the committee is conducted within a reasonable timeframe.
11. The deadline for applications requiring consideration by the Planning Advisory Committee shall be determined by the Development Officer to ensure that the requirements of the Community Planning Act and the Official Languages Act are met.
12. Notwithstanding Section 11 above:
  - (a) items referred by City Council shall be received at the first regular meeting of the Committee immediately following the date of referral; and,
  - (b) items may be placed upon the agenda with the express permission of the Chair, which permission shall not be given unless the Chair is satisfied that, in the circumstances of the application, appropriate public notice can be issued.
13. A majority of the members of the Committee shall constitute a quorum for the transaction of business at all meetings of the Committee.
14. If, within 15 minutes following the scheduled time for commencement of a meeting, a quorum is not present for that meeting, the meeting shall stand adjourned to the next Wednesday night or such other night as determined by the Chair when a quorum can be present.
15. A member of the Committee must be present to vote on any matter of business before the committee.

16. The Chair and Vice-Chair shall be elected by secret ballot and the Secretary shall be appointed by the Committee.
17. The Chair shall preside at all meetings. In the absence of the Chair, the Vice-Chair shall preside. In the absence of both the Chair and the Vice-Chair, the Committee members present at the meeting shall choose one of their number to act as Chair for the meeting.
18. The Chair, Vice-Chair or member presiding at a meeting shall not vote upon any question except in the case of an equal division of the votes when the presiding officer shall have the deciding vote.
19. The Secretary shall record the minutes of the Committee; shall keep the records and books of the Committee; shall carry out the duties relating to the position as directed by the Committee. In the absence of the Secretary, the Chair shall appoint a Secretary *pro tempore*.
20. The order of business at all regular meetings of the Committee shall provide for:

- Opening
- Confirmation of Agenda
- Confirmation of Minutes
- Business Arising from Minutes
- Agenda Items

- Delegations
- Zonings
- Subdivisions
- Variances

- Old Business
- New Business
- By-law Approvals
- Building Permits
- Notices of Motion
- Adjournment

21. The Order of Business at all special meetings of the Committee shall be as follows:
  - Opening
  - Special Business
22. The procedure for reviewing an application at a meeting of the Committee shall be as follows:
  - Introduction of the Subject
  - Review of Staff Report
  - Questions of Staff
  - Presentation by Applicant
  - Questions to Applicant
  - Public Input
  - Questions to public presenters

Motion of the Committee  
 Debate by the Committee  
 Vote of the Committee

23. The business of the Committee at each meeting shall be taken up in regular order as presented in the agenda, unless otherwise determined by the Chair.
24. Not later than 10 business days prior to a regular or special meeting, the Committee shall endeavor to issue a written notice to all property owners who have an interest in any property located not less than:
  - (a) in the case of an application for a Municipal Plan amendment, rezoning, subdivision, or similar use variance, 100 metres of the boundaries of the subject property; or,
  - (b) in the case of an application for a variance, other than a similar use variance, 30 metres of the boundaries of the subject property informing them of the application and their right to be heard.
25. Unless the Committee is of the opinion that there is valid new evidence or change in conditions, where an application has been refused by the Committee, no further application may be considered by the Committee for one year if such application:
  - (a) in the case of a variance(s), is the same area of land intended to seek the same variance(s) originally sought; or
  - (b) in the case of a subdivision, is the same area of land intended to seek the subdivision originally sought; or
  - (c) is a zoning amendment, unless otherwise determined by Council.
26.
  - (a) A special sub-committee may be named at any time by the chair upon the adoption of a motion by the Committee specifying the matters to be dealt with by such sub-committee. The motion of the Committee shall specifically include the membership of the sub-committee that is not limited to members of the Committee.
  - (b) A permanent subcommittee, whose task shall be to provide recommendations to the Planning Advisory Committee on matters of design pertaining to applications submitted to the Committee, may be established by the chair upon the adoption of a motion by the Committee. The motion of the Committee shall include the geographic mandate of the subcommittee and the membership of the subcommittee.
27. This Constitution may be amended at any annual meeting or at a special meeting of the Committee called for that purpose, 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 amendment is considered. Such amendments shall come into effect upon the approval of a majority of the members present at the meeting at which the proposed amendments are presented.

28. In all cases not provided for herein or by the *Community Planning Act* or the By-laws of the City of Fredericton, the rules of procedure as set out in *Bourinot's Rules of Order*, Fourth Revised Edition, shall be followed so far as they may be applicable to the Committee.

P.A.C. CONSTITUTION – ADOPTED OCTOBER 27, 1976

AMENDMENTS (See Minutes of Meetings)

February 23, 1977  
January 31, 1979  
January 30, 1980  
February 25, 1981  
August 25, 1982  
January 26, 1983  
January 31, 1985  
February 25, 1987

- |                   |   |   |
|-------------------|---|---|
| February 21, 1996 | - | Section 1 (b) added; Section 16 revised   |
| February 16, 2000 | - | Section 10 (a) added  |
| January 17, 2001  | - | Terms of Reference Adopted for <i>Residential Town Plat Design Review Sub-Committee</i> as per Section 26 of the Constitution |
| March 21, 2001    | - | Section 10 (b) added  |
| January 16, 2002  | - | Section 9 revised   |
| April 21, 2004    | - | Section 26 (a) & (b)  |
| February 15, 2006 | - | Section 11 (Replaced)   |
| January 18, 2012  | - | Section 6 revised   |
| January 20, 2016  | - | Section 24 (a) revised to include Subdivisions<br>Section 28 revised to Fourth Revised Edition                                |