

Authority: Item 1, Economic Development
and Planning Committee
Report 07-019 (PED07270)
CM: November 16, 2007

Bill No. 323

CITY OF HAMILTON

BY-LAW NO. 07-323

To Repeal By-law Nos. R96-055, R95-041 and R89-171 and to Delegate to the General Manager, Planning and Economic Development Department a Portion of the Council of the City of Hamilton's Assigned Authority Under the Planning Act for the Approval of Subdivisions and Condominiums

WHEREAS pursuant to Subsection 51(4) of the Planning Act, R.S.O. 1990, C. P.13, as amended (hereinafter referred to as "the Planning Act"), the Council of the City of Hamilton is the approval authority in respect of the approval of plans of subdivision;

AND WHEREAS pursuant to Section 9 of the Condominium Act, S.O. 1998, Chapter 19, as amended (hereinafter referred to as "the Condominium Act") and Section 51 of the Planning Act, the Council of the City of Hamilton is the approval authority in respect of the Condominium Description, which includes plans of condominium;

AND WHEREAS pursuant to Section 51.2(1) of the Planning Act, the Council of the City of Hamilton may by By-law delegate 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 the Council of the City of Hamilton deems it necessary to update all references made to staff titles and standing committee names in order to reflect the new organizational structure of the Planning and Economic Development Department;

AND WHEREAS this is an administrative change that does not change the intent or effect of the delegated approval authority;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

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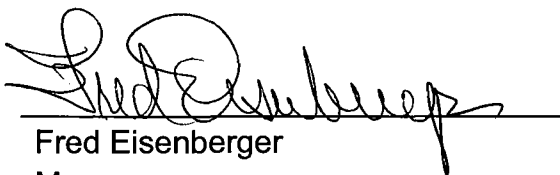
1. That for the purposes of this By-law, "General Manager" shall mean the General Manager, Planning and Economic Development Department or any successor, or his/her designate.
2. That the Council of the City of Hamilton hereby delegates to the General Manager all authority which was assigned to the Council under Subsection 51(4) of the Planning Act and under Section 9 of the Condominium Act, including the authority to make minor changes to draft plan approval conditions, subject to the following conditions:
 - (a) the General Manager shall provide in all of his or her approvals of draft plans of subdivision or draft plans of condominium that the approval lapses at the end of three (3) years from the date of the approval unless the City of Hamilton specifically requests that the time period for the draft plan approval be for a longer period of time or that there be an extension or extensions of such time period; and,
 - (b) this delegation does not apply in respect of any subdivision or condominium plan in which:
 - (i) the conditions of draft approval are contrary to approved City policies, standards, regulations or by-laws;
 - (ii) the conditions to be imposed are not acceptable to the applicant;
 - (iii) the City of Hamilton might be committed to financial costs not included in the current or capital budget;
 - (iv) the General Manager decides the plan does not meet the requirements for approval;
 - (v) the General Manager may deem that a review by Council is warranted under the circumstances; or
 - (vi) there are objections to the proposal from circulated agencies or the public which cannot be addressed to the satisfaction of the objecting agency or member of the public through conditions of draft approval.
3. That the approval of all Draft Plans of Subdivision, Final Plans of Subdivision, Proposed Plans of Condominium and Final Plans of Condominium for registration shall be evidenced by the signature of the General Manager.

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4. That for information purposes, the General Manager shall provide annual summary reports to the Economic Development and Planning Committee or any successor Committee concerning all applications dealt with by the General Manager under this By-law.
5. That prior to the General Manager giving notice of a decision under subsection 51(37) of the Planning Act, the General Manager shall send to the applicant, by pre-paid first class mail any decision proposed to be made by the General Manager under this By-law, including proposed conditions of draft approval. The General Manager's proposed decision shall be reviewed by Council on the written request of the applicant. Such written request shall be received by the General Manager no later than ten (10) business days after the date the General Manager's proposed decision is mailed. All such written requests shall be referred to the Economic Development and Planning Committee or any successor Committee, for inquiry and report to Council and upon receipt of such written requests, shall be placed on the agenda for the next regularly scheduled meeting of the said Committee.
6. That upon the coming into force of this By-law, the General Manager has in lieu of the Council of the City of Hamilton, all powers and rights in respect of the authority hereby delegated and the General Manager shall be responsible for all matters pertaining thereto, subject always to the terms and limitations of this By-law and the Planning Act.
7. That the General Manager is authorized to do all acts necessary to carry out the authority vested in the General Manager pursuant to this By-law, including affixing his or her signature as required to all documents and Plans.
8. That By-law Number R96-055 passed on the 16th day of July, 1996, By-law Number R95-041 passed on the 18th day of April, 1995, and By-law Number R89-171 passed on the 17th day of November, 1989, are hereby repealed.
9. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this 14th day of November, 2007.


Fred Eisenberger
Mayor


Kevin C. Christenson
City Clerk

CI-07-K