



# City of Hamilton

## PLANNING COMMITTEE ADDENDUM

**Meeting #:** 24-015  
**Date:** October 18, 2024  
**Time:** 9:30 a.m.  
**Location:** Council Chambers (Planning)  
Hamilton City Hall  
71 Main Street West

Lisa Kelsey, Legislative Coordinator (905) 546-2424 ext. 4605

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**Pages**

### 5. COMMUNICATIONS

- \*5.1 David Bronskill, Goodmans LLP, respecting Implementation of Changes to Section 41 of the Planning Act- Site Plan Approval, in Response to Provincial Bill 185 (Item 11.2) 3  
Recommendation: Be received and referred to the consideration of Item 11.2.

### 6. DELEGATION REQUESTS

- \*6.1 Mike Collins-Williams, West End Home Builders' Association, respecting Implementation of Changes to Section 41 of the Planning Act - Site Plan Approval (Item 11.2) (For today's meeting) (in-person)
- \*6.2 Allan Buist, DiCenzo Construction Company Limited, respecting Demolition Permit for 639 Rymal Road West (Item 11.3) (For today's meeting) (in-person)
- \*6.3 Matt Johnston, UrbanSolutions respecting Demolition Permit 3033 and 3047 Binbrook Road (Item 11.4) (For today's meeting) (virtual)

### 10. PUBLIC HEARINGS

- 10.1 Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 65 and 69 Eleanor Avenue, 177 Mentino Crescent, and 224 Eaglewood Drive, Hamilton (PED24172) (Ward 6)

	*a. Staff Presentation	5
10.2	City Initiated Official Plan Amendments - Formal Consultation and Complete Application Requirements under Bill 185 (PED24134) (City Wide)	
	*a. Staff Presentation	16
	*b. Written Submissions: (i) Michelle Diplock, West End Home Builders' Association	26
<b>11.</b>	<b>DISCUSSION ITEMS</b>	
11.1	Draft Framework for Processing and Evaluating Urban Boundary Expansions - Consultation and Engagement Plan (PED24109(a)) (City Wide)	
	*a. Staff Presentation	27
11.2	Implementation of Changes to Section 41 of the Planning Act - Site Plan Approval, in Response to Provincial Bill 185 (PED24175) (City Wide)	
	*a. Staff Presentation	40
<b>15.</b>	<b>PRIVATE AND CONFIDENTIAL</b>	
*15.2	Appeal to the Ontario Land Tribunal for Lands Located at 210 Calvin Street, Ancaster, for Lack of Decision on Urban Official Plan Amendment (UHOPA-20-013) and Zoning By-law Amendment Applications (ZAC-20-017) (LS24018) (Ward 12) Pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Subsections (e), (f) and (k) of the <i>Ontario Municipal Act, 2001</i> , as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.	



Barristers &amp; Solicitors

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Toronto, Ontario M5H 2S7Telephone: 416.979.2211  
Facsimile: 416.979.1234  
goodmans.ca

dbronskill@goodmans.ca

October 17, 2024

Our File No.: 221676

**Delivered Via Email (lisa.kelsey@hamilton.ca)**City of Hamilton Planning Committee  
Hamilton City Hall  
71 Main Street West  
Toronto, ON L9H 2P9**Attention: Lisa Kelsey, Legislative Coordinator**

Dear Sirs/Mesdames:

**Re: Item 11.2 – Implementation of Changes to Section 41 of the of the *Planning Act*  
Site Plan Approval, in Response to Provincial Bill 185**

We are solicitors for 11096800 Canada Inc, who are the owners of the properties known municipally in the City of Hamilton as 166-190 Main Street West (the “**Lands**”). We are writing to express our client’s significant concerns with the draft site plan control by-law that is the subject of the above-noted item. Given these concerns, we urge that Planning Committee and/or City Council refer the matter back to City staff for additional consultation.

While we recognize that Bill 185 introduced the ability for municipalities to allow for lapsing of site plan control approvals, the recommendation of City staff goes beyond the legislative authority in the *Planning Act* by seeking to implement three-year lapsing for conditional site plan approvals, with a one-time, one-year extension. Put simply, this approach is *ultra vires* the *Planning Act*.

As you know, the City of Hamilton has a two stage site plan control approval process. Final approval is only granted when all the conditions required prior to issuance of a building permit are satisfied and final plans are approved in accordance with Section 41 of the *Planning Act*. The new authority in the *Planning Act* to allow for lapsing applies only to final site plan approval, not to conditional site plan approval.

Further, the staff recommendations do not account for necessary phasing when redeveloping large sites, such as the Lands, where the use of lapsing provisions could prevent a comprehensive approach to site plan approval that must be built in phases. At a minimum, City Council should endorse an alternative approach that would enable phasing of both conditional and final approvals for large sites. In particular, it is important that subsequent phases of a comprehensive redevelopment are not subject to lapsing provisions.

If such an approach is not endorsed by City Council, then our client requests that the Lands be exempt from the new site plan control by-law. Our client has received conditional site plan approval in respect of a significant phased redevelopment of the Lands. Since that time, our client has been working in good faith with City staff in respect of implementation of the conditional site plan approval, including the need for phased final site plan approval. However, the staff report for the above-noted matter suggests that existing applications will not be the subject of a transition clause. This is extremely prejudicial to our client and contrary to the agreement our client reached with City staff at the time of conditional site plan approval.

The use of lapsing provisions is not mandatory. City Council also has discretion in the use of any lapsing provisions. Our client's site plan application in respect of the Lands should clearly be exempted from the new site plan control by-law such that final site plan approval can be completed in accordance with the agreement reached with City staff.

We would appreciate receiving notice of any decision made by Planning Committee and/or City Council in respect of this item.

Yours truly,

**Goodmans LLP**



David Bronskill  
DJB/



WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

October 18, 2024

## **PED24172 – (ZAC-22-037 & 25T-202207)**

Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 65 and 69 Eleanor Avenue, 177 Mentino Crescent, and 224 Eaglewood Drive, Hamilton.

Presented by: Shaival Gajjar





**SUBJECT PROPERTY**



**65 & 69 Eleanor Avenue, 177 Mentino Crescent and  
224 Eaglewood Drive, Hamilton**

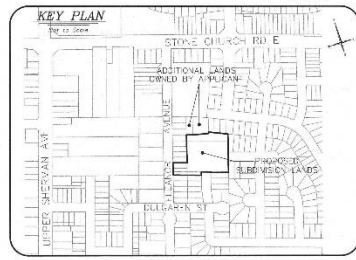
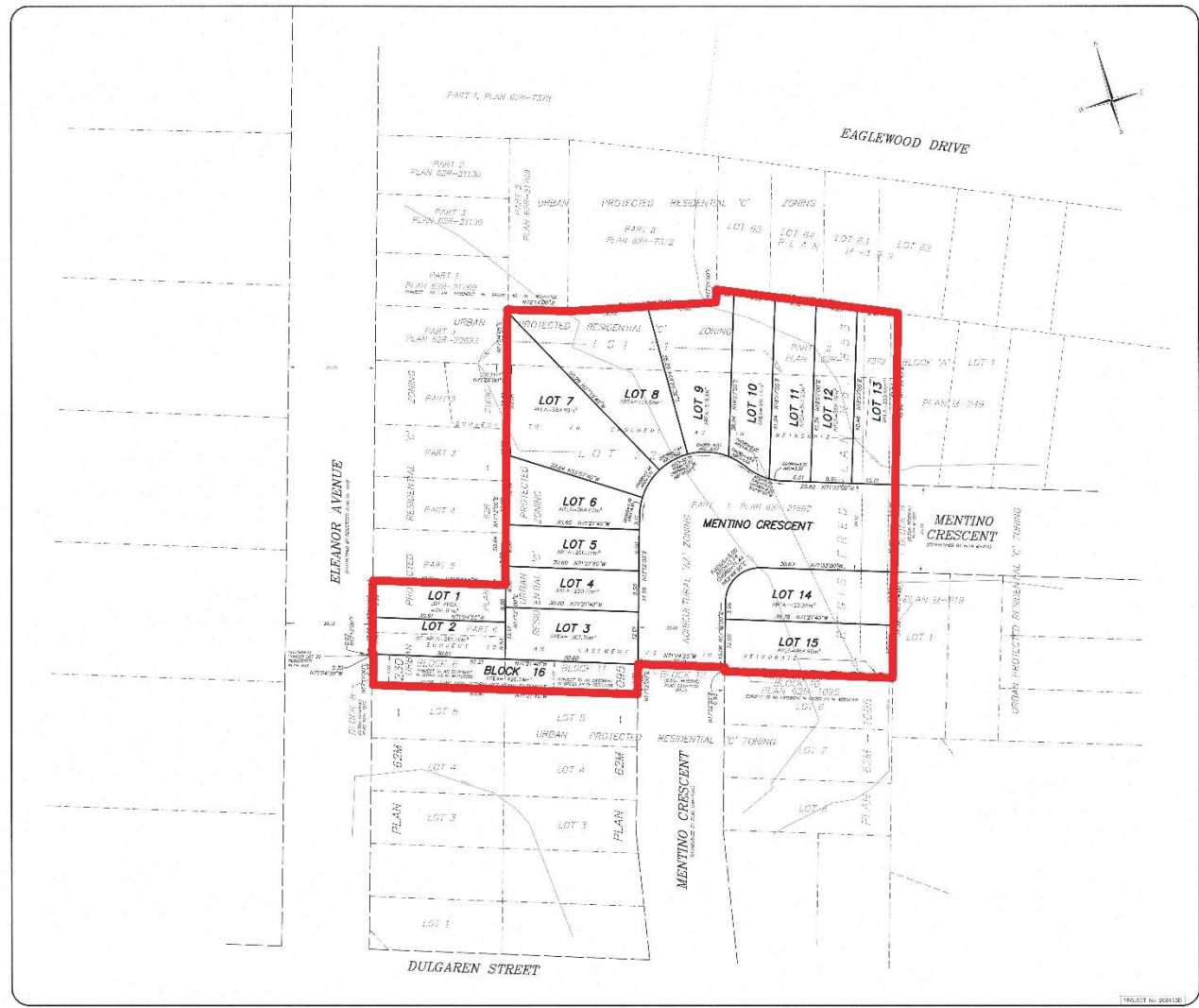








Appendix 'G' to Report PE24172  
 Page 1 of 1



**DRAFT PLAN OF**  
**61 Eleanor Avenue**  
 BEING A PROPOSED SUBDIVISION OF  
 PART OF LOTS 21 AND 22  
 REGISTERED PLAN No. 853  
 AND  
 BLOCK 10 AND BLOCK 11  
 PLAN 62M-1095  
 AND  
 BLOCK 6 PLAN 62M-1230  
 IN THE  
 CITY OF HAMILTON  
 SCALE 1:400  
 NICHOLAS F. MUTH O.L.S.

**NOTE:** THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.  
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONSIDERED TO BE BY SURVEYOR'S CHAIN.  
**RE: CHAPTER P TO R.S.O. 1990 SECTION 51(7)**  
**THE PLANNING ACT**  
 A. SHOWN ON PLAN IN MENTINO CRESCENT  
 B. SHOWN ON PLAN IN MENTINO CRESCENT  
 C. SHOWN ON PLAN IN MENTINO CRESCENT  
 D. SHOWN ON PLAN IN MENTINO CRESCENT  
 E. SHOWN ON PLAN IN MENTINO CRESCENT  
 F. SHOWN ON PLAN IN MENTINO CRESCENT  
 G. SHOWN ON PLAN IN MENTINO CRESCENT  
 H. SHOWN ON PLAN IN MENTINO CRESCENT  
 I. SHOWN ON PLAN IN MENTINO CRESCENT  
 J. SHOWN ON PLAN IN MENTINO CRESCENT  
 K. SHOWN ON PLAN IN MENTINO CRESCENT  
 L. SHOWN ON PLAN IN MENTINO CRESCENT  
**SURVEYOR'S CERTIFICATE:**  
 I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.  
 AUGUST 22, 2024  
 DATE  
 NICHOLAS F. MUTH  
 SURVEYOR  
**LAND USE SCHEDULE:**  
 PROPOSED SEMI-Detached (Mentino Crescent) - LOTS 1 & 2  
 PROPOSED SINGLE-FAMILY CHALLENGE - LOTS 3 TO 15 (INCLUDES)  
 PROPOSED 3-BRM SEMI-BASMENT - BLOCK 10 (PLAN# 426,244/1)  
 PROPOSED FUTURE STREET - MENTINO CRESCENT  
 AREA = 846.85m<sup>2</sup>  
**SUBDIVISION DRAFT APPROVAL:**  
 APPROVED UNDER SECTION 51 OF THE PLANNING ACT, R.S.O. 1990, C.P. 11, AS AMENDED, BY THE COUNCIL MANAGER OF HAMILTON AND FOLLOWING DEPARTMENT OF THE CITY OF HAMILTON UNDER THE AUTHORITY OF BY-LAW 07-032  
 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.  
 GENERAL MANAGER, PLANNING AND ECONOMIC DEVELOPMENT  
 CITY OF HAMILTON

**A. J. Clarke and Associates Ltd.**  
 PLANNERS • PLANNERS • ENGINEERS  
 20 HAIN STREET WEST, SUITE 360  
 HAMILTON, ONTARIO, L8N 3M1  
 TEL 905-528-8781 FAX 905-528-2299  
 email: ajc@ajclarke.com





Looking west from Mentino Crescent





Looking north from Mentino Crescent





Looking east from Eleanor Avenue





Looking north on Eleanor Avenue





Looking south on Eleanor Avenue



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

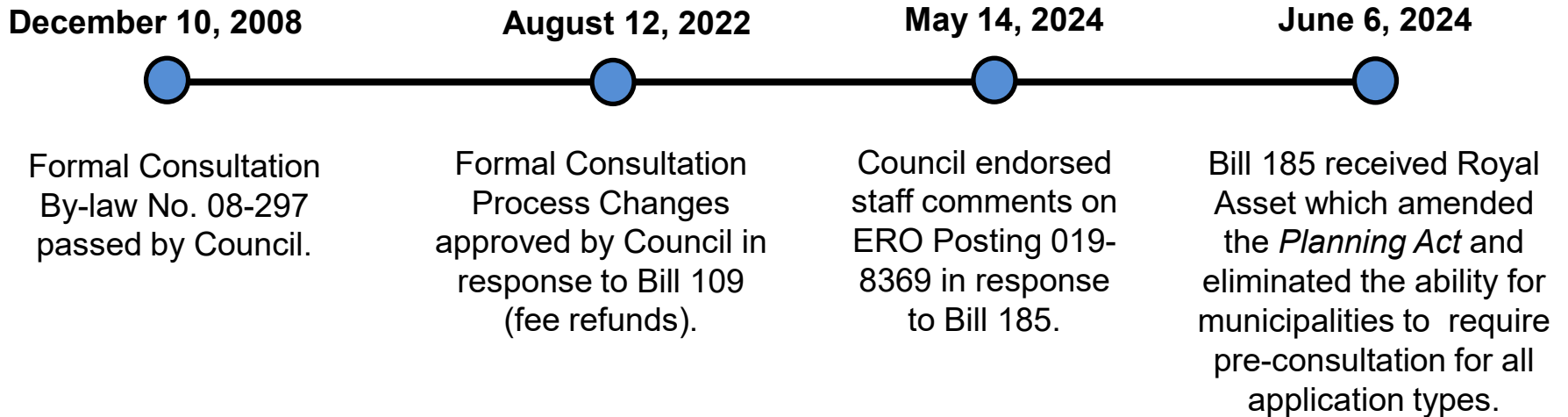
October 18, 2024

# **PED24134 – City Initiated Official Plan Amendments (CI-24-G) - Formal Consultation and Complete Application Requirements under Bill 185 (City Wide)**

Presented by: Jennifer Allen

# Background

- The purpose of a Formal Consultation is to ensure the City receives all information needed to review and make recommendations on development applications, upfront with the submission of the application.



- Eliminating the mandatory Formal Consultation process removes the City’s ability to ‘right size’ and tailor the submission requirements for each individual proposals and ensure all necessary reports, studies and information is submitted upfront with an application as well as provide an opportunity to flag potential issues prior to making a formal application submission.

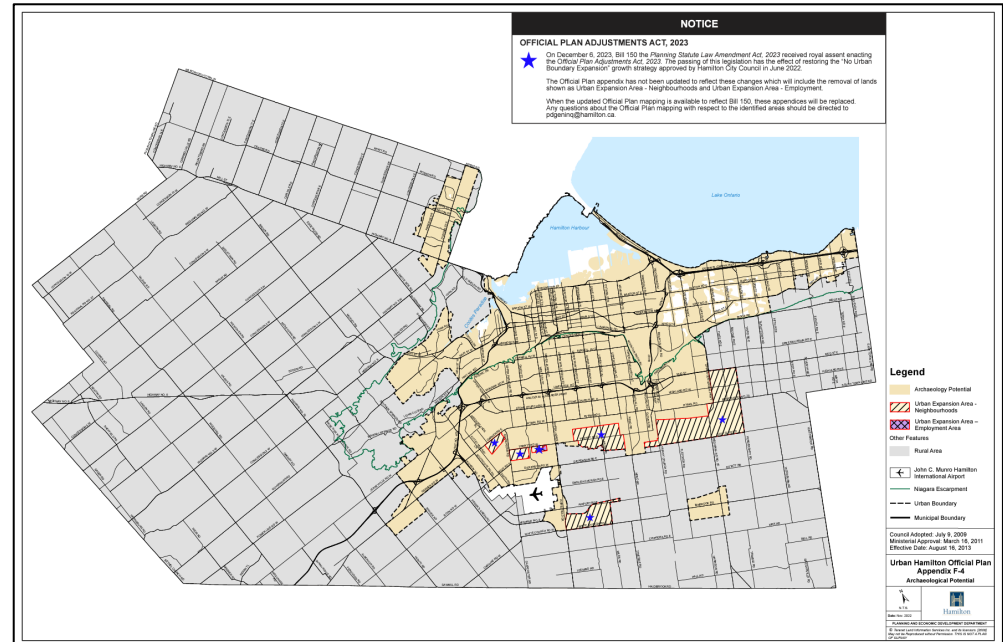


# City Initiated Amendments

- In response to Bill 185, amendments to the Urban Hamilton Official Plan, Rural Hamilton Official Plan and former Region of Hamilton-Wentworth Official Plan are required to:
  - To remove the mandatory requirement for Formal Consultations;
  - Establish minimum submission requirements for each application type by categorizing all other information and materials that can be requested by the City as part of a complete application into four categories:
    - Minimum;
    - Locational;
    - Proposal Based; and,
    - Discretionary.
  - To establish criteria for identifying the relevant locational and proposal based submission requirements.
- By-law No. 08-297 must also be amended to remove the prerequisite for mandatory Formal Consultations.

Study / Material Name		Official Plan Amendment				Zoning By-law Amendment				Draft Plan of Subdivision				Site Plan Control			
		Minimum	Locational	Proposal Based	Discretionary	Minimum	Locational	Proposal Based	Discretionary	Minimum	Locational	Proposal Based	Discretionary	Minimum	Locational	Proposal Based	Discretionary
18	Cycling Route Analysis	✓				✓				✓							
19	Design Review Panel Summary of Advice and Response		✓	✓			✓	✓			✓	✓			✓	✓	
20	Draft Official Plan Amendment/ Draft Zoning By-law Amendment	✓				✓											
21	Dust Impact Analysis				✓			✓				✓					✓
22	Elevations												✓				
23	Elevations (Conceptual)	✓				✓				✓							
24	Energy and Environmental Assessment Report			✓			✓				✓				✓		
25	Environmental Impact Statement (EIS) and Summary of Environmentally significant Areas Impact Evaluation Group Comments (where applicable)		✓				✓				✓				✓		
26	Environmental Site Assessment and/or Record of Site Condition		✓	✓			✓	✓			✓	✓			✓	✓	
27	Erosion and Sediment Control Plan				✓			✓		✓							✓
28	Erosion Hazard Assessment		✓				✓				✓				✓		
29	Farm Economics Report				✓			✓									
30	Financial Impact Analysis and Financial Strategy				✓			✓									
31	Fish Habitat Assessment		✓				✓				✓				✓		
32	Floodline Delineation Study/ Hydraulic Analysis		✓				✓				✓				✓		
33	Full Disclosure Report				✓			✓									
34	Functional Servicing Report	✓				✓				✓				✓			
35	General Vegetation Inventory	✓				✓				✓				✓			

- **Minimum** – required for the submission of a complete application for specific *Planning Act* application type(s) regardless of the context of the application;
- **Locational** – required for the submission of a complete application for specific *Planning Act* application type(s) when located in a specified area based on the applicable policies of the Official Plans;



- 3.4.4.3 In areas of archaeological potential identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act, R.S.O., 1990 c. P.13:
- official plan amendment or secondary plan amendment unless the *development* proposed in the application in question or other applications on the same property does not involve any *site alteration* or *soil disturbance*;
  - zoning by-law amendments unless the *development* proposed in the application in question or other applications on the same property does not involve any *site alteration* or *soil disturbance*; and,
  - plans of subdivision.

- **Proposal Based** - required for the submission of a complete application for specific *Planning Act* application type(s) based on the use or scale of the proposal as specified in the applicable policies of the Official Plans; and,
- **Discretionary** - other information and materials that can be requested through the processing of *Planning Act* application(s) but are not required as part of the submission of a complete application. Discretionary submission requirements can also be identified as conditions of Draft Plan of Subdivision or Site Plan approval.

Proposed Change
<del>Grey highlighted strikethrough text = text to be deleted</del>
<b>E.3.3.3 For any development or redevelopment with a proposed height of more than six storeys, or any other development at the discretion of the Chief Planner, the City shall require the following studies as part of a complete application unless otherwise determined through the formal consultation process:</b> <ul style="list-style-type: none"><li>a) Design Review Panel Summary of Advice Response;</li><li>b) Pedestrian Level Wind Study; and,</li><li>c) 3D Model.</li></ul>

# City Initiated Official Plan Amendment

## Participate in Formal Consultation Process:

- Provides opportunity for collaborative discussion with City staff on the details of application in advance of the submission of a Planning Act application.
- Allows City staff to review opportunities for scoped submission requirements based on context of proposal.

## Opt-out of Formal Consultation Process:

- Required to submit all other materials and information identified in the Official Plan for the applicable application type.
- No opportunity to scope materials required for the submission of a complete application.
- Number of plans and studies identified as submission requirements is anticipated to be greater than proposals which went through the Formal Consultation process.



# Consultation and Next Steps

- Staff from the Planning Division coordinated individual meetings with various development teams in the City including Transportation Planning, Growth Management, Heritage and Urban Design and Public Works respecting submission requirements.
- The draft Official Plan Amendment was used by Development Planning staff to complete mock application intake meetings for existing development applications to compare the resulting the submission requirements.
- The City's response to Bill 185 was presented to the Development Industry Liaison Group (DILG) on September 9, 2024.
- Notice of Public Meeting posted in Hamilton Spectator on October 11, 2024
- Staff will report back to Planning Committee in Q4 of 2025 with any feedback on the amended policies and processes, as well as any updates /improvements to the application submission process based on that feedback.



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



October 17, 2024

From:  
**West End Home Builders' Association**  
 1112 Rymal Road East  
 Hamilton, Ontario L8W 3N7

To:  
**Members of Planning Committee**  
**Hamilton Planning and Economic**  
**Development**  
 71 Main St W  
 Hamilton, ON L8P 4Y5

### **WE HBA Letter: Bill 185 Changes to the Formal Consultation Process**

The West End Home Builders' Association ("WE HBA") is the voice of the land development, new housing and professional renovation industries in Hamilton, Burlington, and Grimsby. WE HBA represents 320 member companies made up of all disciplines involved in land development and residential construction.

The WE HBA appreciates City of Hamilton Staff presenting an overview of the proposed changes to the *Formal Consultation Process* to the September Development Industry Liaison Group meeting. As identified at that meeting, the Formal Consultation fee (at \$12,215) presents a significant disincentive for developers to participate. Prior to the implementation of Bill 109, the City had a voluntary Formal Consultation process, through which the fees for participating in it were credited towards the costs of an application.

The City has one of the highest Formal Consultation fees in the Greater Golden Horseshoe. WE HBA would suggest a return to the process, whereby as a result of the efficiencies Formal Consultation can present to both the builder and the City, the fees for Formal Consultation are credited towards cost of submitting a planning application. We understand potential incentives are scheduled for a review by Q3 of 2025, but—given the pressing nature of the housing crisis and the commitment on behalf of the City to advance 47,000 units in the next ten years through the housing pledge—this review be expedited to at least Q1 of 2025, if not Q4 2024.

Sincerely,

**Michelle Diplock. RPP, MCIP**  
 Manager of Planning and Government Relations  
 West End Home Builders' Association



WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

October 18, 2024

# **PED24109(a) - Draft Framework for Processing and Evaluating Urban Boundary Expansions Applications - Consultation and Engagement Plan (PED24109a) (City Wide)**

Presented by:

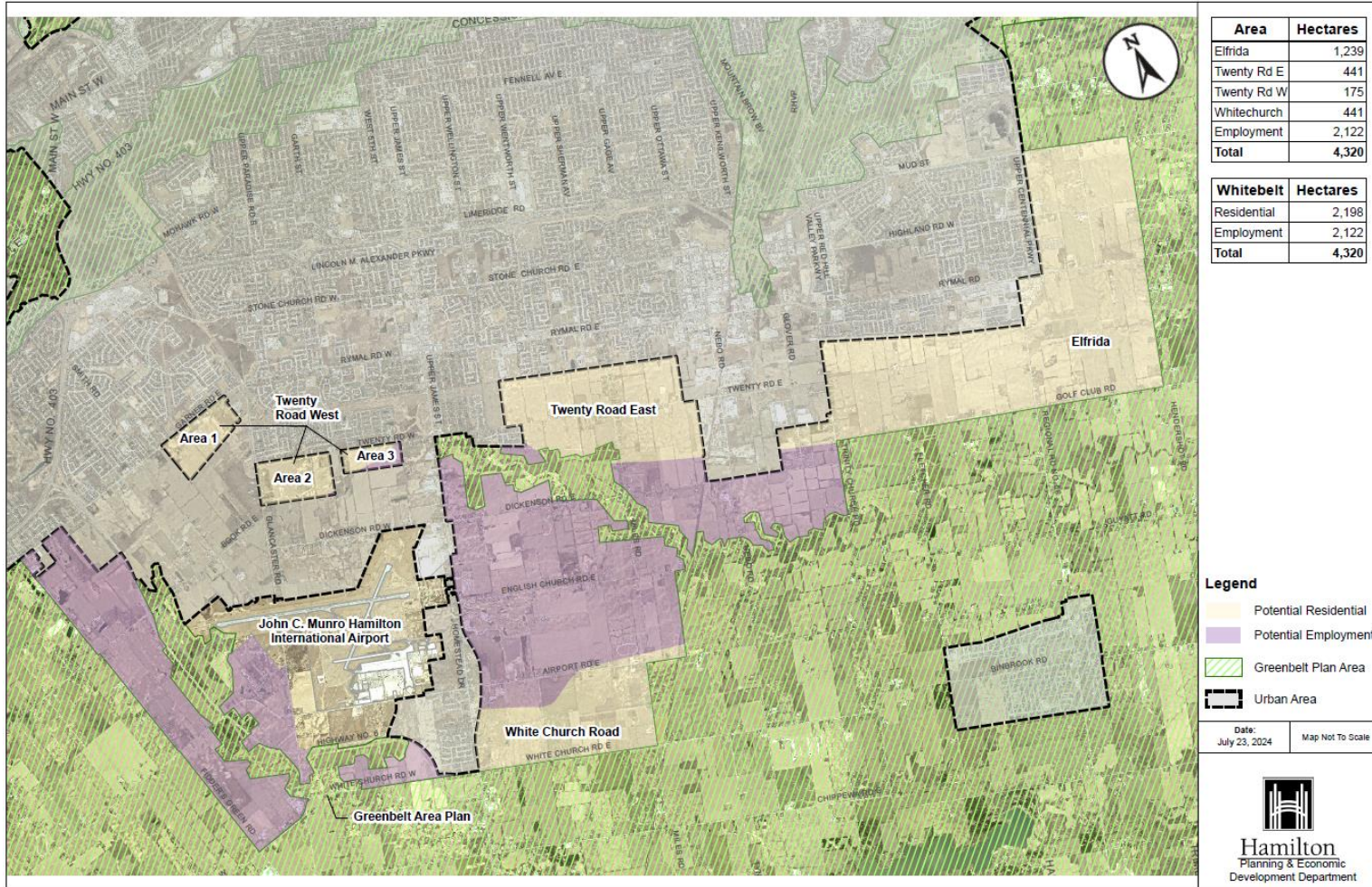
Charlie Toman, Program Lead – Policy Planning & Municipal Comprehensive Review,  
Sustainable Communities Section, Planning Division



# Proposed Provincial Planning Statement, 2024



# Potential Urban Expansion Areas under the Provincial Planning Statement



# Draft Framework for Processing & Evaluating Urban Boundary Expansion Applications

On August 16, 2024 Council approved:

- The Draft Framework to be used by staff in reviewing Urban Boundary Expansion Applications;
- The creation of a new team within the Planning and Economic Development Department to lead the review of Urban Boundary Expansion Applications;
- New application fees specific to urban boundary expansion applications;
- Direction that additional funding be added to the Ontario Land Tribunal Appeals Capital Budget; and,
- Additional work to be completed respecting the long-term financial impacts of urban boundary expansion applications.

On August 16, 2024 Council approved:

- (b) That Council direct Planning and Economic Development staff to:
  - (i) That city Planning staff be directed to prepare a public consultation and engagement report for a future Planning Committee meeting;
  - (i) consult on the Draft Framework for Processing and Evaluating Urban Boundary Expansions, attached in Appendix “A” to Report PED24109; and,
  - (i) prepare for Council’s consideration Official Plan Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan to establish the Official Plan Amendment Submission Requirements, Evaluation and Locational Considerations, and Application Submission and Review Process for urban boundary expansions.
  
- (f) That City Planning staff work with the City’s Indigenous Relations team to report on the method of engagement with Indigenous and First Nations Peoples to guide consultation on urban boundary expansion applications.



# Public Consultation & Engagement Plan

PED24109(a)

GOALS	OBJECTIVES
<p><b>INFORM</b> the community about recent provincial changes that impact Hamilton.</p>	<ul style="list-style-type: none"> <li>• Clearly outline recent Provincial changes that impact planning decisions in Hamilton.</li> <li>• Clearly outline decision making powers/authority at the municipal and provincial levels.</li> <li>• Using the INFORM process (outlined in Hamilton’s Public Engagement Policy), ensure the community has the appropriate information and knowledge to provide meaningful input into the Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications.</li> <li>• Clearly outline the process for an application, including timelines and reinforcing that third party appeal processes are not permitted by Provincial legislation.</li> </ul>
<p><b>CONSULT</b> with the community on specific aspects of the Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications.</p>	<ul style="list-style-type: none"> <li>• Clearly outline what the Draft Framework is, how it will be used and why it is important.</li> <li>• Using the CONSULT level, seek input from the community on three main aspects in the Framework:             <ul style="list-style-type: none"> <li>• How and when the community wants to be notified when an application for urban boundary expansion is made and determined complete;</li> <li>• How and when the community will provide their input on urban boundary expansion applications once received; and,</li> <li>• Identify submission requirements (studies) required as part of the urban boundary expansion applications and reason for applications.</li> </ul> </li> </ul>

# Open Houses

**FORMAT** - Multiple engagement stations to allow attendees to explore various topics at their own pace and engage directly with subject-matter experts on those specific ideas.

- Creates a more inclusive and effective engagement environment
- More accessible
- In alignment with Hamilton's Public Engagement Policy

## **Open House #1**

Date: Tuesday  
November 26, 2024  
Time: Noon to 9pm  
Location: Hamilton  
Convention Centre

## **Open House #2**

Date: Thursday  
November 28, 2024  
Time: 6pm to 10pm  
Location: Ancaster  
High School

# Public Notification and Consultation Tools

PED24109(a)

## Public Notification

- Letters to property owners within and near the white belt area
- E-mail to residents that participated in GRIDS2 consultations
- City of Hamilton Social media posts
- Newspaper Notice
- Notices posted at community facilities (e.g. libraries, community centres)

## Inform & Consult Tools

- Engage Hamilton Webpage
  - Message Board
  - FAQ
  - Online version of Draft Framework that the public can navigate and Collaborate on (Konveio)
- Explainer Video
- Infographics
- New webpage



# Consultation with Other Target Audiences

## Advisory Committees of Council

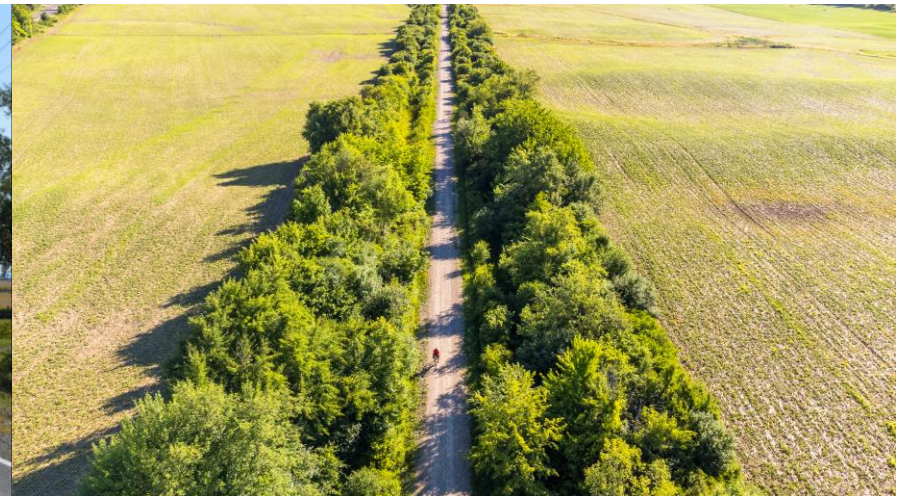
- Climate Change (October 29, 2024)
- Development Industry Liaison Group (November 18, 2024)
- Rural and Agricultural Affairs (November 21, 2024)

## External Review Agencies

- Conservation Authorities
- School Boards
- Niagara Escarpment Commission
- Public Utilities
- Hamilton International Airport

## Community Groups & Non-Government Organizations

- Environment Hamilton
- Ontario Federation of Agriculture
- West End Home Builders Association
- Other community organizations



## Engagement approach developed in Collaboration with the City's Indigenous Relations Office

- Objectives are to inform and to receive feedback on if, how and when Indigenous Communities want to participate in the City's review of urban boundary expansion applications.
- Consultation acknowledges each Indigenous Community is distinct and may have different perspectives and capacity to participate. As a result, the final Framework and Official Plan Amendment may provide specific guidance/direction for the engagement.
- Recognition that Indigenous Communities are inundated with requests, consultation will include multiple follow ups by staff as well as flexibility in when/how input is provided.

## Next Steps

RECOMMENDATION - Staff commence community consultation and consult with Indigenous communities on the Draft Framework for Processing and Evaluating Urban Boundary Expansions in accordance the Consultation and Engagement Plan.

Should direction be provided:

- Implementation of the Consultation and Engagement Plan ready to launch Monday, October 28<sup>th</sup> and conclude in December.
- Dillon Consulting will prepare a 'What We Heard' consultation summary report which will be shared with the community.
- Q1, 2025 Report with an Official Plan Amendment to implement the framework into policy.



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE





WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

October 18, 2024

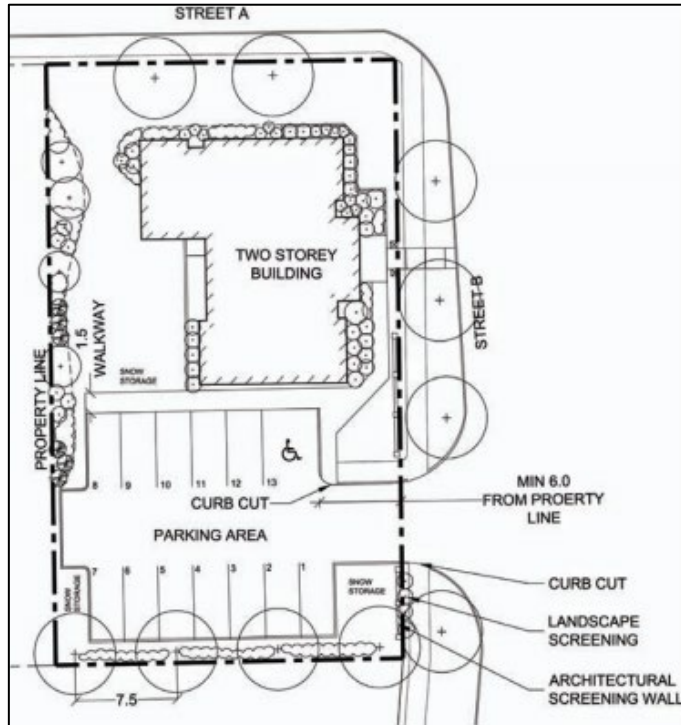
# Implementation of Changes to Section 41 of the Planning Act – Site Plan Approval, in Response to Provincial Bill 185 (PED24175) (City Wide)

Presented by: Mark Kehler

# Bill 185 - Cutting Red Tape to Build More Homes Act, 2024

- Bill 185 made amendments to the **Planning Act**, among other statutes.
- Report PED24097 described the legislative changes and staff's position, which were formally submitted to the Province and subsequently adopted by Council on May 22, 2024.
- Bill 185 received Royal Assent on June 6, 2024

# Planning Act, Section 41 Site Plan Control



- **Site Plan Approval** is a legislated process under Section 41 of the *Planning Act*.
- Coordinated review to address matters of site design.
- Required for multi-residential, commercial, institutional, industrial and mixed-use development.
- The entire City of Hamilton is designated as a Site Plan Control area.



# Site Plan Approval Process

The City of Hamilton has a two stage Site Plan approval process that includes:

- A **Conditional Approval** stage during which redlined plans are approved and conditions are imposed that must be addressed to the City's satisfaction before a building permit is issued.
- A **Final Approval** stage that occurs after all conditions required prior to issuance of a building permit are satisfied and final plans are approved to be implemented through construction and completion of on-site works.

# Bill 185 - Summary of Changes Related to Site Plan Control

- Removal of fee refunds for applications not approved within 60 days.
- Exempting publicly funded colleges and universities from Site Plan Control.
- Removing the requirement for Formal Consultation prior to submission of a complete application.
- Introducing “use it or lose it” lapsing provisions for Site Plan approvals.

# Development Charge Implications

- The *Development Charges Act* requires that development charges be “locked-in” based on the development charge rates applicable on the date that a complete Site Plan Control application is submitted.
- When a **Conditional Site Plan Approval** lapses, the development charge “lock-in” date will reset to the submission date of the new application.
- A building permit must be issued within 18 months of **Final Site Plan Approval** for the lock-in date to apply.

# Mandatory Changes to the Site Plan Control By-law

- Exempting undertakings of publicly funded universities and colleges from Site Plan Control.
- Revisions to the Formal Consultation section of the By-law to reflect that Formal Consultation is now an optional instead of a mandatory process.

# Recommended Changes to the Site Plan Control By-law

- **New lapsing provisions:**
  - Three year lapsing of **Conditional Site Plan Approval** plus a one-time, one year extension subject to criteria.
  - No lapsing of **Final Site Plan Approval**.
  - Automatic one year extension for existing Conditional Site Plan Approvals that have passed or are nearing their lapsing date.



# Recommended Changes to the Site Plan Control By-law

- New criteria for **minor changes** to approved plans:
  - The City's Site Plan Approval process allows for minor changes to approved plans without the need for a new application.
  - Currently there is no definition of a minor change and changes are evaluated on a case-by-case basis by the Manager of Site Planning.
  - For greater clarity / transparency, staff are recommending criteria for the approval of minor changes to approved plans.



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE