

**THE CORPORATION OF THE UNITED COUNTIES
OF PRESCOTT AND RUSSELL
BY-LAW NUMBER 2019-27**

A BY-LAW TO DELEGATE COUNCIL APPROVAL AUTHORITY WITH RESPECT TO PLANS OF SUBDIVISION, PLANS OF CONDOMINIUM AND PART LOT CONTROL PURSUANT TO THE *PLANNING ACT*, R.S.O. 1990, c. P.13, AS AMENDED.

REF: Plan of Subdivision Approval Authority By-Law

WHEREAS *Ontario Regulation 543/00* made under the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the “*Planning Act*”), assigned to the Council of the Corporation of the United Counties of Prescott and Russell all authority of the Minister with respect to the approval of Plans of Subdivision and Plans of Condominium pursuant to section 51 of the *Planning Act*;

AND WHEREAS the Council of the Corporation of the United Counties of Prescott and Russell being an upper-tier municipality with an approved official plan is the approval authority for the purposes of sections 51 and 51.1 of the *Planning Act*;

AND WHEREAS it is the intent of Council to streamline the approval process for Plans of Subdivision, Plans of Condominium and Part Lot Control;

AND WHEREAS subsection 51.2(1) of the *Planning Act* allows Council to delegate by by-law all or any part of the authority to approve Plans of Subdivision and Plans of Condominium to a committee of council or to an appointed officer identified in the by-law by name or position occupied;

AND WHEREAS subsection 51.2(6) of the *Planning Act* provides that a delegation of authority made by a council under this section may be subject to such conditions as the council by by-law provides;

AND WHEREAS Council deems it appropriate to delegate approval authority for “undisputed” Plans of Subdivision and Plans of Condominium to the Director of Planning and Forestry;

AND WHEREAS Council deems it appropriate to delegate approval authority for “disputed” Plans of Subdivision and Plan of Condominium to the United Counties of Prescott and Russell Planning and Forestry Committee;

AND WHEREAS subsection 50(7) of the *Planning Act* provides that the council of a municipality may, by by-law, exempt land that is within a Registered Plan of Subdivision from Part Lot Control under subsection 50(5) of the *Planning Act*;

AND WHEREAS Council deems it appropriate to further delegate the authority to approve a by-law to exempt land that is within a Registered Plan of Subdivision from Part Lot Control to staff.

NOW THEREFORE the Council of the Corporation of the United Counties of Prescott and Russell enacts as follows:

Part 1

PLAN OF SUBDIVISION AND CONDOMINIUM AUTHORITY

1.1 Delegated Authority – Director of Planning and Forestry – General Powers

The Director of Planning and Forestry has in lieu of Council, all powers and rights in respect of the authority delegated by this By-law, and the Director of Planning and Forestry shall be responsible for all matters pertaining thereto, subject always to the terms and limitations of this By-law and in exercising such authority may affix his signature as required to all documents and Plans arising from or connected with the operation of this By-law.

1.2 Delegated Authority – “Undisputed” Plan of Subdivision and Plan of Condominium – Specific Powers

All authority of Council under sections 51 and 51.1 of the *Planning Act* and under section 9 of the *Condominium Act, 1998*, S.O. 1998, c. 19, as amended, for “undisputed” Plans of Subdivision and Plans of Condominium is hereby delegated to the Director of Planning and Forestry.

For purposes of determining what shall be considered an “undisputed” Plan of Subdivision and Plan of Condominium, the related file shall satisfy all of the following requirements:

- (i) Is consistent with the Provincial Policy Statement;
- (ii) Conforms with the County Official Plan;
- (iii) Conforms with the local municipal Official Plan, if any;
- (iv) Has no unresolved concerns/objections from a Member of the Public or a Public Body/Agency; and
- (v) Is recommended for approval by the local municipality.

1.3 Delegated Authority – “Disputed” Plan of Subdivision and Plan of Condominium – Specific Powers

All authority of Council under sections 51 and 51.1 of the *Planning Act* and under section 9 of the *Condominium Act, 1998*, S.O. 1998, c. 19, as amended, for “disputed” Plans of Subdivision and Plans of Condominium is hereby delegated to the Director of Planning and Forestry save and except for:

- (a) the authority to give or refuse to grant approval to a draft plan of subdivision pursuant to subsection 51(31) of the Act;
- (b) the authority to withdraw the approval of a draft plan of subdivision pursuant to subsection 51(44) of the Act; and
- (c) the authority to withdraw final approval pursuant to subsection 51(59) of the Act.

The authority of Council under subsections 51(31), 51(44) and 51(59) of the *Planning Act* for “disputed” Plans of Subdivision and Plans of Condominium is hereby delegated to the United Counties of Prescott and Russell Planning and Forestry Committee.

A “disputed” Plan of Subdivision and Plan of Condominium shall be those that do not satisfy all of the requirements stated in Part 1.2 of this By-law.

Part 2 PART LOT CONTROL

2.1 Established Authority – Director of Planning and Forestry

The authority to approve the designation of lands not subject to part lot control through a Part Lot Control By-law, under subsection 50(7) of the *Planning Act* is hereby delegated to the Director of Planning and Forestry.

The application for Part Lot Control exemption shall satisfy all of the following requirements:

- (i) Is consistent with the Provincial Policy Statement;
- (ii) Conforms with the United Counties Official Plan;
- (iii) Conforms with the local municipal Official Plan, if any;
- (iv) Complies with the municipal Zoning By-law; and
- (v) Has been adopted by by-law by the local municipality.

2.2 Delegated Authority – Director of Planning and Forestry Absence

When the Director of Planning and Forestry is absent or his/her office is vacant, the Senior Planner (Planner 3), or when he/she is absent or his/her office is vacant, the Planner 1, or when he/she is absent or his/her office is vacant, the Clerk of the United Counties of Prescott and Russell shall act in the place and stead of the Director of Planning and Forestry under this By-law and while so acting, the Senior Planner or the Planner 1 or the Clerk has and may exercise all the rights, powers, and authority of the Director of Planning

and Forestry as delegated by this By-law subject to the same responsibilities and limitations as set out in Part 2.1 of this By-law.

Part 3
REPEAL - ENACTMENT

3.1 By-law - previous

By-law 2002-16, By-law 2006-53 and By-law 2010-55 and all of their amendments are hereby repealed.

3.2 Effective date

This By-law shall come into force and take effect on the day of its passing.

DONE AND PASSED in open Council this 24th day of April, 2019.

Robert Kirby, Warden

Mélissa Cadieux, Clerk