

DEVELOPMENT

Chapter 330 APPROVALS - AUTHORITY

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Article 1**COMMISSIONER OF PLANNING AND DEVELOPMENT****330.1.1 Authority - set out**

The authority set out in this Article with respect to the approval of plans of subdivision under the *Planning Act* and the approval of descriptions under the *Condominium Act* is hereby delegated to the Commissioner of Planning and Development.

330.1.2 Endorsement - notice of decision - draft approval

The Commissioner of Planning and Development shall have the authority to endorse the notice of decision of Council with respect to draft approval of plans of subdivision and to endorse the draft approved plans, subject to the condition that the notice shall contain all of the conditions imposed by Council.

330.1.3 Approval - draft plans of condominium - conditional

The Commissioner of Planning and Development shall have the authority to grant approval to draft plans of condominium where the proposed plan of condominium is the subject matter of an executed site plan agreement with the Town and has been circulated for comments in accordance with the provisions of the *Planning Act* and procedures approved by Council, and the Regional Municipality of York and all other circulated agencies have requested routine conditions of approval, or have expressly or by implication indicated no objection to approval, and not otherwise, subject to the condition that Council's standard conditions of approval together with the conditions requested by the Regional Municipality of York and all other circulated agencies be imposed as conditions of approval of the draft plan of condominium.

330.1.4 Descriptions - exemption - conditional

The Commissioner of Planning and Development shall have the authority to exempt descriptions under section 50 of the *Condominium Act*, R.S.O. 1990, c. C.26, from the provisions of sections 51 and 51.1 of the *Planning Act*, R.S.O. 1990, c. P.13 save and except for provisions respecting the public meeting where:

- (a) all conditions which would have been imposed had the description not been exempted have been satisfied;
- (b) the proposed use is in conformity with the official plan and is permitted by the zoning by-law in force in the area in which the land is situated;
- (c) the draft plan has been circulated for comments in accordance with provincial guidelines and procedures approved by the Council, and the Regional Municipality of York and all other circulated agencies have requested routine condi-

tions of approval, or have expressly or by implication indicated no objection to approval.

330.1.5 Absence - authority delegated

In the absence of the Commissioner of Planning and Development, all of the authority delegated to the Commissioner of Planning and Development, in this Article, may be exercised by either the Director of Planning or the Commissioner of Engineering and Public Works.

330.1.6 Plans of subdivision - plans of condominium

The following duties and responsibilities with respect to plans of subdivision under the *Planning Act* and plans of condominium under the *Condominium Act* are hereby assigned to the Commissioner of Planning and Development or his or her designate:

- (a) receive applications for approval of plans of subdivision;
- (b) assign each application a file number, as required;
- (c) give notices of application, as required;
- (d) circulate an application, draft plan, and any alterations or revisions thereto, as required;
- (e) extend time for receipt of written comments from persons, as required;
- (f) receive written comments in respect of the application, draft plan, and revisions or alteration thereto;
- (g) give written notice of application, as required;
- (h) schedule public meeting, as required;
- (i) prepare conditions of approval of draft plan of subdivision;
- (j) prepare report recommending to Council that:
 - (i) Council approve the draft plan of subdivision, subject to conditions; or
 - (ii) Council refuse to approve the draft plan of subdivision;
- (k) give notice to the applicant, Regional Clerk and any party who has requested notice of the Council meeting at which application is to be considered, enclosing a copy of the relevant staff report;

- (l) if application for plan of subdivision is not approved or refused within 180 days of the application date, give a status report, as required;
- (m) where Council refuses to approve a draft plan, give written notice, as required;
- (n) where Council approves a draft plan, give written notice, as required;
- (o) if no objection received within the appeal period, endorse approval on the draft plan in the prescribed form and give notice of approval to the applicant, the Regional Clerk, any other authority affected by the draft plan and any party who has requested notice, enclosing a copy of the approved draft plan and conditions;
- (p) prepare and forward to the Ontario Municipal Board the record, notice of appeal and fee and any other material or documentation as required by the *Planning Act*, R.S.O. 1990, c. P.13, s. 51 and give all required notices;
- (q) receive draft plan of subdivision or conditions, if sent back by Ontario Municipal Board;
- (r) give notice of:
 - (i) a proposed withdrawal of approval to draft plan;
 - (ii) a proposed substantial variation of any condition of approval; or
 - (iii) a proposal to extend the approval of the draft plan,as required;
- (s) vary conditions of approval, if no objection received within the 21 day notice period;
- (t) extend the period of approval of the draft plan, if no objection received within the 21 day notice period;
- (u) give notice of withdrawal of approval of final approved plan, as required; and
- (v) do all acts necessary to give effect to all of the foregoing.

Article 2**COMMISSIONER OF ENGINEERING AND PUBLIC WORKS****330.2.1 Authority - set out**

The authority, as set out in this Article, with respect to the approval of plans of subdivision under the *Planning Act* is hereby delegated to the Commissioner of Engineering and Public Works.

330.2.2 Plans of subdivision - final approval - conditional

The Commissioner of Engineering and Public Works shall have the authority to give final approval to plans of subdivision, subject to the condition that the Commissioner of Engineering and Public Works shall not endorse approval on a final plan of subdivision:

- (a) until all of the conditions set out in the conditions of the draft plan approval of Council to such plan of subdivision have been satisfied; and
- (b) unless the final plan is in conformity with the approved draft plan.

330.2.3 Absence - authority delegated

In the absence of the Commissioner of Engineering and Public Works, all of the authority, delegated to the Commissioner of Engineering and Public Works, in this Article, may be exercised by either the Director of Development and Technical Services or the Commissioner of Planning and Development.

330.2.4 Plans of subdivision

The following duties and responsibilities with respect to plans of subdivision under the *Planning Act* are hereby assigned to the Commissioner of Engineering and Public Works or his or her designate:

- (a) supervise and coordinate the development process after draft approval and prior to release of the final plan excluding the following:
 - (i) withdrawal of approval of draft plan;
 - (ii) variation of conditions of draft plan;
 - (iii) extensions of draft approval.
- (b) receive final plan and review;
- (c) receive advice from Examiner of Surveys under the *Land Titles Act* that the plan has been accepted for registration;
- (d) approve final plan and endorse approval thereon in prescribed form; and

- (e) do all necessary acts to give effect to all the foregoing.

Article 3
TOWN SOLICITOR

330.3.1 Authority - plans of subdivision - plans of condominium

The following duties and responsibilities with respect to plans of subdivision under the *Planning Act* and plans of condominium under the *Condominium Act* are hereby assigned to the Town Solicitor or his or her designate:

- (a) receive clearances of conditions from Town departments and external agencies required to give clearances;
- (b) advise the Commissioner of Engineering and Public Works that all conditions have been satisfied;
- (c) advise the Ontario Municipal Board that all conditions have been satisfied if required;
- (d) ensure that the final approved plan remains in the care and control of the Town or its authorized delivery service until it is delivered into the care and control of the Land Registry Office;
- (e) deliver original of an approved final plan together with all required copies to Land Registry Office for registration, receive back registered duplicate original of approved final plan and distribute copies, as required; and
- (f) do all necessary acts to give effect to all the foregoing.

By-law 184-98, 8 September, 1998; Schedule 'A'.

Article 4
REPEAL

330.4.1 By-law - previous

By-law 132-96 is hereby repealed. By-law 184-98, 8 September, 1998.