



MUNICIPALITY OF THE COUNTY OF KINGS Planning Policies

Creation Date: October 4, 2011

Approval Date: November 1, 2011

Revision Date: October 25, 2012
April 1, 2014

Policy Category: Planning

Next Review Date: As necessary

Replaces: See Section 5, p.1

1. Objective:

The purpose of the policy is to combine the various motions, policies and procedures approved by Council in the past, regarding planning, into clear, finite and easily accessible policies and procedures.

2. Applicability:

The policy is intended to apply to all planning processes and procedures. Included in this policy document are:

- Policies and procedures for public information meetings, public participation meetings and public hearings regarding planning matters
- Municipality of the County of Kings Public Participation Program
- Administrative policies and procedures for all planning matters
- Consideration of requests to amend the Municipal Planning Strategy
- Municipal Planning Strategy amendment process

3. Definitions:

Definitions of the terms used may be found in the Municipal Government Act.

4. Related Policies:

Policy for Fees: Approved May 1, 2007, amended April 19, 2011

By-law # 40: Rezoning Application Fee By-law: August 5, 1975

Motion re: Fees for Village Commission requests, August 22, 1995

Procedures regarding development application fees: approved October 1, 1996

Policy - Presentations: Approved May 20, 2008

5. Replaces:

Policy of Council regarding who can make application for rezoning, approved 1976;

Motion of Council regarding notification of the District Councillor, approved July 2, 1986;

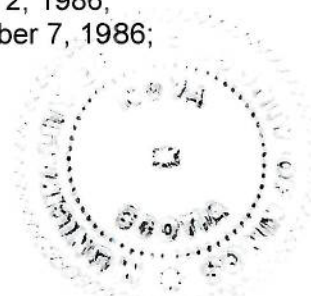
Guidelines for open space proposals for multi-unit development approved October 7, 1986;

Public Hearing and Public Participation motion approved September 4, 1990;

Policy regarding Public Hearing date and times approved February 2, 1993;

Requests for MPS amendments procedures approved October 1, 1996;

MASTER



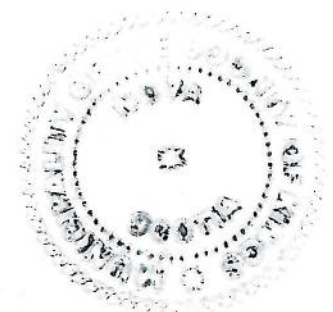


MUNICIPALITY OF THE COUNTY OF KINGS

Planning Policies

Public Notification for Public Hearings, approved February 2, 1999;
Policy – Planning Process, approved August 1, 2000;
Procedure Regarding Public Information Meetings, approved January 2, 2001;
Procedure Regarding Public Information Meetings, dated November 5, 2004;
Public Hearing and Public Participation motion approved January 4, 2005;
Requests for MPS amendments procedures approved June 7, 2005 and amended July 5, 2005;
Motion of Council regarding materials to be brought to Council, August 2, 2005;
Motion of Council regarding the re-scheduling of non-controversial public meetings, August 2, 2005;
Public Hearing Procedure, revised July 7, 2008;
Motion of Council regarding re-applying, August 5, 2008; and
Public Hearing and Public Participation motion approved February 2, 2010

MASTER





MUNICIPALITY OF THE COUNTY OF KINGS

Planning Policies

POLICIES AND PROCEDURES FOR PUBLIC INFORMATION MEETINGS, PUBLIC PARTICIPATION MEETINGS AND PUBLIC HEARINGS REGARDING PLANNING MATTERS

The following Rules and Procedures apply to all Public Information Meetings, Public Participation Meetings and Public Hearings regarding planning matters held by a District Councillor, an Area Advisory Committee, Planning Advisory Committee or Council.

PLEASE NOTE that the intention of these meetings is to obtain and clarify information rather than debate the merit of a planning matter.

GENERAL POLICIES

Written Submissions

- written submissions for a public meeting including a hearing shall be circulated to the responsible Committee and Council and shall be available to the public but shall not be read into the record
- written submissions shall be provided to the staff person responsible for the file before 12:00 noon on the business day immediately preceding the public meeting
- submissions may be read by the author or his/her agent
- people may both submit a written presentation and speak on a subject
- multi-media presentations must be provided to the staff person responsible for the file at least 2 business days prior to the public meeting

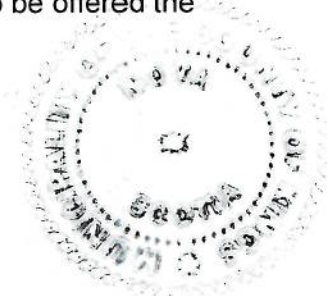
Scheduling and Adjournment

- no new information shall be received by Councillors once a Public Hearing has been completed
- if there is not sufficient time to hear all speakers, a Public Hearing or public meeting shall be adjourned to a date and time set during the original meeting or hearing. Since appropriate notice of the meeting or Public Hearing was given, submissions will **not** be heard from those not present at the original meeting. The purpose of any extension is only to complete the presentations by those at the original meeting.

General Rules

- each speaker is to state his or her name and community of residence
- members of Council may ask questions of clarification of each speaker
- all questions are to be addressed to the Chair
- people may both submit a written presentation and speak on a subject
- individuals who have personally contacted the Municipal Clerk regarding a Public Hearing, or the staff responsible regarding any other meeting (by phone, e-mail or in person) to be put on the speakers list will be placed on the "priority speakers list"; all others will also be offered the opportunity to speak.

MASTER





MUNICIPALITY OF THE COUNTY OF KINGS

Planning Policies

PROCEDURES

1. Meeting/ Public Hearing Opened by the Chair

- outlines agenda
- notes general rules of conduct
- notes that the purpose of a Public Information Meeting or Public Participation Meeting is to gather information OR
- that a Public Hearing is to hear presentations that bear on whether or not Council should approve a proposal
- notes that all presentations will be taken into account when making a recommendation or decision

2. Overview by Planner

- overview of proposed change or agreement including statutory requirements

3. Presentation by Applicant

- applicant given opportunity to make presentation with a maximum length of 10 minutes unless extended by the agreement of Council or the Committee.

4. Comments and Questions by the Public

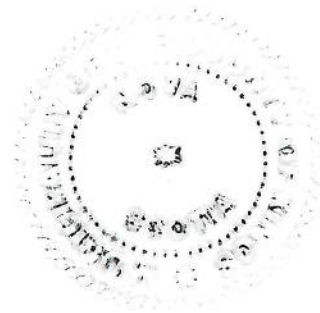
- comments and questions to be addressed to the Chair
- speakers will be limited to one presentation unless called upon by the Chair for further comment. The maximum time of each presentation shall be ten (10) minutes unless extended by the agreement of Council or the Committee, and each speaker shall be allowed the same amount of time.

5. Comments and Questions by Committee or Council members

- comments and questions to be addressed to the Chair
- questions of clarification of may be addressed through the Chair to the applicant, staff or those making submissions

6. Closing Remarks by Chair

- notes remainder of process



**MUNICIPALITY OF THE COUNTY OF KINGS****Planning Policies****MUNICIPALITY OF THE COUNTY OF KINGS
PUBLIC PARTICIPATION PROGRAM**

WHEREAS Section 204 of the *Municipal Government Act* requires Council to adopt a public participation program before undertaking the preparation of planning documents;

BE IT RESOLVED that the public participation program for the Municipal Planning Strategy review approved by Council January 4, 2005 be rescinded and replaced with the following:

Part 1: All Amendments to the Municipal Planning Strategy and New Minas Sector Plan

Council resolves to seek the views of the public and to encourage public participation regarding amendments to the Municipal Planning Strategy and New Minas Sector Plan, including implementing amendments to the Land Use Bylaw and Subdivision Bylaw by:

1. making the proposed amendments and associated staff report available to the public; and
2. requiring the Planning Advisory Committee to hold one or more public participation meetings to explain the proposed amendments and receive comments from the public; and
3. placing a notice of the public participation meeting in a local newspaper at least one week prior to the meeting date. The notice shall describe the matter being considered and the time and place of the meeting.
4. Following the public participation meeting, the Planning Advisory Committee may make changes to the proposed amendments before forwarding the proposed amendments on to Council, provided the purpose of the proposed amendments are not significantly altered. The Planning Advisory Committee, however, must repeat Part 1 of this Public Participation Program if major changes are made to the proposed amendments that fundamentally alter the purpose of the proposed amendments reviewed by the public at the public participation meeting. The decision about whether a significant alteration is made to the proposed amendments shall rest with Planning Advisory Committee, which shall consider the goal of seeking the opinions of the public prior to forwarding the proposed amendments to Council for consideration.

Part 2: Comprehensive Review of the Municipal Planning Strategy or New Minas Sector Plan

Council resolves to seek the views of the public and to encourage public participation regarding any comprehensive review of the Kings County Municipal Planning Strategy, New Minas Sector Plan and any implementing bylaws by:

1. at a minimum, fulfilling the requirements of Part 1 above, and
2. developing and implementing a public engagement plan to further inform and receive comments from the public. The contents of the public engagement plan are at the discretion of Council and may involve one or more approaches, including but not limited to sub-committees, public meetings, open houses, focus groups, questionnaires, newsletters and interviews.

Part 3: Development Agreements and Amendments to the Kings County or New Minas Land Use Bylaw

Council resolves to encourage public participation regarding development agreements and Land Use Bylaw amendments by adopting procedures for informing the public of a proposal and when appropriate,

MASTER



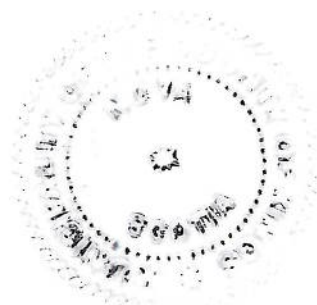
MUNICIPALITY OF THE COUNTY OF KINGS

Planning Policies

holding one or more public meetings to inform the public and receive comments from the public about the proposal.

Part 4: Discretion of Council

From time-to-time Council may choose to review a discrete component of the Municipal Planning Strategy or New Minas Sector Plan. Where it is not clear whether Part 1 or Part 2 of the Public Participation program applies, the decision to follow Part 1 or Part 2 of this Public Participation Program shall be at the discretion of Council.





MUNICIPALITY OF THE COUNTY OF KINGS

Planning Policies

ADMINISTRATIVE POLICIES AND PROCEDURES FOR ALL PLANNING MATTERS

The Municipality of the County of Kings resolves to ensure the opportunity for public involvement in all procedures related to planning matters by adopting the following policies and procedures as the policies and procedures which regulate planning matters in the Municipality of the County of Kings.

The processes listed are the minimum processes. Council may hold additional meetings or disperse or solicit information in any additional manner it determines.

Closing Files

Once any request to amend a planning document or enter into or amend a development agreement has been received, these procedures will apply:

- if a request has been received and the file is inactive for five (5) months, a letter shall be sent by certified mail or equivalent advising the applicant that he/she has thirty (30) days to request that the file remain open an additional six (6) months.
- if no written request is received within the specified thirty (30) days, the file shall be closed.
- if a written request is received within the specified thirty (30) days and the application is not completed within six (6) months the file shall be closed.
- the file shall not be closed if required studies or consultation requested by the Municipality result in the application not being complete within the specified time period.

Minor MPS Amendments

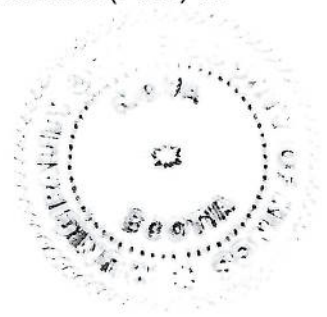
Staff may bring forward minor amendments to the MPS within a report regarding a requested LUB amendment if such amendment provides for a more reasonable or effective LUB amendment. The process for amending the MPS would then be followed, with no additional charges or requirements being placed on the applicant.

Repeat Applications

Once a decision regarding an amendment, a development agreement or an amendment to a development agreement has been made by Council, the application shall not be further considered by Council for a period of one year from the date of Council's decision unless the substance of the application is significantly different.

Alterations to Proposed Development Agreements

Changes to a proposed development agreement may be made by Council at initial consideration with the consent of the applicant, recognizing that the final decision will not occur until after the public hearing. Council's resolution shall set out the timeframe within which the applicant's consent must be forthcoming and whether the development agreement goes to a Public Hearing if consent is not forthcoming or if the development agreement is to return to the Planning Advisory Committee (PAC) for additional consideration.





MUNICIPALITY OF THE COUNTY OF KINGS

Planning Policies

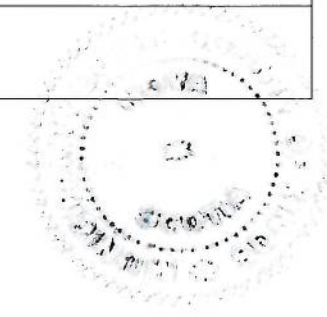
Public Information Meetings

A Public Information Meeting will be held only for:

- construction or relocation of a new building or buildings by development agreement or an amendment to a development agreement; and
- expansion of a building by more than 50% of the mass of the building by development agreement; and
- development of a new use by development agreement; and
- Land Use Bylaw map amendments for any area of land greater than one (1) acre in area; and
- all Land Use Bylaw text amendments



	DEVELOPMENT AGREEMENT or SUBSTANTIVE AMENDMENT TO A DEVELOPMENT AGREEMENT	LAND USE BYLAW MAP AMENDMENT	LAND USE BYLAW TEXT AMENDMENT	NON SUBSTANTIVE AMENDMENT to a DEVELOPMENT AGREEMENT	DISCHARGE of a DEVELOPMENT AGREEMENT
1	applicant discusses with planner	applicant discusses with planner	applicant discusses with planner	applicant discusses with planner	applicant discusses with planner
2	application submitted with the signature or written authorization of the landowner	application submitted with the signature or written authorization of the landowner	application submitted with the signature or written authorization of a landowner	application submitted with the signature or written authorization of the landowner	application submitted with the signature or written authorization of the landowner
3	District Councillor notified	District Councillor notified	District Councillor notified	District Councillor notified	District Councillor notified
4	Staff determines whether a PIM is required by this policy and determines location, date and time in consultation with the District Councillor.	Staff determines whether a PIM is required by this policy and determines location, date and time in consultation with the District Councillor.	Staff determines whether a PIM is required by this policy and determines location, date and time in consultation with the District Councillor.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5	if a PIM is required, a PIM presentation is prepared by staff. The presentation sets out background and request (no recommendation made by staff).	if a PIM is required, a PIM presentation is prepared by staff. The presentation sets out background and request (no recommendation made by staff).	if a PIM is required, a PIM presentation is prepared by staff. The presentation sets out background and request (no recommendation made by staff).	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6	notice sent by staff to owners located within 500' of the property for which the development agreement or amendment has been requested, advising of either PIM or of the application received.	notice sent by staff to owners located within 500' of the property for which the amendment has been requested, advising of either PIM or of the application received.	notice sent by staff to owners located within 500' of the property for which the amendment has been requested, advising of PIM.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
7	if a PIM is required by this policy, PIM ad placed on County website and in a local paper	if a PIM is required by this policy ,PIM ad placed on County website and in a local paper	if a PIM is required by this policy, PIM ad placed on County website and in a local paper	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
8	if a PIM is required by this policy, PIM held by District Councillor	if a PIM is required by this policy, PIM held by District Councillor	if a PIM is required by this policy, PIM held by District Councillor	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
9	where there is an Area Advisory Committee (AAC), staff prepares a report to the AAC, including the information gathered at the PIM and a draft agreement.	where there is an Area Advisory Committee (AAC), staff prepares a report to the AAC, including the information gathered at the PIM and a draft agreement.	where there is an Area Advisory Committee (AAC), staff prepares a report to the AAC, including the information gathered at the PIM and a draft agreement.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
10	AAC considers report and makes a recommendation to the Planning Advisory Committee (PAC)	AAC considers report and makes a recommendation to the Planning Advisory Committee (PAC)	AAC considers report and makes a recommendation to the Planning Advisory Committee (PAC)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
11	in areas with no AAC, staff prepares a report to PAC including the information gathered at the PIM and the draft agreement.	in areas with no AAC, staff prepares a report to PAC including the information gathered at the PIM and the draft amendment.	in areas with no AAC, staff prepares a report to PAC including the information gathered at the PIM and the draft amendment .	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
12	PAC considers either staff or staff and AAC recommendations and makes a recommendation to Council.	PAC considers either staff or staff and AAC recommendations and makes a recommendation to Council.	PAC considers either staff or staff and AAC recommendations and makes a recommendation to Council.	PAC considers either staff or staff and AAC recommendations and makes a recommendation to Council.	<input checked="" type="checkbox"/>
13	Initial Consideration by Council	First Reading by Council	First Reading by Council	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
14	staff prepares report for Public Hearing	staff prepares report for Public Hearing	staff prepares report for Public Hearing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
15	Public Hearing notice sent to owners located within 500' of the property for which the agreement has been requested.	Public Hearing notice sent to owners located within 500' of the property for which the amendment has been requested.	Public Hearing notice sent to owners located within 500' of the property for which the amendment has been requested.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
16	ad placed in local paper	ad placed in local paper	ad placed in local paper	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
17	Public Hearing held by Council	Public Hearing held by Council	Public Hearing held by Council	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
18	Council holds Final Consideration and makes decision	Council holds Second Reading and makes decision	Council holds Second Reading and makes decision	Council considers recommendation and makes decision	Council considers staff report and recommendation and makes decision
19	14 day appeal period follows applicant notification or advertisement of decision	14 day appeal period follows applicant notification or advertisement of decision	14 day appeal period follows applicant notification or advertisement of decision	14 day appeal period follows applicant notification or advertisement of decision	(no appeal)





MUNICIPALITY OF THE COUNTY OF KINGS

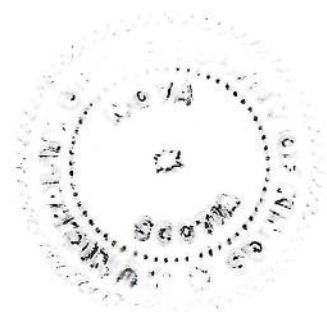
Planning Policies

CONSIDERATION OF REQUESTS TO AMEND THE MUNICIPAL PLANNING STRATEGY

Semi-Annual Work Plan

Note: At any time, an Area Advisory Committee, the Planning Advisory Committee, Council or staff may request that the Work Plan be amended to give priority to an urgent planning issue that cannot await the next semi-annual review of the Work Plan.

proponent discusses proposal with planner
proponent makes written request to the Planning Advisory Committee to amend the MPS or New Minas Sector Plan
requests received on or before March 1 st will be considered at the spring review of the semi-annual work plan. Requests received after March 1 st will be considered at the fall review of the semi-annual work plan.
twice a year, planning staff prepare brief Context Reports for each proposal
at the first meeting, coinciding with Council's review of the budget (spring review), and at the meeting approximately six (6) months from the approval of the budget (fall review) the Planning Advisory Committee considers all requests together with all other current and proposed planning projects within the semi-annual work plan. All proponents who have made a written request for an MPS amendment are invited to address the Planning Advisory Committee before it recommends a work plan to Council.
The Planning Advisory Committee makes a recommendation to Council on the contents and priority of items on the work plan
Council determines the work plan





MUNICIPALITY OF THE COUNTY OF KINGS

Planning Policies

MUNICIPAL PLANNING STRATEGY AMENDMENT PROCESS

Note: the following contains the **minimum** public process. Council may determine that more public engagement is required.

TEXT & MAP AMENDMENTS	
OPPORTUNITY FOR COUNCIL TO REQUIRE ADDITIONAL PUBLIC ENGAGEMENT: MEETINGS/WORKSHOPS (ANY TYPE) FOR ENTIRE COUNTY OR SPECIFIC AREA; QUESTIONNAIRE(S); ETC.	
in areas with an Area Advisory Committee (AAC) staff prepares a report to the AAC, including options and a recommendation	in areas with no AAC, staff prepares a report to the Planning Advisory Committee (PAC), including options and a recommendation
AAC considers report and makes a recommendation to the Planning Advisory Committee (PAC)	
PAC considers options and either staff or AAC recommendation	
PAC directs that amendments be drafted and holds a Public Participation Meeting, or in the case where amendments are already drafted, holds a Public Participation Meeting. If PAC recommends that no amendment be draft, then its recommendation is forwarded directly to Council.	
Staff prepares Public Participation Meeting report, which includes draft amendments. Report is available to Council, PAC, AAC and the public on or before the date of the first advertisement of the Public Participation Meeting	
where the proposal amendments pertains to a specific site, notice to owners located within 500' of the site is sent by staff, advising of the Public Participation Meeting	
Public Participation Meeting held by PAC	
PAC makes a recommendation to Council	
First Reading by Council	
staff prepares report for Public Hearing	
where the proposal amendments pertains to a specific site, notice to owners located within 500' of the site is sent by staff, advising of the Public Hearing	
ad placed in local paper	
Public Hearing held by Council	
Council holds Second Reading and makes decision	
no appeal: review by SNSMR	
notice placed in paper after notice received by SNSMR	

MASTER

