

NOTICE

THE MAYOR HAS CALLED

A SPECIAL MEETING OF COUNCIL

FOLLOWING THE

BUDGET REVIEW COMMITTEE MEETING

ON

TUESDAY, OCTOBER 13, 2020

TO DISCUSS THE FOLLOWING:

- PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES; AND
 - *Human Resources Matter.*
- A TRADE SECRET OR SCIENTIFIC, TECHNICAL, COMMERCIAL FINANCIAL OR LABOUR RELATIONS INFORMATION, SUPPLIED IN CONFIDENCE TO THE MUNICIPALITY OR LOCAL BOARD, WHICH, IF DISCLOSED, COULD REASONABLY BE EXPECTED TO PREJUDICE SIGNIFICANTLY THE COMPETITIVE POSITION OR INTERFERE SIGNIFICANTLY WITH THE CONTRACTUAL OR OTHER NEGOTIATIONS OF A PERSON, GROUP OF PERSONS, OR ORGANIZATION AND LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD;
 - *Update regarding developments.*

AND

IN OPEN SESSION

TO CONSIDER ANY CORRESPONDENCE, REPORTS, AND BY-LAWS

Due to COVID-19 and the closure of the Civic Square

All Electronic Meetings can be viewed at:

City of Welland website: <https://www.welland.ca/Council/LiveStream.asp>

Tara Stephens,
City Clerk



SPECIAL COUNCIL MEETING

Tuesday, October 13, 2020

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1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA)

(See yellow tab)

- Personal matters about an identifiable individual, including municipal or local board employees; and
 - *Human Resources Matter.*
- A trade secret or scientific, technical, commercial financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization and litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - *Update regarding developments.*

2. ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA)

3. OPEN SPECIAL COUNCIL MEETING FOLLOWING COMMITTEE-OF-THE-WHOLE (IN-CAMERA)

3.1 ADDITIONS/DELETIONS TO AGENDA

3.2 CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE ITEMS (IN-CAMERA) TO BE ADDED TO BLOCK

3.3 DISCLOSURES OF INTEREST

3.4 COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN) (See pink tab)

4. COMMITTEE-OF-THE-WHOLE (OPEN)

(to discuss items removed from Agenda Block)

5. BY-LAWS (SEE AGENDA INDEX)

SPECIAL COUNCIL MEETING AGENDA

Tuesday, September 8, 2020

5:00 p.m.

6. CONFIRMATORY BY-LAW

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 13th day of October, 2020. Ref. No. 20-1

7. ADJOURNMENT



SPECIAL COUNCIL MEETING

Tuesday, October 13, 2020

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AGENDA BLOCK

1. BUSINESS ARISING FROM MINUTES, PREVIOUS MEETINGS AND OTHER ITEMS REFERRED FROM COUNCIL FOR DISCUSSION - Nil
2. COMMITTEE AND STAFF REPORTS
 1. Business Arising from Committee-of-the-Whole (closed)
 2. Staff Reports

CLK-2020-22 Interim CAO/Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - 2021 Council Meeting Calendar.
Ref. No. 20-29
(Please refer to the October 6, 2020 Council Agenda pages 241 - 243).

CLK-2020-23 Interim CAO/Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - Integrity Commissioner.
Ref. No. 02-160/12-96
(Please refer to the October 6, 2020 Council Agenda pages 244 - 246).

TRAF-2020-05 Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Parking Permit Request: Lot behind Civic Square. Ref. No. 20-22
(Please refer to the October 6, 2020 Council Agenda pages 247 - 249).

TRAF-2020-06 Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Update to Traffic and Parking By-law 89-2000. Ref. No. 20-22
(See By-law 1)
(Please refer to the October 6, 2020 Council Agenda pages 250 - 252).



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R&C-2020-05 Gen. Mgr., Economic Development, Recreation & Culture, D. Degazio and Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Memorial Park Redevelopment Plan Update. Ref. No. 20-19

(Please refer to the October 6, 2020 Council Agenda pages 253 - 256).

R&C-2020-06 Gen. Mgr., Economic Development, Recreation & Culture, D. Degazio and Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick and Interim CAO/Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - Phase 3 Waterfront Development - Swimming Feature. Ref. No. 99-99

(Please refer to the October 6, 2020 Council Agenda pages 257 - 260).

1 - 9 **P&B-2020-51** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Delegation to Staff of certain types Applications for consent. Ref. No. 11-41

10 - 18 **P&B-2020-52** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Delegation to Staff of certain Plans of Subdivision/Condominium under the Planning Act. Ref. No. 11-108

19 - 26 **P&B-2020-53** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Delegation to Staff of approval for Applications for removal of Part Lot Control. Ref. No. 11-108

27 - 34 **P&B-2020-54** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Delegation to Staff of various approvals for Community Improvement Plan Programs. Ref. No. 11-108

35 - 37 **P&B-2020-55** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Community Improvement Plan Incentive Applications - Quarterly Summary Report for Third Quarter of 2020. Ref. No. 11-108

38 - 40 **P&B-2020-56** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Proposal to declare surplus a portion of City owned land on the north-east corner of Fourth Street and Canal Bank Street. Ref. No. 20-108

41 - 43 **ENG-2020-34** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Broadway Avenue Trunk Sanitary Sewer Design. Ref. No. 20-109 (See By-law 2)



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3. NEW BUSINESS

1. Petition signed by residents of Caithness Drive re: Turning an established residential area from single family homes to duplexes. Ref. No. 20-106
(Please refer to the October 6, 2020 Council Agenda pages 261 - 263).

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the signed petition from the residents of Caithness Drive regarding turning an established residential area from a single family homes to duplexes; and further THAT Welland City Council refers this petition to Planning staff for review.

2. Monique Finley, Chair, Welland Food Drive re: Welland Food Drive 2020. Ref. No. 20-28

(Please refer to the October 6, 2020 Council Agenda pages 264 - 265).

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the written delegation from the Welland Food Drive, regarding the 2020 Welland Food Drive.

3. Jasvir Kaur owner of Liq'D Spirits re: Request for a manufacturer's "by the glass" licence for distillery at 36 Darte Drive, Unit 1, Welland, Ontario. Ref. No. 20-107

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND supports the application for a manufacturer's "by the glass" license for Liq'D Sprits, located at 36 Darte Drive, Unit 1, Welland, Ontario.

4. BY-LAWS

MAY BE VIEWED IN THE CLERK'S DIVISION PRIOR TO THE MEETING IF DESIRED.

1. A By-law to amend By-law 89-2000, being a By-law regulating Traffic and Parking within the City of Welland (Schedule "I" - Municipal/Private Property). Ref. No. 20-22 (See Report TRAF-2020-06)
2. A By-law to enter into contract with Kerry T. Howe Engineering Limited for the Broadway Avenue Trunk Sanitary Sewer Design. Ref. No. 20-109 (See Report ENG-2020-34)
3. A By-law to authorize the appointment of Cindy Viger as Acting Deputy Clerk of the Corporation of the City of Welland and to repeal By-laws 2020-9, 2019-129, 2018-117, 2017-122, 2017-12, 2012-99, 2010-129, 2007-4, 2006-55, 2002-183. Ref. No. 20-24 (Appointment of an Acting Deputy Clerk)

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCIL**INFRASTRUCTURE AND DEVELOPMENT SERVICES**

REPORT P&B-2020-51
OCTOBER 13, 2020

**SUBJECT: DELEGATION TO STAFF OF CERTAIN TYPES
APPLICATIONS FOR CONSENT**

**AUTHOR: GRANT MUNDAY, B.A.A., MCIP, RPP
MANAGER OF DEVELOPMENT APPROVALS**

**APPROVING G.M.: TRAVERS FITZPATRICK
GENERAL MANAGER,
INFRASTRUCTURE AND DEVELOPMENT SERVICES**

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves the amendments to By-law 2011-3 "A By-law to constitute and appoint a Committee of Adjustment; to delegate the authority of Council to give consent to the Committee; and to set policies, procedures and conditions for its operation" by delegating approval of Applications for Consent to the General Manager of Infrastructure Services (GM) where there are no related minor variances; and

2. THAT Welland City Council authorizes Staff to prepare the necessary By-laws.

ORIGIN AND BACKGROUND:

Planning Staff constantly review the City's approval processes under the Planning Act in order to ensure that they are delivered efficiently and effectively. This includes but is not limited to consideration of the following:

- That City Policies and By-laws are being appropriately implemented;
- The services are being delivered in a timely manner;
- The services are delivered in a cost effective way;
- The services promote economic development and
- The services offer value added benefits to the City and Stakeholders.

Through this exercise Staff have identified the following development approval areas that could be improved:

1. Applications for Subdivision/Condominium

2. Applications for Removal of Part Lot Control
3. Applications for Tax Increment Grants (TIG) and Tax Assistance Program (TAP) under the City's Community Improvement Plans
4. Applications for Consent

This report deals Applications for Consent

COMMENTS AND ANALYSIS:

Applications for Consent

Currently the authority for considering all Consents (ie. land severances, lot additions, easements and rights-of-way, and validation of title) is delegated by Council to the Committee of Adjustment following the requirements of the Planning Act for processing the applications.

Area of Concern:

There have been a number of consents that have been refused by the Committee of Adjustment (COA) where the application met the applicable Zoning By-law provisions and Official Plan policies and have a favorable Staff report recommending approval. This has had the following impacts:

- Financial loss (legal fees, staff time) to the City due to having LPAT hearings for COA Decisions that have no planning merit.
- Potential negative impacts on the City's reputation due to mixed messaging regarding economic development and good planning.
- Lack of clarity for all stakeholders in the Approval process.
- Lengthy Approval processes due to deferral(s) by COA with no real valid reasons.

Recommended Solution:

Staff are recommending that By-law 2011-3 be amended to delegate of approval to the GM as follows:

- Delegating approval of Applications for Consent to the GM where there are no related minor variances.

The Planning Act does not require the City to hold a public meeting for an Application for Consent. The City is only required to make the necessary information available for viewing. We have a number of ways to make the necessary information available including the City's Website and Your Channel. If people have concern(s) they can submit them in writing. Ultimately these consents meet and fulfill the intent and purpose of the City's Zoning By-law and Official Plan.

The COA would still retain approval over consents where minor variances are required and individual minor variance applications. These would still have

associated public meetings. Applicants, the City, Agencies, the Minister of Municipal Affairs and Housing and persons would still have the ability to appeal a decision of the GM or CAO within 20 days of giving notice of decision for consents and within 20 days of the decision for a minor variance or permission.

FINANCIAL CONSIDERATIONS:

There are no direct financial considerations related to this Report; however, there should be savings in time for Staff and Council at meetings. There will savings achieved by reducing the number LPAT appeals for consents.

OTHER DEPARTMENT IMPLICATIONS:

There will be no implications for other Departments.

ATTACHMENTS:

Appendix I - By-law 2011-3
Appendix II - By-law 2020-XX to amend By-law 2011-3

Appendix I

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2011 - 3

A BY-LAW TO CONSTITUTE AND APPOINT A COMMITTEE OF ADJUSTMENT; TO DELEGATE THE AUTHORITY OF COUNCIL TO GIVE CONSENT TO THE COMMITTEE; AND TO SET POLICIES, PROCEDURES AND CONDITIONS FOR ITS OPERATION AND TO REPEAL ALL FORMER BY-LAWS

WHEREAS Section 44(1) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended provides that Councils may, by By-law, constitute and appoint a Committee of Adjustment;

AND WHEREAS Section 238(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, requires that every local board shall adopt a procedure By-law for governing the calling, place and proceedings of meetings;

AND WHEREAS Section 239 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, requires all meetings to be open to the public, including the taking of a vote, unless provided in the exceptions set out in Section 239;

AND WHEREAS under Section 45(1 and 2) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, the Committee of Adjustment has certain general and special powers;

AND WHEREAS under Section 45(3) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, Council may, by By-law, empower the Committee of Adjustment to grant Minor Variances from the provisions of any By-law of the municipality that implements an Official Plan;

AND WHEREAS the Regional Municipality of Niagara is the approval authority for the giving of Consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter P.13, as amended;

AND WHEREAS the Regional Municipality of Nlagara, by By-law 188-1999 passed on the 16th day of December, 1999, has delegated the authority to give Consents to the Council of the Corporation of the City of Welland under Section 54(1) of The Planning Act, Chapter P.13, as amended;

AND WHEREAS pursuant to Section 54(2.1) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, the delegation to give consents is deemed to include the authority to give approvals under Section 50(18) and to issue certificates for validation under Section 57 of the Act;

AND WHEREAS the Council of the Corporation of the City of Welland deems it advisable to appoint a Committee of Adjustment and delegate the authority to give Consents to such Committee.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

1. That the Corporation of the City of Welland hereby constitutes the City of Welland Committee of Adjustment (herein referred to as the Committee) which shall be comprised of three (3) Members appointed from time to time by City Council;
2. That the Council of the Corporation of the City of Welland may appoint an Alternate Member to the Committee from time to time;
3. That the Council of the Corporation of the City of Welland hereby delegates the

authority for the giving of Consents to the Committee under Section 53(1) of The Planning Act, Chapter P.13, as amended;


4. That the Corporation of the City of Welland hereby empowers the Committee to grant Minor Variances from the provisions of any local By-law which implement the City's Official Plan;

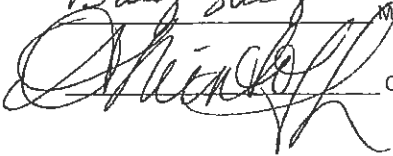
5. That the operation of the Committee shall be as set out in Schedule "A" attached hereto and forming part of this By-law;

6. That By-laws 1999-215 and 2003-183 affecting the Committee are hereby repealed;

7. That this By-law shall come into force and take effect on the day upon which it is passed.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 18TH DAY OF JANUARY, 2011.


MAYOR


CLERK

SCHEDULE "A"

TO BY-LAW NO. 2011 - 3POLICIES, PROCEDURES AND CONDITIONS FOR THE
OPERATION OF THE COMMITTEE OF ADJUSTMENT

1. Definitions

- (a) "Committee of Adjustment", hereinafter referred to as the "Committee", is a group of individuals appointed by the Council of The Corporation of the City of Welland to constitute the Committee of Adjustment pursuant to the provisions of the Planning Act, R.S.O. 1990, as amended;
- (b) "Member" is an individual who is appointed by Council to the Committee;
- (c) "Alternate Member" is an individual who is appointed by Council to the Committee to serve on an "as-needed basis" in the absence of a Member;
- (d) "Chair" is a Member of the Committee elected by the Members at the first regular Meeting of the Committee following their appointment or at any other time as necessary, who shall preside over the Meeting;
- (e) "Acting Chair" is a Member of the Committee elected by the Members at a Meeting on an "as-needed basis" who shall act as Chair in the Chair's absence or where the Chair has disclosed an interest;
- (f) "Secretary-Treasurer" is a City of Welland Staff person whose responsibility includes the authority to receive Applications, Application Fees, Decisions and Change of Conditions as required by the By-law and the Planning Act; to adhere to Regulations passed pursuant to the Planning Act; to record and file minutes and records of all Applications; to accept and process appeals on Committee Decisions to the Ontario Municipal Board; and to give such Certificates as required by the Planning Act and any related Regulations with respect to Consents;
- (g) "Acting Secretary-Treasurer" is a City of Welland Staff person who acts as Secretary-Treasurer in the absence of, and has the same authority as, the Secretary-Treasurer

2. Chair

- (a) The Chair of the Committee shall be elected from amongst the Members of the Committee for a term to be determined by the Committee;
- (b) The Chair shall be counted in determining quorum and shall be entitled to all the rights of a Member on the Committee, including voting.

3. Calling, Location and Notice of Hearings and Meetings

- (a) Hearings by the Committee shall be pre-scheduled for a minimum of six (6) months and Hearings/Meetings may also be held at the call of the Chair or Secretary-Treasurer;
- (b) All Hearings and Meetings of the Committee shall be held at Welland Civic Square in a room accessible to the public.
- (c) Notice of all Hearings and Meetings shall be posted on the City of Welland website and on the public bulletin board located within Civic Square prior to the Hearing/Meeting.

4. Notice of Applications

- (a) The Notice of an Application to be considered at a Hearing shall be given in a local newspaper in accordance with the provisions of the Planning Act, as amended, and any applicable Regulations;
 - (b) Notice shall also be given by prepaid mail to all Owners of land within 60 metres of the subject property;
 - (c) Notice shall also be posted on the City of Welland website;
 - (d) Notice of Application procedures with respect to Applications for Validation of Title and Power of Sale/Foreclosure shall be in accordance with applicable Regulations;
 - (e) Notice shall also be sent to those prescribed.
5. The Committee of Adjustment shall hold a Public Hearing on every Application prior to a decision being made.
6. Applications and Agenda to Members
- (a) Copies of each Application shall be delivered to each Member of the Committee at least fourteen (14) days prior to the Hearing. An agenda, prepared by the Secretary-Treasurer, with copies of all correspondence received, shall be forwarded to each Member prior to the Hearing.
 - (b) The addition of agenda items less than 24 hours prior to the Hearing or Meeting of the Committee shall be by unanimous consent of the Members present.
7. Quorum
- (a) Pursuant to the Planning Act, where a Committee is composed of three members, two members constitute a quorum.
8. Cancellation and Rescheduling of Hearings and Meetings
- (a) In consultation with the Chair, the Secretary-Treasurer may cancel or reschedule a Hearing or Meeting.
9. Hearing (Meeting) Procedures
- (a) The Hearing shall be called to order by the Chair;
 - (b) The Chair shall ask for disclosure of any conflict of interest to any item on the Agenda at the beginning of the Hearing;
 - (c) The Minutes of the previous Meeting shall be adopted;
 - (d) The Chair shall call for any requests for deferral or withdrawal of an Application;
 - (i) a request for deferral to a later Hearing must be for a reasonable cause;
 - (ii) the Committee may set a new Hearing date for consideration of the deferred Application;
 - (iii) the Committee may indicate requirements or conditions for deferral, such as renotification, payment of rescheduling fees, amendment or additional information;
 - (iv) if any particulars concerning the Application are discussed or if the correspondence has been read; the Hearing Panel is seized of the Application;
 - (e) The Chair shall call each Application in an order determined by the Agenda or in an order determined by the Committee;
 - (f) The Applicant or Agent must be present at the Hearing of the Application or the

Application shall be deferred;

- (g) The Chair shall summarize the Application;
- (h) The Chair shall ask the Applicant/Agent to introduce themselves and present the Application;
- (i) The Chair shall ask the Secretary-Treasurer to read aloud, or summarize, correspondence received from Agencies or interested parties;
- (j) The Committee may ask questions of the Applicant/Agent including whether the Applicant/Agent understands the comments or conditions requested and whether there are any questions;
- (k) The Chair shall invite all persons having an interest in the Application to be recognized, state their names and advise the Committee of their positions. All discussion shall be directed to the Chair;
- (l) The Chair shall give the Applicant/Agent the opportunity to respond to any comments received;
- (m) After having considered the issues raised by the Applicant/Agent, interested parties, Agencies, the evidence heard at the Hearing by the Committee and after having regard for Official Plan issues, the Zoning By-law(s) in effect and the Provincial Policy Statement, the Chair shall ask the Members of the Committee for a decision in public with respect to the disposition of the Application. A tie vote shall be deemed a denial of the Application. The Committee may adjourn the Hearing or reserve its decision;
- (n) Members concurring in the discussion shall sign the decision at the Hearing. All Members who have not disclosed an interest must make a decision on the Applications and may not abstain from voting.

10. Conduct of Hearings and Members

- (a) The conduct of Hearings and Members, with respect to matters not specifically addressed in this By-law, shall be generally pursuant to the Statutory Powers Procedure Act, R.S.O. 1990, Chapter S.22, as amended; the Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M50, as amended; the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and other applicable legislation and regulations;
- (b) All Hearings and Meetings shall be conducted in an open forum, open to the public including all deliberations and voting. A Hearing or Meeting may be closed to the public for matters described in Section 239 of the Municipal Act.

11. General

- (a) The Committee shall be empowered to impose necessary conditions as authorized under the Planning Act and other applicable legislation taking into consideration various planning documents and Policies of the City of Welland, the Regional Municipality of Niagara, the Provincial Government and other applicable agencies.
- (b) Pursuant to the Planning Act, the Committee of Adjustment is authorized to reduce or waive the City's requirement for the payment of a fee in respect of an Application provided the Committee is satisfied that it would be unreasonable to require such fee.
- (c) The Committee of Adjustment shall operate under the rules, procedures and policies of the City of Welland as established under Section 270(2) of the Municipal Act, as amended.

associated public meetings. Applicants, the City, Agencies, the Minister of Municipal Affairs and Housing and persons would still have the ability to appeal a decision of the GM or CAO within 20 days of giving notice of decision for consents and within 20 days of the decision for a minor variance or permission.

FINANCIAL CONSIDERATIONS:

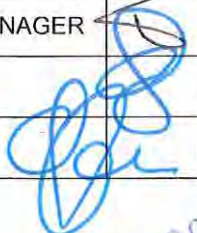
There are no direct financial considerations related to this Report; however, there should be savings in time for Staff and Council at meetings. There will savings achieved by reducing the number LPAT appeals for consents.

OTHER DEPARTMENT IMPLICATIONS:

There will be no implications for other Departments.

ATTACHMENTS:

Appendix I - By-law 2011-3

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCIL**INFRASTRUCTURE AND DEVELOPMENT SERVICES**

REPORT P&B-2020-52
OCTOBER 13, 2020

**SUBJECT: DELEGATION TO STAFF OF APPROVAL OF CERTAIN
PLANS OF SUBDIVISION/CONDOMINIUM UNDER THE
PLANNING ACT**

**AUTHOR: GRANT MUNDAY, B.A.A., MCIP, RPP
MANAGER OF DEVELOPMENT APPROVALS**

**APPROVING G.M.: TRAVERS FITZPATRICK
GENERAL MANAGER,
INFRASTRUCTURE AND DEVELOPMENT SERVICES**

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves the following amendments to By-law 2016-104, Being a By-law to Delegate Various Planning and Community Improvement Approvals to staff as follows:

Plans of Subdivision/Condominium

- i) Delegating approval of Draft Plan Approval for Plans of Subdivision and Condominium or exemption to the General Manager of Infrastructure & Development Services (GM) where there are no Official Plan Amendment and or Zoning By-law Amendments needed;
 - ii) Clarifying that various other approvals associated to Application for Plans of Condominium are delegated to the GM, the same of which are already delegated for Plans of Subdivision.
2. THAT Welland City Council authorizes Staff to prepare the necessary By-laws

ORIGIN AND BACKGROUND:

Planning Staff constantly review the City's approval processes under the Planning Act in order to ensure that they are delivered efficiently and effectively. This includes but is not limited to consideration of the following:

- That City Policies and By-laws are being appropriately implemented;
- The services are being delivered in a timely manner;
- The services are delivered in a cost effective way;
- The services promote economic development and
- The services offer value added benefits to the City and Stakeholders.

Through this exercise Staff have identified the following development approval areas that could be improved:

1. Applications for Subdivision/Condominium
2. Applications for Removal of Part Lot Control
3. Applications for Tax Increment Grants (TIG) and Tax Assistance Program (TAP) under the City's Community Improvement Plans
4. Applications for Consent

This report deals with Applications for Subdivision and Condominium.

COMMENTS AND ANALYSIS:

Applications for Subdivision/Condominium

Council currently has the responsibility of approving Draft Plans of Subdivision and Condominium. As part of its approval process, Council, considering Staff's recommendations, gives approval to a Draft Plan of Subdivision or Condominium subject to various conditions of approval. Final Approval of a Plan of Subdivision including the signing of approved draft plans of subdivision, changes to conditions of draft approval including the draft plan layout and final approval have been delegated to the GM under By-law 2016-104.

Area of concern:

There have been a few recent Subdivision and Condominium Applications that have been refused by Council but meet Provincial Policy, the City's Zoning By-law, Official Plan, Municipal Standards and had a favourable staff report recommending approval of changes to these documents. This has had the following impacts:

- Financial loss (legal fees, staff time) to the City due to having LPAT hearings for Council Decisions that have no planning merit.
- Potential negative impacts on the City's reputation due to mixed messaging regarding to economic development and good planning.
- Lack of clarity for all stakeholders in the Approval process.

- Lengthy Approval processes due to deferral(s) by Council with no real valid reasons.

Recommended Solution:

Staff are recommending that By-law 2016-104 be amended to include further delegation of approval as follows:

- Delegating approval of Draft Plan Approval for Plans of Subdivision and Condominium or exemption to the GM where there are no associated Official Plan Amendment and or Zoning By-law Amendment needed for the proposed draft plan to conform.
- Clarifying that various other approvals associated to Application for Plans of Condominium are delegated to the GM, the same of which are already delegated for Plans of Subdivision.

The proposed amending By-law would provide for Council to retain authority in several instances, namely if Staff refers the matter to Council; if the Owner, in writing, requests that Final approval be referred to Council; or if a Member of Council, through a successful Notice of Motion, has the matter referred to Council. Council would still retain approval authority over Official Plan and Zoning By-law Amendments. The GM could not issue approval for a Subdivision or Condominium where is does not meet these requirements.

A Statutory Public Meeting would still be held by staff for a Draft Plan of Subdivision or a Draft Plan of Vacant Land Condominium despite the final decision being delegated to the GM. There would be no public meeting required for a Draft Plan of Standard Condominium as per Ontario Regulation 544/06. Regardless, the Planning Act does not permit the general public to appeal to the LPAT a decision for a Draft Plan of Subdivision or Condominium or exemption thereto. Appeals are limited to the applicant, a public body who raised concerns prior to making a decision, the Minister of Municipal Affairs and Housing and the Municipality.

FINANCIAL CONSIDERATIONS:

There are no direct financial considerations related to this Report; however; there should be savings in time for Staff and Council at meetings and the reduction of non-value added processes. There will also savings achieved by reducing the number LPAT appeals for Plans of Subdivision and Plans of Condominium.

OTHER DEPARTMENT IMPLICATIONS:

There will be no implications for other Departments.

ATTACHMENTS:

Appendix I - By-law 2016-104

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2016-104

BEING A BY-LAW TO DELEGATE VARIOUS PLANNING AND COMMUNITY IMPROVEMENT INCENTIVE APPROVALS TO STAFF AND TO ADOPT CERTAIN PROCEDURES FOR THE PROCESSING OF PLANNING APPLICATIONS SUBJECT TO DELEGATED AUTHORITY

WHEREAS Section 23.1 and 23.2 of the Municipal Act, 2001, S.O. 2001 Chapter. 25 as amended confirms that a municipality has authority to delegate its powers and duties to a person, subject to certain restrictions;

AND WHEREAS Section 5 of the Planning Act, RSO 1990, Chapter P.13, as amended, permits a municipal council to delegate authority, by By-law, other than the authority to approve Official Plans or the authority to exempt from approval plans as Official Plans or amendments to Official Plans, to an officer identified in the By-law;

AND WHEREAS Section 51.2(4) of the Planning Act, RSO 1990, Chapter P.13, as amended, authorizes the delegation of authority to approve Plans of Subdivision to an appointed officer identified in the By-law;

AND WHEREAS Section 28 (7) of the Planning Act, RSO 1990, Chapter P.13, as amended authorizes a municipality to make grants or loans, in conformity with Community Improvement Plans;

NOW THEREFORE THE COUCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

1. Definitions:

In this By-law:

- a) "City" means The Corporation of the City of Welland;
- b) "City Clerk" means the City Clerk of The Corporation of the City of Welland and shall also include the Deputy Clerk and any Acting City Clerk as required;
- c) Council "means the Council of The Corporation of the City of Welland;
- d) "General Manager" means the General Manager of Infrastructure and Development Services and shall also include the Manager of Development Approvals or Manager of Policy Planning;
- e) "Mayor" means the Mayor of The Corporation of the City of Welland and shall include the Deputy Mayor as required;
- f) "Owner" means the owner of the subject lands;

2. APPLICATIONS FOR FINAL SUBDIVISION APPROVAL

- a) Council's power and authority with respect to all matters provided for by Section 51(58) of the Planning Act, RSO 1990, Chapter P.13, as

amended (final approval of plans of subdivision) is hereby delegated to the General Manager;

- b) Notwithstanding the provisions of Clause 2.a) of this By-law, Council shall retain all powers and authority under Section 51(58) of the Planning Act, RSO 1990, Chapter P.13, as amended, where:
- i. The General Manager at his/her sole discretion, refers the request for final approval of the plan of subdivision to Council;
 - ii. The Owner requests, in writing, that the request for final approval of the plan of subdivision be referred to Council;
 - iii. A member of Council makes a notice of motion through Council that the application for final subdivision approval be referred to Council. Upon Council support for such motion, the matter shall be referred to Council.

2.1

Proceduresa) Staff Approval

Prior to exercising the delegated authority for final approval of a plan of subdivision, the following procedures shall be followed:

- i. The General Manager shall prepare a memorandum to file detailing how each condition of draft plan approval has been or will be fulfilled by the Owner and confirming that the detailed engineering plans have been approved and all required clearance letters from municipal departments and outside agencies have been received;
- ii. Notice of receipt of the request for final approval of a plan of subdivision shall be circulated to appropriate departments and agencies as well as to all members of Council;
- iii. The Owner shall execute the City's subdivider's agreement and return all three (3) copies to the City's Planning Division together with the following:
 - a. The financial securities and certificate(s) of insurance required by the subdivider's agreement;
 - b. Consent from any mortgagee to the registration of the subdivider's agreement against the Title to the property;
 - c. Confirmation that there are no outstanding property taxes or local improvement charges;
 - d. Draft conveyance documents for the public parklands, walkways, road widenings, 0.3 metre reserves and easements as required by the subdivider's agreement;

- e. The required number of originals and paper prints and an electronic copy of the final "M" Plan being submitted for registration.
- iv. The Mayor or designate and the City Clerk, or designate, are hereby authorized to sign and seal all subdivider's agreements and any other documentation required which have been approved by Staff in accordance with Council's delegation for final subdivision approval to staff.

b) Referral to City Council

Where a request or motion for final approval of a plan of subdivision is referred to Council in accordance with Clause 2. b) of this By-law, the following procedures shall be followed:

- i. The General Manager shall prepare a report to Council outlining the source of, and the reasons for, the request for the referral to Council. The report shall detail how each condition of draft approval has been, or will be, fulfilled by the Owner and confirm that the detailed engineering plans have been approved, that all required clearance letters from municipal departments and outside agencies have been received, and that the items listed in Clause 2.1 a) iii. above have been received;
- ii. Where a request for final approval of a plan of subdivision is referred to Council, the final decision respecting final approval of the plan of subdivision shall rest with Council.

✓ 3.

DRAFT PLANS OF SUBDIVISION

3.1

Council hereby delegates to the General Manager the authority to:

- a) Sign proposed draft plans of subdivision for the purposes of indicating draft plan approval by Council;
- b) Change the conditions of draft plan approval imposed by Council pursuant to Subsection 51(44) of the Planning Act, as amended, where such change is consistent with the Council recommendation respecting the draft plan of subdivision;
- c) Decide whether a change to a condition of draft plan of Subdivision is minor for the purpose of giving notice pursuant to the Planning Act.

3.2

Minor change to any condition of draft approval shall mean that the general intent of the condition continues to be met. This could include, but is not limited to, minor alterations to lot lines, technical changes due to legislative amendments, creation of reserves, sight triangles etc. The deletion or alteration of conditions which would alter the original intent of Council would not be considered minor.

4. APPLICATIONS TO REMOVE HOLDING SYMBOL

- a) Council's power and authority with respect to the approval of applications to remove any Holding "H" Symbol is hereby delegated to the General Manager;
- b) Notwithstanding the provisions of Clause 2. a) of this By-law, Council shall retain all powers and authority with respect to the approval to remove a Holding "H" Symbol where the applicant or other party contests the staff position on the application as to whether or not the conditions for removal of the "H" Symbol have been satisfied;
- c) The General Manager is hereby authorized to prepare any required agreement(s) and by-law(s) implementing any such approval;
- d) Following approval of the application by the General Manager, and pursuant to Section 36(1) of the Planning Act, the Implementing by-law shall be presented to Council for enactment;
- e) The Mayor and City Clerk are hereby authorized to sign such agreement(s) and by-law(s).

5. Application for Downtown Health and Wellness Cluster Incentive Programs and Brownfield Incentive Programs

5.1

- a) Council's power and authority with respect to all matters provided for by Section 28 (7) of the Planning Act, RSO 1990, Chapter P.13, as amended (Community Improvement – grants or loans re: eligible costs), with the exception of Tax Assistance Program (TAP), and Tax Increment Grant (TIG), is hereby delegated to the General Manager;
- b) Notwithstanding the provisions of Clause 5.1 a) of this By-law, Council shall retain all powers and authority under Section 28(7) of the Planning Act, RSO 1990, Chapter P.13, as amended, where:
 - i. The proposed grant requested would exceed a gross value of \$75,000 per project/property (shared 50/50 with the Region) for incentive programs;
 - ii. The proposed grant requested exceeds the amount budgeted for the current year;
 - iii. A member of Council makes a notice of motion through Council that the application for incentive programs be referred to Council. Upon Council support for such motion, the matter shall be referred to Council.


5.2 Proceduresa) Staff Approval

Prior to exercising the delegated authority for Downtown Health and Wellness Cluster Incentive Programs and Brownfield Incentive Programs, the following procedures shall be followed:

- i. The General Manager shall prepare a memorandum to file detailing how each application has complied with the respective program requirements;
 - ii. Confirmation that all applicable property taxes are up to date, that the proposed works comply with zoning, and if a building permit is required;
 - iii. Determine that funds are available under the CIP Incentives Budget;
 - iv. The Owner shall/has executed the City's grant agreement and returned all three (3) copies to the City's Planning Division;
 - v. The Mayor or designate and the City Clerk, or designate, have signed and sealed all grant agreements and any other documentation required which have been approved by staff in accordance with Council's delegation for Downtown Health and Wellness Cluster Incentive Programs and Brownfield Incentive Programs to staff.
- b) After Approval
- i. After approval, staff shall provide to all Councilors and the Chief Administrative Officer information on the application approved;
 - ii. At least quarterly, staff shall report to Council on the Applications approved during the preceding quarter incorporating location, value of grants and type of improvements made.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 19TH DAY OF JULY, 2016

 MAYOR

 ACTING
CLERK

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCIL**INFRASTRUCTURE AND DEVELOPMENT SERVICES**

REPORT P&B-2020-53
OCTOBER 13, 2020

SUBJECT: DELEGATION TO STAFF OF APPROVAL FOR APPLICATIONS FOR REMOVAL OF PART LOT CONTROL

**AUTHOR: GRANT MUNDAY, B.A.A., MCIP, RPP
MANAGER OF DEVELOPMENT APPROVALS**

**APPROVING G.M.: TRAVERS FITZPATRICK
GENERAL MANAGER,
INFRASTRUCTURE AND DEVELOPMENT SERVICES**

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves the following amendments to By-law 2016-104, being a By-law to Delegate Various Planning and Community Improvement Approvals to staff:
 - i) That approval of Applications for Part Lot Control Exemption be delegated to the GM and that the necessary By-law be included on a Council Agenda without a Staff Report.
2. THAT Welland City Council authorizes Staff to prepare the necessary By-laws.

ORIGIN AND BACKGROUND:

Planning Staff constantly review the City's approval processes under the Planning Act in order to ensure that they are delivered efficiently and effectively. This includes but is not limited to consideration of the following:

- That City Policies and By-laws are being appropriately implemented;
- The services are being delivered in a timely manner;
- The services are delivered in a cost effective way;
- The services promote economic development and
- The services offer value added benefits to the City and Stakeholders.

Through this exercise Staff have identified the following development approval areas that could be improved:

1. Applications for Subdivision/Condominium
2. Applications for Removal of Part Lot Control
3. Applications for Tax Increment Grants (TIG) and Tax Assistance Program (TAP) under the City's Community Improvement Plans
4. Applications for Consent

This report deals Applications for Removal of Part Lot Control

COMMENTS AND ANALYSIS:

Below Staff have provided comments on each of the areas of concern, the reasons and a proposed solution.

Applications for Removal of Part Lot Control

Section 50(5) of the Planning Act states that where land is within a Plan of Subdivision no person shall convey a part of a lot or block. Section 50(7) allows for Council, by By-law, to provide an exemption to Part Lot Control. This is often done where lots or blocks are being developed for semi-detached or street townhouse purposes. Staff currently prepare a Report to Council, together with the requisite By-law, recommending that Removal of Part Lot Control be authorized. Generally these By-laws have a set time period of five (5) years. This allows the Builder to sell individual dwelling units without going through another process such as Consent to Sever.

Area of Concern:

The preparation of a Staff report for the purposes of an Application for Part Lot Control takes up valuable time and resources of Staff and these requests will increase over time. While the Part Lot Control Exemption By-law must be approved by Council, it could be approved without a Staff report.

Recommended Solution:

Staff are recommending that By-law 2016-104 be amended such that approval of Applications for Part Lot Control Exemption be delegated to the GM and that the By-law be included on a Council Agenda without a Staff Report.

FINANCIAL CONSIDERATION:

There are no direct financial considerations related to this Report; however, there should be savings in time for Staff and Council at meetings.

OTHER DEPARTMENT IMPLICATIONS:

There will be no implications for other Departments.

ATTACHMENTS:

Appendix I - By-law 2016-104

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2016-104

BEING A BY-LAW TO DELEGATE VARIOUS PLANNING AND COMMUNITY IMPROVEMENT INCENTIVE APPROVALS TO STAFF AND TO ADOPT CERTAIN PROCEDURES FOR THE PROCESSING OF PLANNING APPLICATIONS SUBJECT TO DELEGATED AUTHORITY

WHEREAS Section 23.1 and 23.2 of the Municipal Act, 2001, S.O. 2001 Chapter. 25 as amended confirms that a municipality has authority to delegate its powers and duties to a person, subject to certain restrictions;

AND WHEREAS Section 5 of the Planning Act, RSO 1990, Chapter P.13, as amended, permits a municipal council to delegate authority, by By-law, other than the authority to approve Official Plans or the authority to exempt from approval plans as Official Plans or amendments to Official Plans, to an officer identified in the By-law;

AND WHEREAS Section 51.2(4) of the Planning Act, RSO 1990, Chapter P.13, as amended, authorizes the delegation of authority to approve Plans of Subdivision to an appointed officer identified in the By-law;

AND WHEREAS Section 28 (7) of the Planning Act, RSO 1990, Chapter P.13, as amended authorizes a municipality to make grants or loans, in conformity with Community Improvement Plans;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

1. Definitions:

In this By-law:

- a) "City" means The Corporation of the City of Welland;
- b) "City Clerk" means the City Clerk of The Corporation of the City of Welland and shall also include the Deputy Clerk and any Acting City Clerk as required;
- c) Council "means the Council of The Corporation of the City of Welland;
- d) "General Manager" means the General Manager of Infrastructure and Development Services and shall also include the Manager of Development Approvals or Manager of Policy Planning;
- e) "Mayor" means the Mayor of The Corporation of the City of Welland and shall include the Deputy Mayor as required;
- f) "Owner" means the owner of the subject lands;

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APPLICATIONS FOR FINAL SUBDIVISION APPROVAL

- a) Council's power and authority with respect to all matters provided for by Section 51(58) of the Planning Act, RSO 1990, Chapter P.13, as

amended (final approval of plans of subdivision) is hereby delegated to the General Manager;

- b) Notwithstanding the provisions of Clause 2.a) of this By-law, Council shall retain all powers and authority under Section 51(58) of the Planning Act, RSO 1980, Chapter P.13, as amended, where:
- i. The General Manager at his/her sole discretion, refers the request for final approval of the plan of subdivision to Council;
 - ii. The Owner requests, in writing, that the request for final approval of the plan of subdivision be referred to Council;
 - iii. A member of Council makes a notice of motion through Council that the application for final subdivision approval be referred to Council. Upon Council support for such motion, the matter shall be referred to Council.

2.1

Proceduresa) Staff Approval

Prior to exercising the delegated authority for final approval of a plan of subdivision, the following procedures shall be followed:

- i. The General Manager shall prepare a memorandum to file detailing how each condition of draft plan approval has been or will be fulfilled by the Owner and confirming that the detailed engineering plans have been approved and all required clearance letters from municipal departments and outside agencies have been received;
- ii. Notice of receipt of the request for final approval of a plan of subdivision shall be circulated to appropriate departments and agencies as well as to all members of Council;
- iii. The Owner shall execute the City's subdivider's agreement and return all three (3) copies to the City's Planning Division together with the following:
 - a. The financial securities and certificate(s) of insurance required by the subdivider's agreement;
 - b. Consent from any mortgagee to the registration of the subdivider's agreement against the Title to the property;
 - c. Confirmation that there are no outstanding property taxes or local improvement charges;
 - d. Draft conveyance documents for the public parklands, walkways, road widenings, 0.3 metre reserves and easements as required by the subdivider's agreement;

e. The required number of originals and paper prints and an electronic copy of the final "M" Plan being submitted for registration.

iv. The Mayor or designate and the City Clerk, or designate, are hereby authorized to sign and seal all subdivider's agreements and any other documentation required which have been approved by Staff in accordance with Council's delegation for final subdivision approval to staff.

b) Referral to City Council

Where a request or motion for final approval of a plan of subdivision is referred to Council in accordance with Clause 2, b) of this By-law, the following procedures shall be followed:

i. The General Manager shall prepare a report to Council outlining the source of, and the reasons for, the request for the referral to Council. The report shall detail how each condition of draft approval has been, or will be, fulfilled by the Owner and confirm that the detailed engineering plans have been approved, that all required clearance letters from municipal departments and outside agencies have been received, and that the items listed in Clause 2.1 a) iii. above have been received;

ii. Where a request for final approval of a plan of subdivision is referred to Council, the final decision respecting final approval of the plan of subdivision shall rest with Council.

✓ 3.

DRAFT PLANS OF SUBDIVISION

3.1

Council hereby delegates to the General Manager the authority to:

- a) Sign proposed draft plans of subdivision for the purposes of indicating draft plan approval by Council;
- b) Change the conditions of draft plan approval imposed by Council pursuant to Subsection 51(44) of the Planning Act, as amended, where such change is consistent with the Council recommendation respecting the draft plan of subdivision;
- c) Decide whether a change to a condition of draft plan of Subdivision is minor for the purpose of giving notice pursuant to the Planning Act.

3.2

Minor change to any condition of draft approval shall mean that the general intent of the condition continues to be met. This could include, but is not limited to, minor alterations to lot lines, technical changes due to legislative amendments, creation of reserves, sight triangles etc. The deletion or alteration of conditions which would alter the original intent of Council would not be considered minor.

4. APPLICATIONS TO REMOVE HOLDING SYMBOL

- a) Council's power and authority with respect to the approval of applications to remove any Holding "H" Symbol is hereby delegated to the General Manager;
- b) Notwithstanding the provisions of Clause 2. a) of this By-law, Council shall retain all powers and authority with respect to the approval to remove a Holding "H" Symbol where the applicant or other party contests the staff position on the application as to whether or not the conditions for removal of the "H" Symbol have been satisfied;
- c) The General Manager is hereby authorized to prepare any required agreement(s) and by-law(s) implementing any such approval;
- d) Following approval of the application by the General Manager, and pursuant to Section 38(1) of the Planning Act, the implementing by-law shall be presented to Council for enactment;
- e) The Mayor and City Clerk are hereby authorized to sign such agreement(s) and by-law(s).

5. Application for Downtown Health and Wellness Cluster Incentive Programs and Brownfield Incentive Programs

5.1

- a) Council's power and authority with respect to all matters provided for by Section 28 (7) of the Planning Act, RSO 1990, Chapter P.13, as amended (Community Improvement – grants or loans re: eligible costs), with the exception of Tax Assistance Program (TAP), and Tax Increment Grant (TIG), is hereby delegated to the General Manager;
- b) Notwithstanding the provisions of Clause 5.1 a) of this By-law, Council shall retain all powers and authority under Section 28(7) of the Planning Act, RSO 1990, Chapter P.13, as amended, where:
 - i. The proposed grant requested would exceed a gross value of \$75,000 per project/property (shared 50/50 with the Region) for incentive programs;
 - ii. The proposed grant requested exceeds the amount budgeted for the current year;
 - iii. A member of Council makes a notice of motion through Council that the application for incentive programs be referred to Council. Upon Council support for such motion, the matter shall be referred to Council.

5.2 Procedures

a) Staff Approval

Prior to exercising the delegated authority for Downtown Health and Wellness Cluster Incentive Programs and Brownfield Incentive Programs, the following procedures shall be followed:


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- i. The General Manager shall prepare a memorandum to file detailing how each application has complied with the respective program requirements;
 - ii. Confirmation that all applicable property taxes are up to date, that the proposed works comply with zoning, and if a building permit is required;
 - iii. Determine that funds are available under the CIP Incentives Budget;
 - iv. The Owner shall/has executed the City's grant agreement and returned all three (3) copies to the City's Planning Division;
 - v. The Mayor or designate and the City Clerk, or designate, have signed and sealed all grant agreements and any other documentation required which have been approved by staff in accordance with Council's delegation for Downtown Health and Wellness Cluster Incentive Programs and Brownfield Incentive Programs to staff.
- b) After Approval
- i. After approval, staff shall provide to all Councilors and the Chief Administrative Officer information on the application approved;
 - ii. At least quarterly, staff shall report to Council on the Applications approved during the preceding quarter incorporating location, value of grants and type of improvements made.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 18TH DAY OF JULY, 2016

 MAYOR

 ACTING
CLERK

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCILINFRASTRUCTURE AND DEVELOPMENT SERVICES

REPORT P&B-2020-54
OCTOBER 13, 2020

11-108

**SUBJECT: DELEGATION TO STAFF OF VARIOUS APPROVALS
FOR COMMUNITY IMPROVEMENT PLAN PROGRAMS**

**AUTHOR: GRANT MUNDAY, B.A.A., MCIP, RPP
MANAGER OF DEVELOPMENT APPROVALS**

**APPROVING G.M.: TRAVERS FITZPATRICK
GENERAL MANAGER,
INFRASTRUCTURE AND DEVELOPMENT SERVICES**

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves the following amendments to By-law 2016-104, Being a By-law to Delegate Various Planning and Community Improvement Approvals to staff:

Applications for Tax Increment Grants (TIG) and Tax Assistance Program (TAP) under the City's Community Improvement Plans (CIP)

- i) Delegating approval of TAPs and TIGs for the City's three CIPs to the GM and
 - ii) Replacing the current \$75,000.00 delegated approval authority cap and replacing it with yearly budgeted amount for the current year.
2. THAT Welland City Council authorizes Staff to prepare the necessary By-laws.

ORIGIN AND BACKGROUND:

Planning Staff constantly review the City's approval processes under the Planning Act in order to ensure that they are delivered efficiently and effectively. This includes but is not limited to consideration of the following:

- That City Policies and By-laws are being appropriately implemented;

- The services are being delivered in a timely manner;
- The services are delivered in a cost effective way;
- The services promote economic development and
- The services offer value added benefits to the City and Stakeholders.

Through this exercise Staff have identified the following development approval areas that could be improved:

1. Applications for Subdivision/Condominium
2. Applications for Part Lot Control Exemption
3. Applications for Tax Increment Grants (TIG) and Tax Assistance Program (TAP) under the City's Community Improvement Plans
4. Applications for Consent

This report deals with Applications for Tax Increment Grants (TIG) and Tax Assistance Program (TAP) under the City's Community Improvement Plans.

COMMENTS AND ANALYSIS:

Applications for Tax Increment Grants (TIG) and Tax Assistance Program (TAP) under the City's Community Improvement Plans (CIP)

Currently a number of approvals under the City's three CIP programs are delegated to Staff for approval with the exception of TIGs and TAPs. There are also limitations on staff delegated approval where the Grant request would exceed a gross value of \$75,000.00; where the Grant request exceeds the amount budgeted for the current year, or where a member of Council makes a successful Notice of Motion through Council that the Application for Incentive Programs be referred to Council.

Area of Concern:

The items that require approval by Council require Staff resources to prepare a recommendation report. Staff does not recommend approval of applications that do not meet the requirements of the applicable CIP. There is a possibility that Council could refuse an application for an application that meets these requirements. This would create the potential to decrease investor confidence in the City's CIP programs and impact future development opportunities. Also bringing a Report to Council extends the approval process whereas investors are seeking expedited approvals so that they may start their project rather than waiting for approvals from City Council.

Recommended Solution:

Staff are recommending that By-law 2016-104 be amended to include further delegation of approval to the GM for CIPs as follows:

- Delegating approval of TAPs and TIGs for the City's three CIPs; and
- Replacing the current \$75,000.00 delegated approval authority cap and replacing it with yearly budgeted amount for the current year.

The further delegation of authority for CIP programs will ensure that all the programs under the City's CIP run efficiently and ensure that investor confidence in these programs is retained. It will also reduce the administrative costs by eliminating the need for detailed staff reports which essentially reiterate the programs requirements

FINANCIAL CONSIDERATION:

There are no direct financial considerations related to this Report; however; there should be savings in time for Staff and Council at meetings. There will savings achieved by reducing the number of Staff Reports to be prepared and will provide a much quicker approvals process for applicants.

OTHER DEPARTMENT IMPLICATIONS:

There will be no implications for other Departments.

ATTACHMENTS:

Appendix I - By-law 2016-104

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2016-104

BEING A BY-LAW TO DELEGATE VARIOUS PLANNING AND COMMUNITY IMPROVEMENT INCENTIVE APPROVALS TO STAFF AND TO ADOPT CERTAIN PROCEDURES FOR THE PROCESSING OF PLANNING APPLICATIONS SUBJECT TO DELEGATED AUTHORITY

WHEREAS Section 23.1 and 23.2 of the Municipal Act, 2001, S.O. 2001 Chapter. 25 as amended confirms that a municipality has authority to delegate its powers and duties to a person, subject to certain restrictions;

AND WHEREAS Section 5 of the Planning Act, RSO 1990, Chapter P.13, as amended, permits a municipal council to delegate authority, by By-law, other than the authority to approve Official Plans or the authority to exempt from approval plans as Official Plans or amendments to Official Plans, to an officer identified in the By-law;

AND WHEREAS Section 51.2(4) of the Planning Act, RSO 1990, Chapter P.13, as amended, authorizes the delegation of authority to approve Plans of Subdivision to an appointed officer identified in the By-law;

AND WHEREAS Section 28 (7) of the Planning Act, RSO 1990, Chapter P.13, as amended authorizes a municipality to make grants or loans, in conformity with Community Improvement Plans;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

1. Definitions:

In this By-law:

- a) "City" means The Corporation of the City of Welland;
- b) "City Clerk" means the City Clerk of The Corporation of the City of Welland and shall also include the Deputy Clerk and any Acting City Clerk as required;
- c) Council means the Council of The Corporation of the City of Welland;
- d) "General Manager" means the General Manager of Infrastructure and Development Services and shall also include the Manager of Development Approvals or Manager of Policy Planning;
- e) "Mayor" means the Mayor of The Corporation of the City of Welland and shall include the Deputy Mayor as required;
- f) "Owner" means the owner of the subject lands;

2. APPLICATIONS FOR FINAL SUBDIVISION APPROVAL

- a) Council's power and authority with respect to all matters provided for by Section 51(58) of the Planning Act, RSO 1990, Chapter P.13, as

amended (final approval of plans of subdivision) is hereby delegated to the General Manager;

- b) Notwithstanding the provisions of Clause 2.a) of this By-law, Council shall retain all powers and authority under Section 51(58) of the Planning Act, RSO 1990, Chapter P.13, as amended, where:
- I. The General Manager at his/her sole discretion, refers the request for final approval of the plan of subdivision to Council;
 - II. The Owner requests, in writing, that the request for final approval of the plan of subdivision be referred to Council;
 - III. A member of Council makes a notice of motion through Council that the application for final subdivision approval be referred to Council. Upon Council support for such motion, the matter shall be referred to Council.

2.1

Proceduresa) Staff Approval

Prior to exercising the delegated authority for final approval of a plan of subdivision, the following procedures shall be followed:

- i. The General Manager shall prepare a memorandum to file detailing how each condition of draft plan approval has been or will be fulfilled by the Owner and confirming that the detailed engineering plans have been approved and all required clearance letters from municipal departments and outside agencies have been received;
- ii. Notice of receipt of the request for final approval of a plan of subdivision shall be circulated to appropriate departments and agencies as well as to all members of Council;
- iii. The Owner shall execute the City's subdivider's agreement and return all three (3) copies to the City's Planning Division together with the following:
 - a. The financial securities and certificate(s) of insurance required by the subdivider's agreement;
 - b. Consent from any mortgagee to the registration of the subdivider's agreement against the Title to the property;
 - c. Confirmation that there are no outstanding property taxes or local improvement charges;
 - d. Draft conveyance documents for the public parklands, walkways, road widenings, 0.3 metre reserves and easements as required by the subdivider's agreement;

e. The required number of originals and paper prints and an electronic copy of the final "M" Plan being submitted for registration.

iv. The Mayor or designate and the City Clerk, or designate, are hereby authorized to sign and seal all subdivider's agreements and any other documentation required which have been approved by Staff in accordance with Council's delegation for final subdivision approval to staff.

b) Referral to City Council

Where a request or motion for final approval of a plan of subdivision is referred to Council in accordance with Clause 2. b) of this By-law, the following procedures shall be followed:

i. The General Manager shall prepare a report to Council outlining the source of, and the reasons for, the request for the referral to Council. The report shall detail how each condition of draft approval has been, or will be, fulfilled by the Owner and confirm that the detailed engineering plans have been approved, that all required clearance letters from municipal departments and outside agencies have been received, and that the items listed in Clause 2.1 a) iii. above have been received;

ii. Where a request for final approval of a plan of subdivision is referred to Council, the final decision respecting final approval of the plan of subdivision shall rest with Council.

✓ 3.

DRAFT PLANS OF SUBDIVISION

3.1

Council hereby delegates to the General Manager the authority to:

- a) Sign proposed draft plans of subdivision for the purposes of indicating draft plan approval by Council;
- b) Change the conditions of draft plan approval imposed by Council pursuant to Subsection 51(44) of the Planning Act, as amended, where such change is consistent with the Council recommendation respecting the draft plan of subdivision;
- c) Decide whether a change to a condition of draft plan of Subdivision is minor for the purpose of giving notice pursuant to the Planning Act.

3.2

Minor change to any condition of draft approval shall mean that the general intent of the condition continues to be met. This could include, but is not limited to, minor alterations to lot lines, technical changes due to legislative amendments, creation of reserves, slight triangles etc. The deletion or alteration of conditions which would alter the original intent of Council would not be considered minor.

4. APPLICATIONS TO REMOVE HOLDING SYMBOL

- a) Council's power and authority with respect to the approval of applications to remove any Holding "H" Symbol is hereby delegated to the General Manager;
- b) Notwithstanding the provisions of Clause 2. a) of this By-law, Council shall retain all powers and authority with respect to the approval to remove a Holding "H" Symbol where the applicant or other party contests the staff position on the application as to whether or not the conditions for removal of the "H" Symbol have been satisfied;
- c) The General Manager is hereby authorized to prepare any required agreement(s) and by-law(s) implementing any such approval;
- d) Following approval of the application by the General Manager, and pursuant to Section 38(1) of the Planning Act, the implementing by-law shall be presented to Council for enactment;
- e) The Mayor and City Clerk are hereby authorized to sign such agreement(s) and by-law(s).

5. Application for Downtown Health and Wellness Cluster Incentive Programs and Brownfield Incentive Programs

5.1

- a) Council's power and authority with respect to all matters provided for by Section 28 (7) of the Planning Act, RSO 1990, Chapter P.13, as amended (Community Improvement – grants or loans re: eligible costs), with the exception of Tax Assistance Program (TAP), and Tax Increment Grant (TIG), is hereby delegated to the General Manager;
- b) Notwithstanding the provisions of Clause 5.1 a) of this By-law, Council shall retain all powers and authority under Section 28(7) of the Planning Act, RSO 1990, Chapter P.13, as amended, where:
 - i. The proposed grant requested would exceed a gross value of \$75,000 per project/property (shared 50/50 with the Region) for incentive programs;
 - ii. The proposed grant requested exceeds the amount budgeted for the current year;
 - iii. A member of Council makes a notice of motion through Council that the application for incentive programs be referred to Council. Upon Council support for such motion, the matter shall be referred to Council.

5.2 Procedures

a) Staff Approval

Prior to exercising the delegated authority for Downtown Health and Wellness Cluster Incentive Programs and Brownfield Incentive Programs, the following procedures shall be followed:

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- i. The General Manager shall prepare a memorandum to file detailing how each application has complied with the respective program requirements;
- ii. Confirmation that all applicable property taxes are up to date, that the proposed works comply with zoning, and if a building permit is required;
- iii. Determine that funds are available under the CIP Incentives Budget;
- iv. The Owner shall/has executed the City's grant agreement and returned all three (3) copies to the City's Planning Division;
- v. The Mayor or designate and the City Clerk, or designate, have signed and sealed all grant agreements and any other documentation required which have been approved by staff in accordance with Council's delegation for Downtown Health and Wellness Cluster Incentive Programs and Brownfield Incentive Programs to staff.


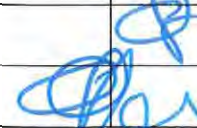

b) After Approval

- i. After approval, staff shall provide to all Councilors and the Chief Administrative Officer information on the application approved;
- ii. At least quarterly, staff shall report to Council on the Applications approved during the preceding quarter incorporating location, value of grants and type of improvements made.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 18TH DAY OF JULY, 2016

 MAYOR

 ACTING
CLERK

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCIL**INFRASTRUCTURE AND DEVELOPMENT SERVICES**

REPORT P&B-2020-55
October 13, 2020

11-108

SUBJECT: COMMUNITY IMPROVEMENT PLAN INCENTIVE APPLICATIONS – QUARTERLY SUMMARY REPORT FOR THIRD QUARTER OF 2020

**AUTHOR: CHRISTINE ROSSETTO, B.A. (Hons.)
PLANNING ASSISTANT**

**APPROVING SUPERVISOR: ROSE DI FELICE, M.Pl., M.Sc., MCIP, R.P.P.
MANAGER OF POLICY PLANNING**

**APPROVING G.M.: TRAVERS FITZPATRICK
GENERAL MANAGER,
INFRASTRUCTURE AND DEVELOPMENT SERVICES**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report P&B-2020-55 being a quarterly summary Report of approved Community Improvement Plan Incentive Applications between July 1, 2020 and September 30, 2020.

ORIGIN AND BACKGROUND:

On July 19, 2016, Council delegated, by By-law, Community Improvement Plan (CIP) Incentive Grant Approvals to Staff and adopted procedures for the processing of the Applications subject to the Delegated Authority. This Report deals with the Incentive Applications that were approved in the third quarter of 2020.

COMMENTS AND ANALYSIS:

One Community Improvement Plan Incentive Application was approved in the third quarter of 2020 for the Brownfield Environmental Study Grant Program for property at 53 Ontario Road (Appendix I).

LOCATION	ESTIMATED STUDY COST	MAXIMUM ELIGIBLE GRANT	CITY PORTION OF GRANT	REGIONAL PORTION OF GRANT
53 Ontario Road	\$16,640.06	\$8,320.03	\$4,160.02	\$4,160.01
TOTAL	\$16,640.06	\$8,320.03	\$4,160.02	\$4,160.01

During the third quarter of 2020, a total of 9 general and specific inquiries were received; there were no pre-Application meetings held by Staff; and one Brownfield Incentive Application was approved.

FINANCIAL CONSIDERATION:

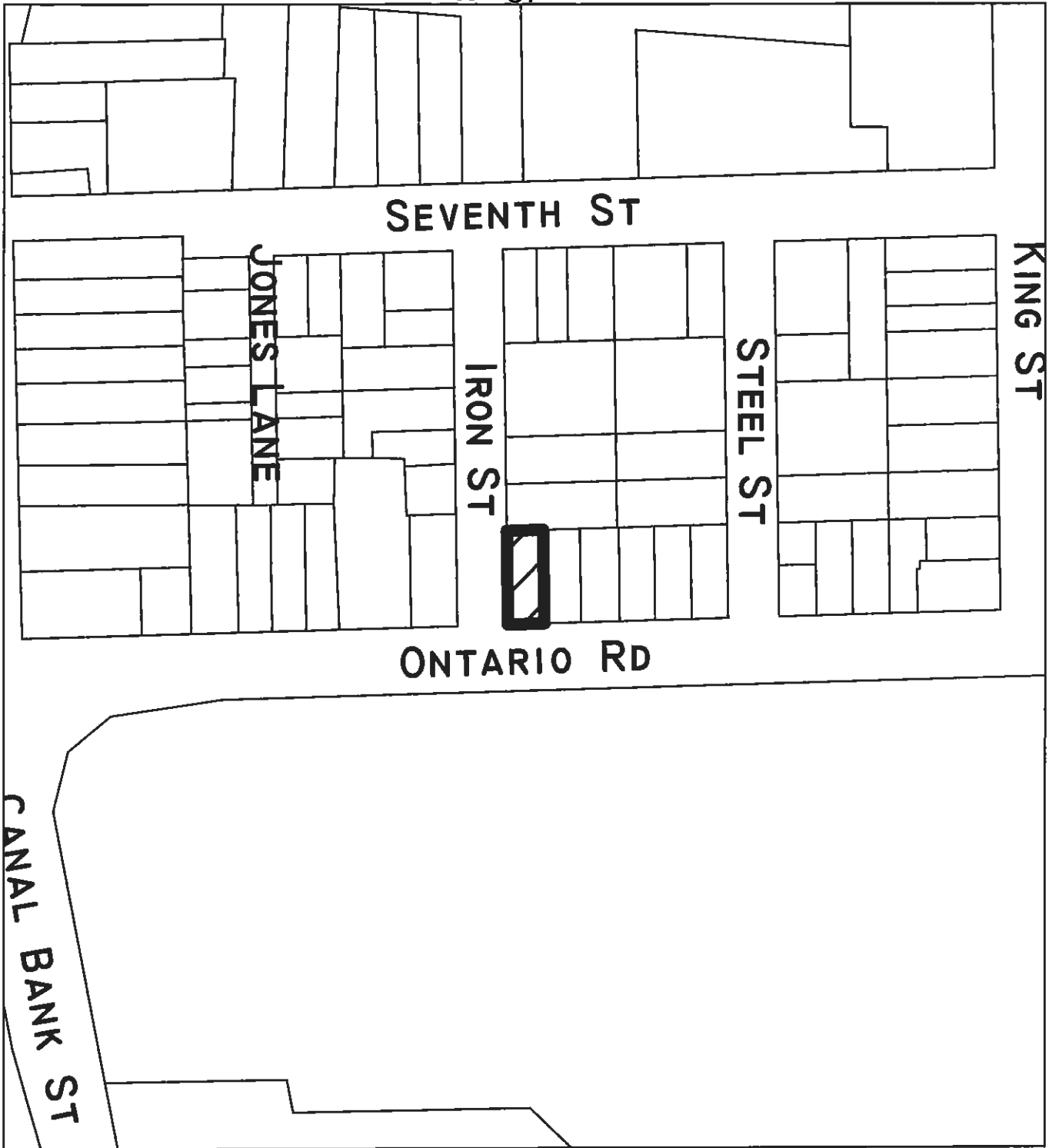
The City's portion of the Grant for the Approval, upon completion, will be covered with funds from the Incentives Program Fund.

OTHER DEPARTMENT IMPLICATIONS:

The Finance Division, upon completion of the approved study, will be involved with all financial aspects associated with the issuance of the Grant.

ATTACHMENTS:

Appendix I - Location Map showing the location of the property



LOCATION MAP

53 Onatrio Road



SUBJECT LANDS



*Infrastructure and
Development Services*
Planning Division

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

SPECIAL COUNCIL**INFRASTRUCTURE AND DEVELOPMENT SERVICES**

REPORT P&B-2020-56
OCTOBER 13, 2020

SUBJECT: PROPOSAL TO DECLARE SURPLUS A PORTION OF CITY OWNED LAND ON THE NORTH-EAST CORNER OF FOURTH STREET AND CANAL BANK STREET

AUTHOR: GRANT MUNDAY, B.A.A., MCIP, RPP

**APPROVING G.M.: TRAVERS FITZPATRICK
GENERAL MANAGER,
INFRASTRUCTURE AND DEVELOPMENT SERVICES**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND declares surplus to the City's needs a portion of land on the north-east corner of Fourth Street and Canal Bank Street, as shown Part 5 on Plan 59R-10161, Part of Lot 27, Concession 7, former Township of Crowland, City of Welland.

ORIGIN AND BACKGROUND:

As shown on Appendix I, the subject lands are located on the north-east corner of Fourth Street and Canal Bank Street, Part of Lot 27, Concession 7, former Township of Crowland, City of Welland. The subject lands are 1169.64 square metres (12,562.4 square feet) in area having a width of 20.29 m (76.60') and length of 49.99m (164.00'). They are located just south of the lands to north (former WCWC parking lot and skate park) which were previously declared surplus and sold to a developer.

COMMENTS AND ANALYSIS

Staff are bringing this request to declare the subject lands forward in order to promote further complimentary development along the Welland Recreational Canal. The proposal has been circulated to commenting department, agencies and utilities. No objections have been received as a result of this circulation. There is a hydro line that runs through the property and the ultimate purchaser would be responsible for relocating the line at their own cost or granting a right of way to Welland Hydro. The rear access lane to the Welland Arena Complex will be maintained.

The subject lands are currently Zoned INSH –Health and Wellness and are designated Health and Wellness Cluster in the Official Plan. This is the same Official Plan and Zoning By-law permissions for the surrounding area to the north, east and south. These Official Plan and Zoning By-law permissions permit up to an 8-storey mixed-use or residential building. The subject lands also fall within the Downtown and Health and Wellness Community Improvement Plan Area. These characteristics make the land very attractive for private investment in the area.

Should Council declare these lands surplus to the City's needs, as per City Policy, an ad will be placed in the Civic Corner of the Welland Tribune and on the City's website.

FINANCIAL CONSIDERATION:

There are no financial implications related to the contents of this Report.

OTHER DEPARTMENT IMPLICATIONS:

The Economic Development Division will market the lands for economic development purposes accordingly.

SUMMARY AND CONCLUSION:

Staff have reviewed the subject lands to determine if they are surplus to the City needs. There were no objections received from commenting departments, agencies, or utilities. The Official Plan and Zoning By-law permissions for these lands permit up to an 8-storey mixed-use or residential building. The subject lands also fall within the Downtown and Health and Wellness Community Improvement Plan Area. These characteristics make the land very attractive for private investment in the area and near the Welland Recreational Canal. Therefore, Staff are of the opinion that the subject lands can be declared surplus of the City's needs thereby placing the City in the position of capitalizing on the opportunities for development of these lands and abutting lands.

ATTACHMENTS:

Appendix I - Location Plan



LOCATION MAP

Fourth Street



SUBJECT LANDS



Infrastructure and
Development Services
Planning Division

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COUNCIL

INFRASTRUCTURE AND DEVELOPMENT SERVICES
ENGINEERING DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT ENG-2020-34
OCTOBER 13, 2020

20-109

SUBJECT: BROADWAY AVENUE TRUNK SANITARY SEWER DESIGN

**AUTHOR: SHERRI-MARIE MILLAR, P. ENG.
MANAGER OF ENGINEERING SERVICES**

**APPROVING G.M.: TRAVERS FITZPATRICK, GENERAL MANAGER,
INFRASTRUCTURE AND DEVELOPMENT SERVICES**

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND authorize the direct appointment of Kerry T. Howe Engineering Limited (KTH) to complete a topographic survey in preparation for the detailed design of a new trunk sanitary sewer as per their proposal dated September 23, 2020 for an amount not to exceed \$21,500 excluding HST; and further,

THAT Welland City Council authorize the direct appointment KTH to complete the detailed design of a new trunk sanitary sewer as per their proposal dated September 29, 2020 for an amount not to exceed \$63,350 excluding HST; and further,

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into contract with KTH to complete the described work.

ORIGIN AND BACKGROUND:

The Broadway Avenue neighbourhood has long been identified as an area in need of inflow and infiltration reduction coupled with an existing state of high *basement flooding* risk and ageing infrastructure.

A multi-initiative approach is needed to reduce the risk of basement flooding and free sanitary capacity for future development in this area. In addition to a comprehensive I/I Reduction program, the replacement and upsizing of the Broadway Avenue trunk sanitary sewer is required.

The Broadway trunk sewer currently experiences surcharging due in part to the fact that sections of the mainline are undersized. Upsizing and deepening the trunk sewer is the necessary first step to facilitate future reconfigurations and deepening of the local sanitary sewers.

COMMENTS & ANALYSIS:

Staff is proposing to construct a new Broadway Avenue trunk sanitary sewer from Riverside Drive to St. George Street in 2021, subject to budget approval. To meet that

target, the trunk sewer design must be started as soon as possible. Moreover, the pre-design activities including topographic survey must be completed before winter weather hinders progress. To that end, staff recommends that the survey and detailed design assignment be awarded to Kerry T. Howe Engineering Limited (KTH) through direct appointment.

Jeff Jaeger, P.Eng., the President of KTH has provided engineering services for the City of Welland for over thirty (30) years and has a specialized Consulting Engineer designation. His familiarity with the City's sewer networks, as well as his knowledge of the system's capabilities and shortfalls are an invaluable resource. Mr. Jaeger and his team at KTH specialize in sewer separation programs and have successfully completed numerous projects throughout the City of Welland including:

- Aqueduct Sewer Separation Ph 2-5;
- East Main St Sewer Separation;
- Division St Sewer Separation;
- Basement Flooding Reduction - Fitch Street Pumping Station Drainage Area and Lincoln/Coventry/ Morningstar Neighbourhoods
- Dain City Forcemain Detailed Design

Mr. Jaeger has both the expertise and the resources to successfully complete the Broadway Avenue trunk sewer design within this challenging timeline. With a commitment to start the works upon formal approval, the direct appointment of KTH presents the best chance to be construction ready in 2021.

FINANCIAL CONSIDERATION:

A breakdown of both the cost and funding structures for this project is summarized in the following tables.

Broadway Avenue Trunk Sanitary Sewer Design – Project Costs	Amount
Topographic Survey	\$21,500.00
Detailed Design	\$63,350.00
Subtotal:	\$84,850.00
City's Portion of HST (1.76%)	\$1,493.36
Total Anticipated Costs:	\$86,343.36

Total Approved 2020 Funding	Amount
Pre-Approved 2020 Broadway Area (10-330-20222)	\$367,022.00

It is expected that the direct appointment of KTH to complete the survey and detailed design of the Broadway Avenue trunk sewer is the most efficient and cost-effective approach to achieving a 2021 construction goal.

OTHER DEPARTMENT IMPLICATIONS:

None

SUMMARY AND CONCLUSION:

Staff recommend the direct appointment of Kerry T. Howe Engineering Limited (KTH) to complete the topographic survey and Broadway Avenue trunk sewer design. This recommendation is due to their specific local knowledge and ability to direct dedicated resources to undertake the work without delay.

Staff will work closely with KTH to ensure that the Broadway Avenue trunk sewer is ready for construction in 2021.

ATTACHMENTS:

None