

# THE CORPORATION OF HALDIMAND COUNTY

## By-law No. 1073/10

### Being a by-law to require that certain municipal services are available prior to the erection or use of buildings or structures

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**WHEREAS** it is considered desirable for the control of development within Haldimand County to prohibit the use of land or the erection or use of buildings or structures unless certain municipal services are available to service the lands, buildings or structure, as the case may be;

**AND WHEREAS** Section 34(5) of the *Planning Act*, R.S.O. 1990, c. P. 13 provides the authority to pass by-law to prohibit the use of land or the erection or use of buildings or structures unless such municipal services as may be set out in the by-law are available to service the land, buildings or structures, as the case may be;

**AND WHEREAS** the former Town of Dunnville had enacted By-law No. 1-DU 80, being the Zoning By-law for the former Town of Dunnville;

**AND WHEREAS** the former Town of Haldimand had enacted By-law No. 1-H 86, being the Zoning By-law for the former Town of Haldimand;

**AND WHEREAS** the former City of Nanticoke had enacted By-law No. NE 1-2000, being the Zoning By-law for the former City of Nanticoke;

**AND WHEREAS** the former Town of Dunnville, the former Town of Haldimand and the former City of Nanticoke have been amalgamated into Haldimand County;

**AND WHEREAS** Haldimand County has assumed the Zoning By-laws from the former Town of Dunnville, the former Town of Haldimand and the former City of Nanticoke;

**AND WHEREAS** the Council of the Corporation of Haldimand County deems it advisable to further amend Zoning By-law No. 1-DU 80, Zoning By-law No. 1-H 86, and Zoning By-law No. NE 1-2000;

**NOW THEREFORE the Council of The Corporation of Haldimand County enacts as follows:**

1. **THAT** the former Town of Dunnville Zoning By-law No. 1-DU 80, as amended, be hereby further amended as follows:

a. By adding to Section 6, General Provisions, the following subsection:

Section 6.25(6)

Notwithstanding the provisions of any other by-law previously enacted pursuant to section 34 of the *Planning Act*, or any predecessor thereof, by Haldimand County or any predecessor thereof, no land shall be used or built upon and no

building or structure shall be erected or used unless full municipal water and sanitary sewer capacity is available and the Council of The Corporation of Haldimand County has allocated full municipal water and sanitary sewer capacity to service the said lands or building or structure or the Council of the Corporation of Haldimand County has exempted the development or class of development from the requirement of allocation of capacity.

Section 6.25(7)

The availability of full municipal water and sanitary sewer capacity shall be determined by the Manager of Engineering Services from Haldimand County in accordance with servicing allocation policies approved by Council from time to time.

2. **THAT** the former Town of Haldimand Zoning By-law No. 1-H 86, as amended, be hereby further amended as follows:
  - a. By adding to Section 6, General Provisions, the following subsection:

Section 6.26(6)

Notwithstanding the provisions of any other by-law previously enacted pursuant to section 34 of the *Planning Act*, or any predecessor thereof, by Haldimand County or any predecessor thereof, no land shall be used or built upon and no building or structure shall be erected or used unless full municipal water and sanitary sewer capacity is available and the Council of The Corporation of Haldimand County has allocated full municipal water and sanitary sewer capacity to service the said lands or building or structure or the Council of the Corporation of Haldimand County has exempted the development or class of development from the requirement of allocation of capacity.

Section 6.26(7)

The availability of full municipal water and sanitary sewer capacity shall be determined by the Manager of Engineering Services from Haldimand County in accordance with servicing allocation policies approved by Council from time to time.

3. **THAT** the former City of Nanticoke Zoning By-law No. NE 1-2000, as amended, be hereby further amended as follows:
  - a. By adding to Section 3, General Provisions, the following subsection:

Section 3.34(6)

Notwithstanding the provisions of any other by-law previously enacted pursuant to section 34 of the *Planning Act*, or any predecessor thereof, by

Haldimand County or any predecessor thereof, no land shall be used or built upon and no building or structure shall be erected or used unless full municipal water and sanitary sewer capacity is available and the Council of The Corporation of Haldimand County has allocated full municipal water and sanitary sewer capacity to service the said lands or building or structure or the Council of the Corporation of Haldimand County has exempted the development or class of development from the requirement of allocation of capacity.

Section 3.34(7)

The availability of full municipal water and sanitary sewer capacity shall be determined by the Manager of Engineering Services from Haldimand County in accordance with servicing allocation policies approved by Council from time to time.

4. **AND THAT** this By-law shall come into force and take effect upon the date of its final passage.

READ a first and second time this 8<sup>th</sup> day of March, 2010.

READ a third time and finally passed this 8<sup>th</sup> day of March, 2010.

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MAYOR

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CLERK

## PURPOSE AND EFFECT OF BY-LAW NO. 1073/10

The purpose of this by-law is to provide Haldimand County with the legal framework to allocate certain municipal services (water and sanitary sewer) so that urban growth can proceed in a prudent and fair manner. The Servicing Allocation Policy outlines the process of how servicing allocation is to be distributed among developments in Haldimand County, acknowledges the criteria used in assessment scoring and sets out administrative responsibilities for applicable County staff.

This By-law applies to all urban lands across Haldimand County.

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