

THE CORPORATION OF HALDIMAND COUNTY

By-law Number /19

Being a by-law to delegate authority to the General Manager of Community & Development Services regarding site plan control, plans of subdivision, part lot control, certain land transfers and other matters

WHEREAS Section 5 (3) of the *Municipal Act*, 2001, c. 25, as amended, states that a municipality shall exercise its rights, powers, capacities and privileges by by-law;

WHEREAS Section 23.1 of the *Municipal Act*, 2001, c. 25, as amended, authorizes a municipality to delegate its powers and duties to a person or body;

WHEREAS Section 41 (13) of the *Planning Act* provides that where the council of a municipality has designated a site plan control area under Section 41 of the Act, the council may by by-law delegate any of the council's powers or authority under the section except the authority to define any class of development;

WHEREAS authority has been granted to Council to approve part-lot control under Section 50 of the *Planning Act*, and plans of subdivision under Section 51 of the *Planning Act* and section 9 of the *Condominium Act*, and whereas Section 5 of the *Planning Act*, provides that council may by by-law delegate such authority;

WHEREAS authority has been granted to Council under section 9 of the *Condominium Act*, 1998 to exempt condominiums from draft approval;

AND WHEREAS authority on certain matters has previously been delegated to staff through By-laws 6/01, 7/01, 8/01, 9/01, 1187/11, 1192/11, 1193/11, 1624/16 and 1717/16 and Council deems it expedient to update and consolidate such authority through a single by-law,

NOW THEREFORE, the Council of The Corporation of Haldimand County enacts as follows:

1. **THAT** authority of the Council of Haldimand County under Section 41 of the *Planning Act*, with respect to the administration of site plan control is delegated to the General Manager of Community & Development Services or designate.
2. **THAT** authority of the Council of Haldimand County under Section 50 of the *Planning Act* with respect to part-lot control exemptions is delegated to the General Manager of Community & Development Services or designate.
3. **THAT** part lot control by-laws implementing the exemptions approved by the General Manager of Community & Development Services or designate be presented directly to Council for enactment.

4. **THAT** authority of the Council of Haldimand County under section 51 of the *Planning Act* with respect to approval of plans of subdivision and condominium is delegated to the General Manager of Community & Development Services or designate.
5. **THAT** notwithstanding clause 4 above, this delegation does not apply in respect of draft approval or denial thereof pertaining to any subdivision or condominium plan in which:
 - i. the recommendation of the General Manager is for refusal of the plan of subdivision or condominium; or
 - ii. the conditions to be imposed are at variance with the recommendations of the circulated agencies or contested by the applicant; or
 - iii. there are objections to the plan of subdivision or condominium by interested parties or circulated agencies who have given notice to the General Manager of their interest prior to the time of draft approval of the subdivision or condominium and which in the opinion of the General Manager are unresolved objections.
6. **THAT** without limiting the generality of clause 4 and notwithstanding the limitations of clause 4, the delegation to the General Manager shall apply in all cases as follows:
 - i. the draft approval of a plan of subdivision or condominium which has been deferred by Council pending final approval of an official plan amendment by the Minister of Municipal Affairs and Housing;
 - ii. revisions to the approved draft plan of subdivision or condominium or conditions thereto, which in the opinion of the General Manager are deemed to be minor;
 - iii. exemption of proposed plans of condominium from draft approval;
 - iv. final approval of plans of subdivision and condominium which have been draft approved either by the General Manager or Council;
 - v. the granting of extensions to draft approval not exceeding 12 months;
 - vi. refer conditions of approval to the Local Planning Appeal Tribunal;
 - vii. resumption of a proposed plan of subdivision or condominium which has been referred to the Local Planning Appeal Tribunal; and
 - viii. the approval of draft and final plans of subdivision and condominium shall be evidenced by the signature of the General Manager.
7. **THAT** the General Manager may deem that a review by Council is warranted under any circumstances and insofar as the particular matters referred by the General Manager to Council, the delegation provided for in clause 4 of this by-law to the General Manager shall not apply.
8. **THAT** the General Manager is authorized to do all acts necessary to carry out the authority delegated through this by-law related to the approval of plans of subdivision, including affixing his/her signature as required to all documents and plans.

9. **THAT** authority is delegated to the General Manager of Community & Development Services or designate with respect to the approval authority relating to land transfers to Haldimand County for certain planning matters and the release of various instruments registered on title of lands.
10. **THAT** the land transfers described in clause 9 shall be limited to those that relate to an application under the Act which has received approval from Council or Committee of Adjustment and which is for municipal purposes including but not limited to: road widening, 1 foot reserve, service easements and infrastructure emplacement.
11. **THAT** any costs associated with a land transfer described in clause 9 are not significant and can be accommodated in the approved annual budget.
12. **THAT** any by-laws required to implement land transfers approved by the General Manager of Community & Development Services be presented directly to Council for enactment.
13. **THAT** the instruments described in clause 9 shall be limited to those relating to an application under the Act which has received approval from Council or Committee of Adjustment and which are no longer relevant to the development of particular lands including, but not limited to: development agreements, restrictive covenants, notices/warnings and part lot control by-laws.
14. **THAT** authority is delegated to the General Manager of Community & Development Services or designate to approve applications for financial assistance under the terms and conditions of Haldimand County's Community Improvement Plans, for grant requests equal to or less than \$5,000.
15. **THAT** authority is delegated to the General Manager of Community & Development Services or designate to approve applications for financial assistance under the terms and conditions of Haldimand County's Community Projects Capital Grant Program, for grant requests equal to or less than \$10,000.
16. **THAT** authority is delegated to the General Manager of Community & Development Services or designate to approve applications for Special Events during the summer recess period for Council.
17. **THAT** in the absence of the General Manager of Community & Development Services, authority be delegated to the Chief Administrative Officer or Manager of Planning & Development, as designate.
18. **THAT** this by-law shall come into force and take effect on the date of passing.

19. **AND THAT** by-laws 6/01, 7/01, 8/01, 9/01, 1187/11, 1192/11, 1193/11, 1642/16, and 1717/16 be repealed.

READ a first and second time this 3rd day of September, 2019.

READ a third time and finally passed this 3rd day of September, 2019.

MAYOR

DEPUTY CLERK