

# The Corporation of the Township of Central Frontenac

## By-Law Number 2024-06

### **A By-Law To Delegate Various Planning Approvals To Staff And To Adopt Certain Procedures For The Processing Of Planning Applications Subject To Delegated Authority And To Repeal By-Law 2022-39**

**Whereas** Section 23.1 of the *Municipal Act, 2001, S.O. 2001, c. 25*, authorizes Council to delegate its powers and duties under any Act, subject to certain restrictions;

**And Whereas** Section 41(4.0.1) of the *Planning Act, R.S.O. 1990, c. P. 13* requires that where Council has passed a site plan control by-law, Council shall appoint an officer, employee, or agent of the municipality as an authorized person for the purpose of approving site plan applications;

**Now Therefore** the Council of The Corporation of the Township of Central Frontenac enacts as follows:

#### **1. Definitions**

In this By-Law:

“Clerk” means the C.A.O/Clerk of the Township of Central Frontenac

“Designate” means the Deputy Clerk of the Township of Central Frontenac when fulfilling the role of the Clerk.

#### **2. Planning Approvals Subject to Delegated Authority**

##### **(a) Site Plan Control**

- (1) The power and authority with respect to all matters provided for by Section 41 of the *Planning Act, R.S.O. 1990, c. P. 13* as amended, except the authority to define the class or classes of development that may be undertaken without the approval of plans and drawings otherwise required, is hereby delegated to the Clerk or their Designate.
- (2) The authority under Section 41(7)(c) of the *Planning Act* to require a property owner to enter into an agreement with The Corporation of the Township of Central Frontenac and the authority to approve the form of the agreement is hereby delegated to the Clerk or their Designate, and they are hereby authorized to recommend the execution of any agreement or amendments thereto that may be required pursuant to the provisions of this By-Law.
- (3) The Head of Council or the Presiding Officer in their absence and the Clerk or Deputy Clerk in their absence are hereby authorized to execute on behalf of The Corporation of the Township of Central Frontenac

under corporate seal an agreement that may be required pursuant to the provisions of this By-Law upon the written recommendation of the Clerk or their Designate.

- (4) Any agreement or amendment thereto entered into in accordance with this By-Law shall be registered against the title of the land to which it applies.

**(b) Consent Application**

- (1) The authority to grant undisputed provisional consents as defined under this By-law, under Section 53 of the Planning Act, R.S.O. 1990, c. P. 13 as amended, including the authority to change conditions of a provisional undisputed consent is hereby delegated to the Clerk or their designate, along with the authority to:
  - a. Refuse to accept or further consider an application for consent until the prescribed information and material and the required fees are received pursuant to Section 53(4) of the Planning Act.
  - b. Grant a provisional consent, in accordance with the Planning Act and regulations thereof, where the application is not in dispute or where any dispute is resolved without a hearing.
  - c. Refer the matter to the Committee of Adjustment where a disputed application cannot be resolved without a hearing.
  - d. Refer an application for consent that is submitted concurrently with an application for minor variance to the Committee of Adjustment which shall consider both applications.
  - e. Change the conditions of a staff approved provisional consent as per Subsection 53(23) of the Planning Act at any time before a consent is given, and to determine if a change to conditions is minor or not as per Subsection 53(26) of the Planning Act, for the purpose of giving notice.
  - f. Refuse an application which has remained inactive for more than one year, but only after the applicant has been given written notification that the Application will be refused, and given 60 days to respond.
  - g. Enter into negotiations/dispute resolution with the parties involved in an objection to a Consent. The Head of Council or the Presiding Officer in their absence and the Clerk or Deputy Clerk in their absence are hereby authorized to execute on behalf of The Corporation of the Township of Central Frontenac under corporate seal an agreement that may be required pursuant to the provisions

- (2) For the purposes of this Section, a “Consent” means:
- a. An application for the creation of a new lot;
  - b. An application to create or extend a Right-of-Way or easement;
  - c. An application to adjust a lot boundary or facilitate a lot addition;
  - d. An application along a common party wall of an existing building provided no minor variances are required;
  - e. An application for consent to a power of sale or mortgage;
  - f. An application for consent to a lease in excess of 21 years;
  - g. An application for validation of title.
- (3) An “undisputed consent” is a consent application that satisfies the following:
- a. Is consistent with the Provincial Policy Statement (Section 3(5) of the Planning Act)
  - b. Does not require a Plan of Subdivision for proper and orderly development (Section 53(1) of the Planning Act)
  - c. Conforms with criteria set out under Section 51(24) of the Planning Act
  - d. Conforms with the County of Frontenac’s Official Plan
  - e. Conforms with the Township of Central Frontenac’s Official Plan
  - f. Complies with the Township of Central Frontenac’s Comprehensive Zoning By-law; or will comply subject to a standard condition of rezoning
  - g. Has no unresolved objections/concerns received from any department or technical agency or a member of the public
  - h. Has not been elevated to the Committee of Adjustments in accordance with the Procedure for Elevating Undisputed Consents
- (4) The authority to change the conditions of undisputed consents as per subsection 53(23) of the Planning Act at any time before a consent is given and to determine if a change to conditions is minor or not as per

subsection 53(26) of the Planning Act for the purpose of giving notice is hereby delegated to the Clerk.

- (5) That the Council of The Corporation of the Township of Central Frontenac hereby delegates to the Clerk, or their designate, the authority to impose such conditions to the granting of an undisputed, provisional consent as in their opinion are reasonable.
- (6) The Mayor and the Clerk are hereby authorized to execute on behalf of The Corporation of the Township of Central Frontenac under corporate seal any agreement required pursuant to Section 53(12) of the Planning Act to authorize the granting of an undisputed, provisional consent.
- (7) Any agreement or amendment thereto entered into in accordance with this By-Law shall be registered against the title of the land to which it applies.

**3. General Provisions**

- (a) That upon the coming into force of this By-Law, the Clerk or, in the absence of the Clerk, their Designate, has in lieu of the Council of The Corporation of the Township of Central Frontenac, all powers and rights in respect of the authority hereby delegated, and the Clerk or, in the absence of the Clerk, their Designate, shall be responsible for all matters pertaining thereto, subject always to the terms and limitations of any applicable Act or By-Law.
  - (b) That the Clerk or, in the absence of the Clerk, their Designate, is authorized to do all acts necessary to carry out the authority vested in the Clerk, or their Designate, pursuant to this By-Law, including affixing his/her signature as required to all documents and plans.
- 4. That By-Law Number 2022-39 is hereby repealed in its entirety.
  - 5. That this by-law shall come into force and take effect on the date of its passing by the Council of the Township of Central Frontenac.

Read a first and second time this 27 day of February, 2024.

Read a third time and finally passed this 27 day of February, 2024.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



## **Procedural Guide for Administering Delegated Approvals of Undisputed Consents**

The purpose of this document is to provide direction to staff to help with the implementation of the delegated approval process.

### **Pre-application**

1. Receive application form and supplementary material and check to ensure it is complete. Ensure that the proposal went through the pre-application process.
2. Send to County planning staff for review.
3. If the submission is satisfactory, circulate to technical agencies.
4. If the submission is not satisfactory, circulate back to applicant so they can provide revisions.

### **Circulation/Consultation**

5. Once technical agencies provide feedback, send feedback to applicants and County planners.
6. If technical agencies have concerns, try to resolve them with the applicant.
7. If no objections or concerns come up from technical agencies, the application is deemed complete and ready to be circulated.
8. Circulate a public notice that describes the application, the new process, and the last day to submit comments. The public commenting period shall be a minimum of 21 days.
9. The applicant will place the public notice on their property and within any identified location at least 15 days prior to the last day to submit comments.
10. Planning staff will conduct a site visit during or prior to the public circulation period.

### **Decision**

11. If no objections are received and there are no outstanding issues the County planner will prepare a memo with their recommendations. This will include a list of approval conditions.

12. The memo will be provided to the Township Clerk/CAO or designate for final decision.
13. Township Clerk/CAO or designate will fill out the 'Checklist for Delegated Approvals'.
14. If no additional issues come up during this time, the Township can issue a notice of decision, noting the appeal deadline.

**If Concerns or Disputes Arise**

15. If objections are received or there are outstanding issues identified by technical agencies or County planning staff that have not been resolved, refer to the 'Procedure to Elevate Disputed Consent'.
16. If the application needs to be elevated to Committee for decision, the Secretary Treasurer will schedule the application to be heard at the most appropriate Committee meeting and send out a new notice that includes details of when the public meeting will take. The notice will go out to both property owners and technical agencies.
17. The applicant will place a new public notice on their property that indicates the date and time of the public meeting, at least 14 days prior to the meeting.
18. The planner will prepare a report using the standard report template that was used prior to the Delegated Approvals By-law coming into effect. The planner will also create and deliver a presentation to the Committee.
19. After the Committee meets and votes on the matter, the Township will send out a Notice of Decision and follow the standard Committee of Adjustment processes.



## **Procedure for Elevating Undisputed Consents**

The purpose of this document is to serve as instructions and policy for elevating disputed consents to the Committee of Adjustment for decision.

**Consent applications shall be elevated to the Committee of Adjustment prior to the date of decision listed on the public notice for the following reasons:**

1. If there are outstanding land-use issues identified by members of the public that cannot be rectified by planning staff.
2. If the application appears to conflict with the provisions of the Township Zoning By-law, Township Official Plan, or other applicable policies and statutes.
3. If the application requires a minor variance.
4. If the application requires a non-standard condition to be supported that the applicant does not agree to.
5. If there is a disagreement regarding the standard conditions imposed on the application that cannot be resolved by staff.

**Consent applications can be elevated by the following individuals:**

- The property owner, applicant, and their agent(s).
- Members of Township Council.
- Members of the Township Committee of Adjustment.
- Township CAO, Clerk, and Planning staff and their designates.
- Members of the public.
- Technical review agencies whose policies or provisions conflict with the proposal.

**The property owner, applicant, and their agent(s).**

The property owner, applicant, or their agents can request to elevate the application to the Committee of adjustment for any reason by contacting the Township Clerk/CAO

**Members of Township Council and Committee of Adjustment**

Members of Council or Committee of Adjustment shall contact the Township Clerk/CAO and inform them of their intention. A reason shall be provided for elevating the application in writing to the Clerk/CAO prior to the deadline listed on the public notice.

**Neighbours or other interested parties.**

The application shall be elevated to the Committee of Adjustment for decision if there are any objections or unresolved issues that have been identified by

neighbours or other interested parties prior to the deadline listed on the public notice. Objections or concerns with the application shall be provided to the Township Clerk/CAO



## Standard Conditions for Undisputed Consent Applications

All consent applications (lot creation, lot addition, creation of easement) are required to fulfill all associated conditions before final approval and a Certificate of Official can be issued. The Planning Act requires that all conditions be fulfilled within two years of the date of the Notice of Decision; if conditions are not fulfilled, the consent application will lapse, and a new application and fees will be required (the Planning Act does not permit extensions).

Below is a list of standard conditions that are commonly included with consent applications. The conditions attached to a particular decision will be listed in the Notice of Decision; please review the notice for specific conditions. If you are unsure how to complete a condition listed on your Notice of Decision and it is not listed here, please contact planning staff.

**Please Note:** You will require a surveyor and lawyer to fulfill the conditions and may require additional professional services such as an engineer. All costs associated with the fulfillment of conditions are the responsibility of the applicant and are in addition to the application fee submitted to the Township.

### Conditions for all applications:

Type	Condition Wording	Explanation
<b>Condition Fulfillment Timeline</b>	Conditions imposed must be met within two years of the date of the Notice of Decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within two years, the application shall be deemed to be refused. Provided that all conditions are satisfied, the Certificate of Official is to be presented to the Secretary-Treasurer, Committee of Adjustment for certification under Section 53(42) of the Planning Act,	All conditions associated with the application must be completed within two years of the date of the Notice of Decision.

<b>Type</b>	<b>Condition Wording</b>	<b>Explanation</b>
	R.S.O. 1990 as amended, within two years of mailing of the Notice of Decision	
<b>Registration of the Certificate of Official Timeline</b>	The Certificate of Official must be registered within two years from the issuance of the Certificate as required under Section 53(43) of the Planning Act, R.S.O. 1990, as amended. A copy of the registered transfer certificate shall be provided to the Secretary-Treasurer, Committee of Adjustment to complete the file.	The Certificate of Official must be registered at the Land Registry Office by the Applicant's lawyer within two years of the issuance of the Certificate, otherwise the application is void and the process must start from the beginning. Once registered, the applicant or their lawyer must send a copy of the transfer certificate to the township.
<b>Description of Severed Lands</b>	The proposed lot will be approximately XX hectares (XX acres) in area with XX metres (XX feet) of frontage along Road xxx.	Describes the land subject to the application.
<b>Description of Benefiting Lands (Only for lot additions)</b>	The lands to be severed are for the purpose of a lot addition to adjacent lands described as Property Identification Number XXXXX-XXXX (Insert Property Address) and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this	Describes the lands that will benefit from the lot addition and requires them to be consolidated with the benefiting land so that the severed lot addition parcel cannot be sold without the benefiting land.

<b>Type</b>	<b>Condition Wording</b>	<b>Explanation</b>
	condition to be entered into the parcel register as a restriction.	
<b>Description of Benefiting Lands (Only for easements/right-of-way parcels)</b>	This property benefiting from this application is XX hectares (XX acres) in area with approximately XXX metres (XXX feet) of waterfront. It is described as [Legal Description and Property Identification Number]	Describes the lands that will benefit from the easement and/or right-of-way parcel.
<b>Draft Survey for Township Review</b>	The surveyor or owner shall submit the draft Reference Plan electronically, or in paper form, for review and approval by planning staff prior to depositing the Reference Plan with the Land Registry Office.	Prior to submission of the final reference plan, the applicant shall submit a draft reference plan for review electronically or in paper form for staff review. This ensures that the survey matches the approved consent.
<b>Final Reference Plan or Legal Description</b>	An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of two years [Planning Act, s. 53(41)] after the date of Decision [Planning Act, ss. 53(17) and 53(24)].	The applicant must submit two paper copies or a digital copy of the registered reference plan, a copy of the deed, or the Certificate of Official (drafted by the Applicant's Lawyer) within two years of the date of decision.
<b>Certification of Official Form Requirement</b>	The applicant or his/her solicitor shall prepare and submit to The Corporation of the Township of Central Frontenac, a transfer or such other required form of document necessary to implement the consent, including Form 1,	The applicant's lawyer must prepare a certificate of official using Form 1, Form 2, Form 3, or Form 4, as applicable, as required by Ontario Regulation 197/96.

<b>Type</b>	<b>Condition Wording</b>	<b>Explanation</b>
	Form 2, Form 3, or Form 4, as applicable, prescribed by Ontario Regulation 197-96, for endorsement by the Secretary-Treasurer of the Committee of Adjustments for the municipality. This transfer or other legal document shall be provided to the municipality within a period of two years after Notice of Decision was given under subsection 53(15) or 53(24) of the Planning Act.	
<b>Naming of Transferor and Transferee</b>	That the description of the parcel being severed, and the names of the Transferor and Transferee are included on the schedule attached to the deed of the land	The names of who the parcel is being transferred from and to are included on the schedule that is attached to the deed of the new lot.
<b>Payment of Outstanding Balances</b>	Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.	The property owner that is severing the lot is required to pay any outstanding taxes or local improvement charges on their property prior to the signing of Certificate of Official.
<b>Violations of Zoning By-law</b>	Where a violation of the Township Zoning By-Law is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.	If a violation of the zoning by-law is discovered after provisional consent is granted, the applicant will need to fix the violation either through a minor variance or zoning by-law amendment to the satisfaction of the Municipality.
<b>Decommissioning of Abandoned Wells</b>	In the event that there are abandoned wells located on the property being severed, they be	If any abandoned wells are located on the severed parcel, they must

<b>Type</b>	<b>Condition Wording</b>	<b>Explanation</b>
	sealed in accordance with the requirements of the Ministry of the Environment, Conservation and Parks.	be sealed in accordance with the requirements of the Ministry of the Environment, Conservation and Parks before the Certificate of Official is signed.
<b>Confirmation of Meeting Conditions</b>	That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.	Township staff will confirm that all conditions have been fulfilled to their satisfaction prior to signing of the certificate of official.
<b>Parkland Dedication (New Lot Only)</b>	<p>1. The applicant shall provide payment to the Township for parkland fee, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Ch. P. 13 in the amount of five percent of the appraised value of the land as of the day before the day the provisional consent was given;</p> <p><b>Or</b> Alternatively, if the applicant is transferring the severed lot to a family member as defined in By-Law Number 2011-03, the applicant shall pay \$100.00 towards the payment of the parkland fee with the balance to be paid if sold within five years. In this instance, the following condition shall be added to the consent schedule attached to the Transfer/Deed:</p>	The applicant is required to pay cash-in-lieu of land dedication for all new lots.

Type	Condition Wording	Explanation
	<p>a. If the lands herein are conveyed to any other third party within five years of the stamping of the deed by the Committee of Adjustment, the Township of Central Frontenac shall receive the balance of the fee payable under Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.</p> <p>b. That if the lands herein are sold to any other party within five years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.</p>	
<p><b>Road Widening (New Lot and Lot Additions)</b></p>	<p>The surveyor who prepares the reference plan referred to in Condition Number X shall also determine by survey a widening of XX Road along the entire frontage of the proposed severed parcel. This right-of-way widening shall be measured 10 metres (33 feet) from the centreline of the existing travelled road (XXX Road). The owner shall dedicate to the Township land along the frontage of the severed lands, to the</p>	<p>The Ontario Planning Act and the Township Official Plan permit the Township to require a road widening along the frontage of the lot proposed to be created if the existing surveyed right-of-way is less than the required 20 metres (66 feet) in surveyed width.</p> <p>The widening is generally determined by measuring</p>

Type	Condition Wording	Explanation
	<p>satisfaction of the Township, in the following manner:</p> <ul style="list-style-type: none"> <li>a. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;</li> <li>b. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of Central Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule: <ul style="list-style-type: none"> <li>"The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended."</li> </ul> </li> <li>c. In the event the road is a trespass road, the surveyor shall include a part to describe the existing extent of the forced road, in addition to the widening, and the applicant shall include that parcel in with the Transfer/Deed referred to in b. above.</li> <li>d. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the</li> </ul>	<p>10 metres (33 feet) from the centerline of the travelled road toward the new lot proposed to be created.</p> <p>If the surveyor determines that the road is a forced road, the forced road will need to include a part along the roadway so that it can be legally described.</p> <p>The applicant's lawyer must declare that the Township is receiving the lands with a clear title. The applicant understands that they are responsible for all costs associated with this transfer and that they will not be compensated for the value of the lands added to the municipal road allowance.</p>

<b>Type</b>	<b>Condition Wording</b>	<b>Explanation</b>
	<p>Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to signing of the Certificate of Official.</p>	
<p><b>Technical Zoning By-law Amendment Condition</b></p>	<p>Prior to the signing of the Certificate of Official for the lot to be created through application BXX/XX, the new lot shall be rezoned from [Existing Zone] to [New Zone].</p>	<p>This condition will require the applicant to apply for a zoning by-law amendment to re-zone either the subject or retained lands to adjust zoning.</p> <p>This condition is only to be used for technical amendments such as lot additions where the zone either needs to be extended or reduced to avoid unnecessary complications arising from split-zoned lands.</p>