



City of Hamilton

PLANNING COMMITTEE REVISED AGENDA

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

	Pages
1. CEREMONIAL ACTIVITIES	
2. APPROVAL OF AGENDA (Added Items, if applicable, will be noted with *)	
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5. COMMUNICATIONS	
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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)

7. DELEGATIONS

- 7.1 Candice Beath Davidson respecting Rules at the Rail Trail Dog Park (Approved at the October 1st meeting)

8. STAFF PRESENTATIONS

9. CONSENT ITEMS

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Members of the public can contact the Clerk's Office to acquire the documents considered at this meeting, in an alternate format.

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**PLANNING COMMITTEE
MINUTES
24-014**

October 1, 2024

9:30 a.m.

**Council Chambers (Hybrid), Hamilton City Hall
71 Main Street West**

Present: Councillor C. Cassar (Chair)
Councillor M. Wilson (1st Vice Chair)
Councillor T. Hwang (2nd Vice Chair)
Councillors J. Beattie, J.P. Danko, M. Francis,
C. Kroetsch (virtual), T. McMeekin, N. Nann (virtual), E. Pauls,
M. Tadeson, and A. Wilson

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Application for a Zoning By-law Amendment for Lands Located at 48 Jenny Court, Stoney Creek (PED24178) (Ward 10) (Item 10.1)

(Beattie/Hwang)

- (a) That Amended Zoning By-law Amendment application ZAC-23-004, by Landwise (c/o) Katelyn Gillis on behalf of Vjekoslav Djuric, Owner, for a change in zoning from the Neighbourhood Development “ND” Zone to a Low Density Residential “R1” Zone, to permit the redevelopment of the subject lands for two single detached dwellings and to facilitate a future consent application, for lands located at 48 Jenny Court, as shown on attached Appendix “A” to Report PED24178, be APPROVED on the following basis:
- (i) That the draft Amended By-law, attached as Appendix “B” to Report PED24178, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan and the Western Development Area Secondary Plan.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 NOT PRESENT – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

2. Financial Policies for Development - Update to Rates for “Over-sizing of Infrastructure” and “New Roads Servicing Rate” (PED24174) (City Wide) (Item 11.1)

(Hwang/Tadeson)

- (a) That the updated rates for “Over-sizing of Infrastructure” and “New Roads Servicing Rate”, attached as Appendix “A” to Report PED24174 respectively, be approved;
- (b) That the updated rates for “Over-sizing of Infrastructure” and “New Roads Servicing Rate” be adjusted annually on June 1 using Statistics Canada Quarterly, Non-Residential Building Construction Price Index (Table 18-10-0276-02); and,
- (c) That the updated rates for “Over-sizing of Infrastructure” and “New Roads Servicing Rate”, attached as Appendix “A” to Report PED24174 apply to all development applications where a Subdivision, External Works, or Consent Agreements will be executed after Council’s approval date of the new rates.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 NOT PRESENT – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

3. Green Building Standards (PED24114) (Urban Areas – City Wide) (Item 11.2)

(Kroetsch/McMeekin)

- (a) That the Green Building Standards Final Report attached as Appendix “A” to Report PED24114, be endorsed;
- (b) That the Green Building Standards Guidebook attached as Appendix “A” to Report PED24114, be endorsed;
- (c) That the Green Building Standards Baseline Review Report attached as Appendix “A” to Report PED24114, be received;
- (d) That Planning and Economic Development Department staff be directed to develop an Implementation Plan for the Green Building Standards, including the review of financial incentives through Community Improvement Plans, and report back to **Planning** Committee in Q1 of 2025;
- (e) That the Green Building Standards be implemented and that staff report back to the Planning Committee in Q1, 2026 with an update on the outcomes and future recommendations;
- (f) That Item 22S, Public Consultation on Sustainable Building and Development Guidelines - Low Density Residential Uses, be removed from the Outstanding Business List;
- (g) ***That Council direct City staff to consult with the Climate Change Advisory Committee including its Technical and Governance Working Group and Building Working Group on the following:***
 - (i) ***A framework that phases in successively more stringent tiered standards over a fixed timeline with full transparency on future requirements to all stakeholders;***
 - (ii) ***Emissions limits that are sufficient to require new buildings to transition to efficient, low-emissions technology now or in the future; and,***
 - (iii) ***Alignment with Hamilton’s Climate Action Strategy to achieve net-zero by 2050 and avoid fossil fuel lock-in;***

- (h) ***That Council direct City staff to conduct this consultation in advance of implementation and report back with the results of the consultation, any adjustments to the Green Building Standards that may be required, including any necessary financial resources, and timelines for the recommendations in Report PED24114, no later than the first Planning Committee of 2025.***

Result: Main Motion, As Amended, CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 NOT PRESENT – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

4. Green Standards and Guidelines for Site Servicing (PED24102) (City Wide) (Item 11.3)

(A. Wilson/Hwang)

- (a) That Appendix “A” to Report PED24102 entitled City of Hamilton Green Standards and Guidelines for Site Servicing be adopted and be incorporated into the Comprehensive Development Guidelines and Financial Policy Manual;
- (b) That the General Manager of Planning and Economic Development, or designate, be authorized to revise and update the Green Standards and Guidelines for Site Servicing as may be required from time to time, as technical initiatives, standards, design criteria, and guidelines are developed and completed across other City departments and both Federally, and Provincially;
- (c) That the Green Standards and Guidelines for Site Servicing included in Appendix “A” of Report PED24102 be applied to all new Site Plan applications received after January 1, 2025; and,
- (d) That the General Manager of Planning and Economic Development, or designate, be authorized to approve exceptions to requirements of the Green Standards and Guidelines for Site Servicing if an Applicant can

demonstrate that said requirements cannot be achieved due to physical and/or technical constraints.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 NOT PRESENT – Ward 5 Councillor M. Francis
 NOT PRESENT – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

5. Parking Penalty Increases (PED24139) (City Wide) (Item 11.4)

(Kroetsch/A. Wilson)

- (a) That the amending by-law to Administrative Penalty System By-law 17-225 (APS) which outlines increases to certain parking penalties attached as Appendix “A” to Report PED24139 and prepared in a form satisfactory to the City Solicitor be approved; and,
- (b) ***That staff be directed to investigate additional modifications to parking penalties and enforcement strategies to help maintain safe access for all road users including pedestrians and bicyclists, such as increased fines for multiple offenders and specific vehicle types and report back to Planning Committee in Q2 2025.***

Result: Main Motion, As Amended, CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 NOT PRESENT – Ward 5 Councillor M. Francis
 NOT PRESENT – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson

YES – Ward 15 Councillor T. McMeekin

- 6. Appeal to the Ontario Land Tribunal (OLT) for lands located at 764 Valens Road, Flamborough, for Approval by Committee of Adjustment for Minor Variance Application (FL/A-23:312) and Consent to Sever Land (FL/B-23:82) (LS24021/PED24168) (Ward 13) (Item 15.2)**

(A. Wilson/Hwang)

That report LS24021/PED24168 respecting Appeal to the Ontario Land Tribunal (OLT) for lands located at 764 Valens Road, Flamborough, for Approval by Committee of Adjustment for Minor Variance Application (FL/A-23:312) and Consent to Sever Land (FL/B-23:82), be received and remain private and confidential.

Result: Motion CARRIED by a vote of 7 to 1, as follows:

YES – Ward 1 Councillor M. Wilson
 NOT PRESENT – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 NOT PRESENT – Ward 5 Councillor M. Francis
 NOT PRESENT – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 NO – Ward 15 Councillor T. McMeekin

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

The Committee Clerk advised of the following changes to the agenda:

5. COMMUNICATIONS

5.1 Communications respecting Green Building Standards (Item 11.2)

- (iii) Anne Washington
- (iv) Gail Faveri
- (v) Geoff Ondercin-Bourne and Edward Reece
- (vi) Jeffrey Cowan, Hamilton Community Enterprises

6. DELEGATION REQUESTS

- 6.1 Delegations respecting Green Building Standards (Item 11.2) (For today's meeting)
- (iv) Lucia Iannantuono, Climate Change Advisory Committee
 - (v) Lana Goldberg, Stand.earth
 - (vi) Gabriella Kalapos, Clean Air Partnership
 - (vii) Don McLean
 - (viii) Evan Wiseman, The Atmospheric Fund (attending in place of Laura McCloskey)
 - (ix) Ian Borsuk, Environment Hamilton
 - (x) Mary Anne Peters
 - (xi) Peter Appleton

10. PUBLIC HEARINGS

- 10.1 Application for a Zoning By-law Amendment for Lands Located at 48 Jenny Court, Stoney Creek (PED24178) (Ward 10)
- (a) Staff Presentation

11. DISCUSSION ITEMS

- 11.2 Green Building Standards (PED24114) (Urban Areas – City Wide)
- (a) Climate Change Advisory Committee - Citizen Committee Report respecting Green Building Standards Report
 - (b) Staff Presentation

(M. Wilson/McMeekin)

That the agenda for the October 1, 2024, Planning Committee meeting be approved, as amended.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 NOT PRESENT – Ward 7 Councillor E. Pauls
 NOT PRESENT – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar

YES – Ward 13 Councillor A. Wilson
YES – Ward 15 Councillor T. McMeekin

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) September 17, 2024 (Item 4.1)

(Hwang/Beattie)

That the Minutes of the September 17, 2024 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
NOT PRESENT – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
NOT PRESENT – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 15 Councillor T. McMeekin

(d) COMMUNICATIONS (Item 5)

(i) Communications respecting Green Building Standards (Item 5.1)

(M. Wilson/Hwang)

That the following Communications, respecting Green Building Standards, be received and referred to the consideration of Item 11.2:

- (a) David Carson (Electrification of buildings) (Item 5.1(i))
- (b) Khursheed Ahmed (Item 5.1(ii))
- (c) Anne Washington (Added Item 5.1(iii))
- (d) Gail Faveri (Added Item 5.1(iv))
- (e) Geoff Ondercin-Bourne and Edward Reece (Added Item 5.1(v))
- (f) Jeffrey Cowan, Hamilton Community Enterprises (Added Item 5.1(vi))

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 NOT PRESENT – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

(e) DELEGATION REQUESTS (Item 6)

(i) Delegation Requests (Items 6.1 and 6.2)

(Pauls/Hwang)

That the following Delegation Requests be approved for the meetings requested:

- (a) Delegations respecting Green Building Standards (Item 11.2) (For today's meeting)
- (1) David Carson (Item 6.1 (i))
 - (2) Michelle Diplock, West End Home Builders' Association (Item 6.1 (ii))
 - (3) Jesse Elders, Bay Area Climate Change Council (Added Item 6.1 (a) (iii))
 - (4) Lucia Iannantuono, Climate Change Advisory Committee (Added Item 6.1 (a) (iv))
 - (5) Lana Goldberg, Stand.earth (Added Item 6.1 (a) (v))
 - (6) Gabriella Kalapos, Clean Air Partnership(Added Item 6.1 (a) (vi))
 - (7) Don McLean (Added Item 6.1 (a) (vii))
 - (8) Evan Wiseman, The Atmospheric Fund (Added Item 6.1 (a) (viii))
 - (9) Ian Borsuk, Environment Hamilton (Added Item 6.1 (a) (ix))
 - (10) Mary Anne Peters (Added Item 6.1 (a) (ix))
 - (11) Peter Appleton (Added Item 6.1 (a) (x))
- (b) Delegations respecting Green Building Standards Site Servicing (Item 11.3) (For today's meeting)

- (1) Michelle Diplock, West End Home Builders' Association
(Item 6.2 (i))
- (c) Candice Beath Davidson respecting Rules at the Rail Trail Dog
Park (For the October 18, 2024 meeting) (Item 6.3)

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 NOT PRESENT – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

(f) DELEGATIONS (Item 7)

(i) Delegations respecting Green Building Standards (Item 11.2) (Added Item 7.1)

- (a) The following delegations addressed the Committee respecting
Green Building Standards:
 - (1) David Carson (in-person) (Added Item 7.1 (a))
 - (2) Michelle Diplock, West End Home Builders' Association (in-
person) (Added Item 7.1 (b))
 - (3) Jesse Elders, Bay Area Climate Change Council (in-person)
(Added Item 7.1 (c))
 - (4) Lucia Iannantuono, Climate Change Advisory Committee (in-
person) (Added Item 7.1 (d))
 - (5) Lana Goldberg, Stand.earth (virtually) (Added Item 7.1 (e))
 - (6) Gabriella Kalapos, Clean Air Partnership (in-person) (Added
Item 7.1 (f))
 - (7) Don McLean (virtually) (Added Item 7.1 (g))
 - (8) Evan Wiseman, The Atmospheric Fund (virtually) (Added
Item 7.1 (h))
 - (9) Ian Borsuk, Environment Hamilton (virtually) (Added Item 7.1
(i))
 - (10) Mary Anne Peters (pre-recorded) (Added Item 7.1 (j))
 - (11) Peter Appleton (pre-recorded) (Added Item 7.1 (k))

(b) (A. Wilson/M. Wilson)

That the speaking time for Lucia Iannantuono, Climate Change Advisory Committee (Added Item 7.1 (d)) be extended by five minutes.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 NOT PRESENT – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 NOT PRESENT – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

(c) (Hwang/M. Wilson)

That the speaking time for Lucia Iannantuono, Climate Change Advisory Committee (Added Item 7.1 (d)) be extended by a further five minutes.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 NOT PRESENT – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 NOT PRESENT – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

(ii) Delegation respecting Green Building Standards Site Servicing (Item 11.3) (Added Item 7.2)

The following delegation addressed the Committee respecting Green Building Standards Site Servicing:

- (1) Michelle Diplock, West End Home Builders' Association – Addressed the Committee (combined presentation for Items 11.2 (Added Item 7.1 (b)) and 11.3 (Added Item 7.2 (a))).

(iii) (McMeekin/Hwang)

- (a) That the following Delegations, respecting Green Building Standards, be received and referred to the consideration of Item 11.2:
- (1) David Carson (in-person) (Added Item 7.1 (a))
 - (2) Michelle Diplock, West End Home Builders' Association (in-person) (Added Item 7.1 (ii))
 - (3) Jesse Elders, Bay Area Climate Change Council (in-person) (Added Item 7.1 (c))
 - (4) Lucia Iannantuono, Climate Change Advisory Committee (in-person) (Added Item 7.1 (d))
 - (5) Lana Goldberg, Stand.earth (virtually) (Added Item 7.1 (e))
 - (6) Gabriella Kalapos, Clean Air Partnership (in-person) (Added Item 7.1 (f))
 - (7) Don McLean (virtually) (Added Item 7.1 (g))
 - (8) Evan Wiseman, The Atmospheric Fund (virtually) (Added Item 7.1 (h))
 - (9) Ian Borsuk, Environment Hamilton (virtually) (Added Item 7.1 (i))
 - (10) Mary Anne Peters (pre-recorded) (Added Item 7.1 (j))
 - (11) Peter Appleton (pre-recorded) (Added Item 7.1 (k))
- (b) That the following Delegation, respecting Green Building Standards Site Servicing, be received and referred to the consideration of Item 11.3:
- (1) Michelle Diplock, West End Home Builders' Association (in-person) (Added Item 7.2 (b))

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 NOT PRESENT – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 NOT PRESENT – Ward 11 Councillor M. Tadeson

YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

(g) PUBLIC HEARINGS (Item 10)

In accordance with the *Planning Act*, Chair C. Cassar advised those viewing the meeting that the public had been advised of how to pre-register to be a delegate at the Public Meetings on today's agenda.

If a person, public body or registered owner of land would otherwise have an ability to appeal the decision of Council, City of Hamilton to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Hamilton before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person, public body or registered owner of land does not make oral submissions at a public meeting or make written submissions to the City of Hamilton before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

(i) Application for a Zoning By-law Amendment for Lands Located at 48 Jenny Court, Stoney Creek (PED24178) (Ward 10) (Item 10.1)

(a) Tim Vrooman, Manager Development Planning, addressed the Committee with the aid of a PowerPoint presentation.

(Beattie/Hwang)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 NOT PRESENT – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 NOT PRESENT – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

- (b) Katelyn Gillis, Landwise, was in attendance and indicated support for the staff report.

(Beattie/Pauls)

That the presentation from Katelyn Gillis, Landwise, be received.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 NOT PRESENT – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

Chair Cassar called three times for public delegations and no one came forward.

(c) (Beattie/Hwang)

- (i) That the public submissions (in the staff report) regarding this matter were received and considered by the Committee; and,
- (ii) That the public meeting be closed.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 NOT PRESENT – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 1.

(h) DISCUSSION ITEMS (Item 11)

**(i) Green Building Standards (PED24114) (Urban Areas – City Wide)
(Item 11.2)**

- (a)** Mallory Smith, Planner 1 – Zoning By-Law Reform, and Robbert Rappolt, WSP, addressed the Committee respecting Green Building Standards (Report PED24114), with the aid of a PowerPoint presentation.

(Hwang/McMeekin)

That the presentation from Mallory Smith, Planner 1 – Zoning By-Law Reform, and Robbert Rappolt, WSP, respecting Green Building Standards (Report PED24114), be received.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

(b) (A. Wilson/McMeekin)

That the Climate Change Advisory Committee – Citizen Committee Report respecting Green Building Standards Report (Added Item 11.2 (a)), be received.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

(c) **(Kroetsch/McMeekin)**

- (a) That the Green Building Standards Final Report attached as Appendix “A” to Report PED24114, be endorsed;
- (b) That the Green Building Standards Guidebook attached as Appendix “A” to Report PED24114, be endorsed;
- (c) That the Green Building Standards Baseline Review Report attached as Appendix “A” to Report PED24114, be received;
- (d) That Planning and Economic Development Department staff be directed to develop an Implementation Plan for the Green Building Standards, including the review of financial incentives through Community Improvement Plans, and report back to General Issues Committee in Q1 of 2025;
- (e) That the Green Building Standards be implemented as a two year Pilot Project and that staff report back to the Planning Committee in Q1, 2026 with an update on the outcomes and future recommendations.
- (f) That Item 22S, public consultation on sustainable building and development guidelines for low density residential uses, be removed from the Outstanding Business List.

(d) **(A. Wilson/Hwang)**

That sub-section (d) to Report PED24114, respecting Green Building Standards, be **amended** as follows:

- (d) That Planning and Economic Development Department staff be directed to develop an Implementation Plan for the Green Building Standards, including the review of financial incentives through Community Improvement Plans, and report back to **General Issues Planning** Committee in Q1 of 2025;

Result: Amendment CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann

YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 NOT PRESENT – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

(e) (Kroetsch/Nann)

That the recommendations in Report PED24114, respecting Green Building Standards be **amended** by adding sub-sections (g) and (h) as follows:

(g) That Council direct City staff to consult with the Climate Change Advisory Committee including its Technical and Governance Working Group and Building Working Group on the following:

- (i) A framework that phases in successively more stringent tiered standards over a fixed timeline with full transparency on future requirements to all stakeholders**
- (ii) Emissions limits that are sufficient to require new buildings to transition to efficient, low-emissions technology now or in the future**
- (iii) Alignment with Hamilton's Climate Action Strategy to achieve net-zero by 2050 and avoid fossil fuel lock-in**

(h) That Council direct City staff to conduct this consultation in advance of implementation and report back with the results of the consultation, any adjustments to the Green Building Standards that may be required, including any necessary financial resources, and timelines for the recommendations in Report PED24114, no later than the first Planning Committee of 2025.

Result: Amendment CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch

YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 NOT PRESENT – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

(f) (Nann/A. Wilson)

That sub-section (e) to Report PED24114, respecting Green Building Standards, be **amended** by deleting the wording as follows:

- (e) That the Green Building Standards be implemented ~~as a two-year Pilot Project~~ and that staff report back to the Planning Committee in Q1, 2026 with an update on the outcomes and future recommendations.

Result: Amendment CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 NOT PRESENT – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 3.

(Beattie/McMeekin)

That the Committee recess from 1:00 p.m. to 1:30 p.m.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann

YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 NOT PRESENT – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

The Planning Committee meeting reconvened at 1:31 p.m.

(ii) Green Standards and Guidelines for Site Servicing (PED24102) (City Wide) (Item 11.3)

Ron Scheckenberge, WSP, addressed the Committee, respecting Green Standards and Guidelines for Site Servicing, with the aid of a PowerPoint presentation.

(Hwang/A. Wilson)

That the presentation from Ron Scheckenberge, WSP, respecting Green Standards and Guidelines for Site Servicing, be received.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 NOT PRESENT – Ward 5 Councillor M. Francis
 NOT PRESENT – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 NOT PRESENT – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 4.

(iii) Parking Penalty Increases (PED24139) (City Wide) (Item 11.4)

(a) (Kroetsch/A. Wilson)

(a) That the amending by-law to Administrative Penalty System By-law 17-225 (APS) which outlines increases to certain parking penalties attached as Appendix “A” to Report

PED24139 and prepared in a form satisfactory to the City Solicitor be approved.

(b) (Kroetsch/A. Wilson)

That the recommendations in Report PED24139 be **amended** by adding sub-section (b) as follows:

(b) *That staff be directed to investigate additional modifications to parking penalties and enforcement strategies to help maintain safe access for all road users including pedestrians and bicyclists, such as increased fines for multiple offenders and specific vehicle types and report back to Planning Committee in Q2 2025.*

Result: Amendment CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 NOT PRESENT – Ward 5 Councillor M. Francis
 NOT PRESENT – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 5.

(i) NOTICES OF MOTION (Item 13)

Councillor Tadeson introduced the following Notice of Motion:

(i) Demolition Control Exemption for 3033 and 3047 Binbrook Road

WHEREAS, the lands at 3033, 3047, 3055, and 3063 Binbrook Road are currently subject to conditional Site Plan approval via File No. DA-17-107, with each property containing a single-detached dwelling and accessory structure;

WHEREAS, the dwellings at 3033 and 3047 Binbrook Road have been vacant for an extended period of time and are currently subject to active applications for demolition permits;

WHEREAS, the owners have been facing ongoing issues with break-ins and vandalism at the vacant properties, resulting in varying levels of damage to the structures despite numerous attempts to dissuade vandalism and trespassing;

WHEREAS, despite efforts to secure the properties, including actions taken by Municipal By-law Enforcement and additional measures implemented by contractors, the break-ins and vandalism have continued, causing distress to neighbors and posing significant safety concerns;

WHEREAS, the owners are unable to demolish the structures on these two properties as the demolition permit application does not meet the criteria of Section 6 (a) to (e) of the Demolition Control By-law No. 22-101 for delegated authority;

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 3033 and 3047 Binbrook Road, pursuant to Section 33 of the Planning Act as amended, without having to comply with the conditions in Sub-Section 6 (a) to (e) of Demolition Control Area By-law 22-101.

(j) GENERAL INFORMATION / OTHER BUSINESS (Item 14)

(i) General Manager's Update (Added Item 14.1)

Steve Robichaud, General Manager of Planning and Economic Development, advised the Committee that the Ontario Land Tribunal appeals regarding the Parking By-law have been resolved; and, the Ontario Professional Planners Institute conference was held in Hamilton on September 25 to 27, 2024 and the City of Hamilton received the Vision Award of Excellence for the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan Review.

(A. Wilson/Hwang)

That the General Manager's Update be received.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 NOT PRESENT – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 NOT PRESENT – Ward 5 Councillor M. Francis
 NOT PRESENT – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko

YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

(k) PRIVATE & CONFIDENTIAL (Item 15)

(i) Closed Session Minutes – September 17, 2024 (Item 15.1)

(Hwang/A. Wilson)

- (a) That the Closed Session Minutes dated September 17, 2024, be approved as presented; and,
- (b) That the Closed Session Minutes dated September 17, 2024, remain confidential.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 NOT PRESENT – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 NOT PRESENT – Ward 5 Councillor M. Francis
 NOT PRESENT – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

(Tadeson/M. Wilson)

That Committee move into Closed Session for Item 15.2 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), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, 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.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Ward 1 Councillor M. Wilson

NOT PRESENT – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 NOT PRESENT – Ward 5 Councillor M. Francis
 NOT PRESENT – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

- (i) **Appeal to the Ontario Land Tribunal (OLT) for lands located at 764 Valens Road, Flamborough, for Approval by Committee of Adjustment for Minor Variance Application (FL/A-23:312) and Consent to Sever Land (FL/B-23:82) (LS24021/PED24168) (Ward 13) (Item 15.2)**

For disposition of this matter, refer to Item 6.

The Planning Committee meeting reconvened in Open Session at 3:17 p.m.

(I) ADJOURNMENT (Item 16)

(Tadeson/Hwang)

That there being no further business, the Planning Committee, be adjourned at 3.18 p.m.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 NOT PRESENT – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 NOT PRESENT – Ward 5 Councillor M. Francis
 NOT PRESENT – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

Councillor C. Cassar, Chair
Planning Committee

Lisa Kelsey
Legislative Coordinator



Barristers & Solicitors

Bay Adelaide Centre
333 Bay Street, Suite 3400
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/



Hamilton

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 18, 2024
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24176) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Johanna Howard (905) 546-2424, Ext. 1324
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

In accordance with the June 16, 2015, Planning Committee direction, this Report provides a status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision Applications relative to the statutory timeframe provisions of the *Planning Act* for non-decision appeals. In addition, this Report also includes a list and status of all Applications appealed to the Ontario Land Tribunal for non-decision.

INFORMATION

Staff were directed to report back to Planning Committee with a reporting tool that seeks to monitor Applications where the applicable statutory timeframes apply. This reporting tool would be used to track the status of all active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision applications.

This report has been presented to Planning Committee on a monthly basis, however, in January 2025, reporting of all active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision applications will move to a quarterly schedule. Staff will provide reports in January, April, August, and December 2025. In this regard, this will be the last report for 2024.

For the purposes of this Report, the status of active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision applications have been divided, relative to the statutory timeframe provisions of the *Planning Act*, which were in

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24176) (City Wide) - Page 2 of 3

effect pursuant to statutory timeframes prescribed in *Bill 73*, *Bill 139*, and *Bill 108*.

Applications Deemed Complete Prior to Royal Assent of Bill 139 (December 12, 2017)

Attached as Appendix “A” to Report PED24176 is a table outlining the active applications received prior to December 12, 2017, sorted by Ward, from oldest application to newest. As of September 17, 2024, there were:

- 3 active Official Plan Amendment applications, all of which were submitted after July 1, 2016, and therefore subject to the 90 day extension to the statutory timeframe from 180 days to 270 days;
- 5 active Zoning By-law Amendment applications; and,
- 3 active Plan of Subdivision applications.

Within 60 to 90 days of September 17, 2024, all five development proposals have passed the applicable 120, 180 and 270 day statutory timeframes.

Applications Deemed Complete After Royal Assent of Bill 139 (December 12, 2017)

Attached as Appendix “B” to Report PED24176 is a table outlining the active applications received after December 12, 2017, but before Royal Assent of Bill 108, sorted by Ward, from oldest application to newest. As of September 17, 2024, there was:

- 1 active Official Plan Amendment applications, all of which are subject to the 90 day extension to the statutory timeframe from 210 days to 300 days;
- 4 active Zoning By-law Amendment applications; and,
- 2 active Plan of Subdivision applications.

Within 60 to 90 days of September 17, 2024, all four development proposals have passed the applicable 150, 180 or 300 day statutory timeframes.

Applications Deemed Complete After Royal Assent of Bill 108 (September 3, 2019)

Attached as Appendix “C” to Report PED24176 is a table outlining the active applications received after September 3, 2019, and subject to the new statutory timeframes, sorted by Ward, from oldest application to newest. As of September 17, 2024 there were:

- 12 active Official Plan Amendment applications;

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24176) (City Wide) - Page 3 of 3

- 29 active Zoning By-law Amendment applications; and,
- 18 active Plan of Subdivision applications.

As of September 17, 2024, two development proposals are approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. There are 33 development proposals that have passed the 90 or 120 day statutory timeframe.

Planning Division Active Files

Combined to reflect property addresses, there are 44 active development proposals. Seven proposals are 2024 files (16%), nine proposals are 2023 files (20.5%), nine proposals are 2022 files (20.5%), and 19 proposals are pre 2022 files (43%).

Current Non-Decision Appeals to the Ontario Land Tribunal

At the February 2, 2021, Planning Committee meeting, Planning Committee requested that information be reported relating to development applications that have been appealed for non-decision to the Ontario Land Tribunal. Attached as Appendix "D" to Report PED24176 is a table outlining development applications, along with the applicant/agent, which have been appealed for non-decision to the Ontario Land Tribunal. There are currently 19 active appeals for non-decision of which three are Zoning By-law Amendment applications, three are Plan of Subdivision applications, 10 are combined Official Plan Amendment and Zoning By-law Amendment applications, and three are combined Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision applications. Third party appeals are not included in this information as Council has made a decision on the application.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24176 - List of Active Development Applications (prior to December 12, 2017)

Appendix "B" to Report PED24176 - List of Active Development Applications (after December 12, 2017, but before September 3, 2019)

Appendix "C" to Report PED24176 - List of Active Development Applications (after September 3, 2019)

Appendix "D" to Report PED24176 - *Planning Act* Applications Currently Appealed for Non-Decision to the Ontario Land Tribunal

JH:mb

Appendix "A" to Report PED24176

Page 1 of 2

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective September 17, 2024)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of Sept. 17, 2024
Ward 7									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James Street, Hamilton	27-Sep-17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	2605
Ward 9									
UHOPA-16-26 ZAC-16-065 25T-201611	478 and 490 First Road West, Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	2925
UHOPA-16-27 ZAC-16-066 25T-201612	464 First Road West, Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	n/a	09-Jul-17	T. Johns Consultants Inc.	2925
Ward 10									
ZAC-15-040	9 Glencrest Avenue, Stoney Creek	02-Jul-15	n/a	17-Jul-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	3393

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective September 17, 2024)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of Sept 17, 2024
Ward 12									
ZAC-17-062 25T-201709	45 Secinaro Avenue, Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	n/a	T. Johns Consultants Inc.	2636

Active Development Applications

- When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 120, 180 and 270 day timeframe commences on the date the new materials were submitted. In all other situations, the 120, 180 and 270 day timeframe commences the day the Application was received.

* In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment Applications by 90 days from 180 days to 270 days. However, Applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 180 statutory timeframe.

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective September 17, 2024)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/Agent	Days since Received and/or Deemed Complete as of Sept. 17, 2024
Ward 2									
ZAR-19-008	124 Walnut Street South, Hamilton	21-Dec-18	n/a	18-Jan-19	20-May-19	n/a	n/a	IBI Group	2125
Ward 11									
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Road West, Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	2289
Ward 12									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Drive, Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar-19	n/a	Fothergill Planning & Development Inc.	2228
Ward 14									
ZAC-19-011	1193 Old Mohawk Road, Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	2134

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective September 17, 2024)**

Active Development Applications

1. When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 150, 180, 210 and 300 day timeframe commences on the date the new materials were submitted. In all other situations, the 150, 180, 210 and 300 day timeframe commences the day the Application was received.

- * In accordance with Section 34 (11.0.0.0.1), of the *Planning Act*, the approval period for Zoning By-law Amendment Applications submitted concurrently with an Official Plan Amendment, will be extended to 210 days.

- * In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment Applications by 90 days from 210 days to 300 days. However, Applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 210 statutory timeframe.

**Appendix “C” to Report PED24176
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**Active Development Applications
Deemed Complete After September 3, 2019
(Effective September 17, 2024)**

File	Address	Date Received	Date¹ Deemed Incomplete	Date¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of Sept. 17, 2024
Ward 1								
UHOPA-17-036 ZAC-17-036	644 Main Street West, Hamilton (in abeyance)	01-Nov-17	n/a	23-Nov-17	n/a	01-Mar-17	Urban Solutions Planning & Land Development	2469
Ward 2								
UHOPA-23-012 ZAC-23-027	175 John Street North, Hamilton	19-Dec-22	n/a	30-Jan-23	n/a	18-Apr-23	Philip Alaimo	638
ZAC-23-019	117 Forest Avenue, Hamilton	23-Dec-22	n/a	17-Jan-23	23-Mar-23	n/a	Urban Solutions Planning & Land Development	634
ZAC-23-029 25T-202303	215 King Street West, Hamilton	23-Dec-22	n/a	2-Feb-23	n/a	22-Apr-23	Arcadis IBI Group	634

**Appendix “C” to Report PED24176
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**Active Development Applications
Deemed Complete After September 3, 2019
(Effective September 17, 2024)**

File	Address	Date Received	Date¹ Deemed Incomplete	Date¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of Sept. 17, 2024
Ward 3								
ZAC-22-049	338 Cumberland Avenue, Hamilton	20-July-22	n/a	20-July-22	18-Oct-22	n/a	Urban Solutions Planning & Land Development	791
25T-202403	386 Wilcox Street, Hamilton	31-May-24	n/a	6-June-24	n/a	28-Sep-24	MHBC Planning Ltd.	111
ZAC-24-021	72-78 Stirton Street, Hamilton	13-June-24	n/a	21-June-24	11-Sep-24	n/a	Vrancor2007	98
Ward 5								
25T-202305	75 Centennial Parkway North, Hamilton	23-Aug-23	n/a	6-Sep-23	n/a	21-Dec-23	Bousfields Inc.	391
UHOPA-23-013 ZAC-23-028 25T-85033R	117 Nashville Circle, Hamilton	23-Dec-22	n/a	22-Feb-23	n/a	22-Apr-23	Bousfields Inc.	634
Ward 6								
ZAC-22-037 25T-202207	61 Eleanor Avenue, Hamilton	13-June-22	n/a	15-June-22	n/a	12-Oct-22	A.J. Clarke & Associates Ltd.	838

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Active Development Applications
Deemed Complete After September 3, 2019
(Effective September 17, 2024)

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of Sept. 17, 2024
Ward 6 Continued								
ZAC-23-009	1280 Rymal Road East, Hamilton	15-Dec-22	n/a	6-Jan-23	15-Mar-23	n/a	Fothergill Planning & Development Inc.	643
Ward 7								
ZAC-22-016	48 Miles Road, Hamilton	25-Jan-22	n/a	10-Feb-22	25-Apr-22	n/a	IBI Group	950
Ward 8								
ZAC-21-029 25T-202108	204, 212, 220, 226 Rymal Road West, Hamilton	05-July-21	n/a	09-Aug-21	n/a	02-Nov-21	T. Johns Consulting Group	1164
ZAC-22-024 25T-202204	1456-1460 Upper James Street, Hamilton	28-Mar-22	n/a	08-Apr-22	n/a	26-Jul-22	A.J. Clarke & Associates	905
ZAC-24-020	1494 Upper Wellington Street, Hamilton	14-June-24	n/a	14-June-24	12-Sep-24	n/a	MHBC Planning Ltd.	97

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**Active Development Applications
Deemed Complete After September 3, 2019
(Effective September 17, 2024)**

File	Address	Date Received	Date¹ Deemed Incomplete	Date¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of Sept. 17, 2024
Ward 9								
ZAC-22-001	2153, 2155, and 2157 Rymal Road East, Stoney Creek	4-Nov-21	n/a	n/a	2-Feb-22	n/a	Weston Consulting	1048
ZAC-22-029 25T-202206	481 First Road West, Stoney Creek	22-Apr-22	n/a	n/a	n/a	24-Jul-22	Kuok Kei Hong	881
UHOPA-24-008 ZAC-24-026	1809 – 1843 Rymal Rd E. Stoney Creek	21-Aug-24	n/a	27-Aug-24	n/a	19-Dec-24	MHBC Planning LTD.	27
Ward 10								
UHOPA-21-006 ZAC-21-011	582 and 584 Hwy. 8, Stoney Creek	08-Feb-21	n/a	08-Mar-21	n/a	21-Jul-21	SIMNAT Consulting Inc.	1345
UHOPA-22-020 ZAC-22-046 25T-202208	220 McNeilly Road, Hamilton	8-July-22	n/a	22-July-22	n/a	5-Nov-22	T. Johns Consulting Group	803
ZAC-23-004	48 Jenny Court, Stoney Creek	29-Nov-22	n/a	4-Jan-23	27-Feb-23	n/a	T. Johns Consulting Group	659

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**Active Development Applications
Deemed Complete After September 3, 2019
(Effective September 17, 2024)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of Sept. 17, 2024
Ward 10 Continued								
UHOPA-24-007 ZAC-24-002 25T-202403	286 Lewis Rd, Stoney Creek	23-July-24	n/a	30-July-24	n/a	20-Nov-24	Lewis 286 Development Inc.	56
Ward 11								
UHOPA-21-008 ZAC-21-018 25T-202106	9555 Airport Road West, Hamilton	15-Apr-21	n/a	27-Apr-21	n/a	13-Aug-21	A.J. Clarke & Associates Ltd	1241
UHOPA-22-014 ZAC-22-027 25T-202205	2876 Upper James Street, Glanbrook	05-Apr-22	n/a	05-Apr-22	n/a	03-Aug-22	Rice Group	897
ZAC-22-055	2640 Binbrook Road, Glanbrook	16-Aug-22	n/a	18-Aug-22	14-Nov-22	n/a	IBI Group	764
Ward 12								
25T-202102	370 Garner Road East, Ancaster	18-Dec-20	n/a	22-Jan-21	n/a	17-Apr-21	A.J. Clarke & Associates Ltd.	1397

**Appendix “C” to Report PED24176
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**Active Development Applications
Deemed Complete After September 3, 2019
(Effective September 17, 2024)**

File	Address	Date Received	Date¹ Deemed Incomplete	Date¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of Sept. 17, 2024
Ward 12 Continued								
25T-202105	700 Garner Road East, Ancaster	18-Jan-21	n/a	04-Feb-21	n/a	18-May-21	MHBC Planning Ltd.	1366
UHOPA-21-022 ZAC-21-047	559 Garner Road East, Ancaster	15-Oct-21	n/a	20-Oct-21	n/a	12-Feb-22	Urban Solutions Planning and Land Development	1068
ZAC-23-010	299 Fiddlers Green Road, Ancaster	19-Dec-22	n/a	6-Jan-23	19-Mar-23	n/a	Wellings Planning Consultants	639
Ward 13								
25T-202401	1524 Kirkwall Road, Flamborough	26-Jan-24	n/a	9-Feb-24	n/a	25-May 24	Carson Reid Homes Ltd.	237
RHOPA-24-003 ZAC-24-009	1278 Old Highway 8, Flamborough	27-Mar-24	n/a	27-Mar-24	n/a	25-Jul-24	A.J. Clarke & Associates	177

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**Active Development Applications
Deemed Complete After September 3, 2019
(Effective September 17, 2024)**

File	Address	Date Received	Date¹ Deemed Incomplete	Date¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of Sept. 17, 2024
Ward 14								
ZAC-23-016 25T-2023013	760 Stone Church Road East, Hamilton	19-Dec-22	n/a	19-Jan-23	n/a	18-Apr-23	A.J. Clarke & Associates	638
Ward 15								
ZAC-20-006	518 Dundas Street East, Dundas	23-Dec-19	n/a	22-Jan-20	n/a	21-Apr-20	Urban Solutions Planning and Land Development	1731
UHOPA-21-003 ZAC-21-007 25T-202103	562 Dundas Street East, Flamborough	23-Dec-20	n/a	08-Feb-21	n/a	22-Apr-21	Metropolitan Consulting Inc.	1365
25T-201507R	74 Parkside Drive, Flamborough	11-Aug-22	n/a	18-Aug-22	n/a	17-Oct-22	IBI Group	769

Active Development Applications

- When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 90 and 120 day timeframe commences on the date the new materials were submitted. In all other situations, the 90 and 120 day timeframe commences the day the Application was received.

Appendix "D" to Report PED24176

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**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (Effective September 17, 2024)**

File	Address	Applicant /Agent	Date Appeal Received
Ward 1			
ZAC-22-012	200 Market Street, 55 Queen Street North, Hamilton	GSP Group	January 2024
UHOPA-20-027 ZAC-20-042	1629-1655 Main Street West, Hamilton	GSP Group	February 2024
UHOPA-23-008 ZAC-23-020	17 Ewen Road, Hamilton	GSP Group	February 2024
Ward 2			
UHOPA-21-009 ZAC-21-021	117 Jackson Street East, Hamilton	Bousfields Inc.	September 2023
Ward 4			
UHOPA-23-006 ZAC-23-012	1284 Main Street East, Hamilton	GSP Group	August 2023
Ward 7			
UHOPA-23-001 ZAC-23-001	499 Mohawk Road East, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	August 2023

**Appendix “D” to Report PED24176
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**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (Effective September 17, 2024)**

File	Address	Applicant /Agent	Date Appeal Received
Ward 8			
UHOPA-20-017 ZAC-20-029 25T-202003	393 Rymal Road West, Hamilton	GSP Group Inc.	June 2024
Ward 9			
UHOPA-23-05 ZAC-23-006	1065 Paramount Drive, Stoney Creek	Arcadis IBI Group	January 2024
25T-202304	157 Upper Centennial Parkway, Stoney Creek	MHBC Planning Ltd.	June 2024
Ward 10			
UHOPA-21-18 ZAC-21-039	1400 South Service Road, Stoney Creek	MHBC Planning Ltd.	November 2023
Ward 11			
UHOPA-22-008 ZAC-22-017 25T-202202	3054 Homestead Drive, Hamilton	Urban Solutions Planning & Land Development	April 2024
25T-202203	9451 Dickenson Road West, Glanbrook	Korsiak Urban Planning	July 2024
Ward 12			
25T-201806	140 Garner Road, Ancaster	Urban Solutions Planning and Land Development Consultants Inc.	February 2022

**Appendix “D” to Report PED24176
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**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (Effective September 17, 2024)**

File	Address	Applicant /Agent	Date Appeal Received
Ward 12			
UHOPA-23-010 ZAC-23-025	509 Southcote Road, Ancaster	Urban Solutions Planning and Land Development Consultants Inc.	June 2023
ZAC-21-027	140 and 164 Sulphur Springs Road, Ancaster	Fothergill Planning & Development Inc.	July 2023
UHOPA-23-017 ZAC-23-041	1225 Old Golf Links Road, Ancaster	A.J. Clarke & Associates Ltd	December 2023
UHOPA-20-013 ZAC-20-017	210 Calvin Street, Ancaster	SGL Planning & Design Inc.	May 2024
Ward 15			
ZAC-13-039	111 Silverwood Drive (111 Parkside Drive, Flamborough (Waterdown))	Metropolitan Consulting Inc.	October 2017
UHOPA-19-012 ZAC-21-044 25T-2019005	30, 36 and 42 Dundas Street East, 50 Horseshoe Crescent, and 522 Highway 6, Flamborough	MHBC Planning	August 2021

* The OLT Hearing has taken place and awaiting a decision to be issued.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 18, 2024
SUBJECT/REPORT NO:	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)
WARD(S) AFFECTED:	Ward 6
PREPARED BY:	Shaival Gajjar (905) 546-2424 Ext. 5980
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That amended **Zoning By-law Amendment application ZAC-22-037, by A.J. Clarke and Associates Ltd. (c/o Ryan Ferrari), on behalf of Zeina Homes (5025299 Ontario Inc. and 1376412 Ontario Ltd.), Owner**, for a change in zoning from “AA” (Agricultural) District, “C/S-1822” (Urban Protected Residential, etc) District, Modified, and Low Density Residential (R1) Zone to Low Density Residential – Small Lot (R1a, 910) Zone, to permit the development of 15 residential lots, for single and semi detached dwellings on lands located at 65 and 69 Eleanor Avenue, 177 Mentino Crescent, and 224 Eaglewood Drive, as shown in Appendix “A” attached to Report PED24172, be **APPROVED** on the following basis:
- (i) That the Draft By-law attached as Appendix “B” to Report PED24172, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

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SUBJECT: 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)

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- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) That the proposed change in zoning is consistent with the Provincial Planning Statement (2024);
 - (iv) That the proposed change in zoning complies with the Urban Hamilton Official Plan;
- (b) That amended **Draft Plan of Subdivision application 25T-202207, by A.J. Clarke and Associates Ltd. (c/o Ryan Ferrari), on behalf of Zeina Homes (5025299 Ontario Inc. and 1376412 Ontario Ltd.), Owner**, on lands located at 65 and 69 Eleanor Avenue, 177 Mentino Crescent, and 224 Eaglewood Drive (Hamilton), as shown on Appendix “A” attached to Report PED24172, be **APPROVED** in accordance with By-law No. 07-323 being the delegation of the City of Hamilton’s Assigned Authority Under the *Planning Act* for the Approval of Subdivisions and Condominiums, on the following basis:
- (i) That this approval apply to the Draft Plan of Subdivision 25T-202207, prepared by A.J. Clarke and Associates Ltd., and certified by Nicholas P. Muth, O.L.S., dated August 22, 2024, consisting of two lots for semi detached dwellings (Lots 1 and 2), 13 lots for single detached dwellings (Lots 3-15), one block for stormwater management (Block 16), and the extension of Mentino Crescent, as shown on Appendix “G” attached to Report PED24172;
 - (ii) That the Owner enter into a Standard Form Subdivision Agreement as approved by City Council and with the Special Conditions as shown in Appendix “F” attached to Report PED24172;
 - (iii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202207, as shown in attached Appendix “F” to Report PED24172, be received and endorsed by City Council;
 - (iv) That in accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision;
 - (v) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building

SUBJECT: 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)

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permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

EXECUTIVE SUMMARY

The subject lands are municipally known as 65 and 69 Eleanor Avenue, 177 Mentino Crescent, and 224 Eaglewood Drive, Hamilton and are located to the south of Stone Church Road East, east of Eleanor Avenue, west of Enola Avenue, and north of Dulgaren Street. The subject lands have frontage onto Eleanor Avenue and access from Mentino Crescent. The applicant has submitted Zoning By-law Amendment and Draft Plan of Subdivision applications to facilitate the development of two semi detached dwellings, 13 single detached dwellings, and the extension of Mentino Crescent.

The purpose of the amended Zoning By-law Amendment application (ZAC-22-037) is to change the zoning from "AA" (Agricultural District) District, "C/S-1822" (Urban Protected Residential, etc) District, Modified, and Low Density Residential (R1) Zone to Low Density Residential – Small Lot (R1a, 910) Zone in Hamilton Zoning By-law No. 05-200 (as shown on the Draft By-law in Appendix "B" attached to Report PED24172). Site specific modifications are proposed to the Low Density Residential – Small Lot (R1a) Zone to accommodate the proposed development, which are discussed in detail in Appendix "C" attached to Report PED24172.

The amended Draft Plan of Subdivision application 25T-202207 proposes to create fifteen lots for residential development; two lots for semi detached dwellings (Lots 1 and 2), 13 lots for single detached dwellings (Lots 3-15), one block for stormwater management (Block 16), and the extension of Mentino Crescent, which would connect Dulgaren Street with Enola Avenue. There is an existing easement on the subject lands, which will be conveyed to the City as a storm servicing block (Block 16), which will provide a stormwater connection from Eleanor Avenue to Mentino Crescent.

The submitted Zoning By-law Amendment and Draft Plan of Subdivision applications were amended through the addition of adjacent lands, municipally known as 65 Eleanor Avenue, which are also owned by the applicant. The additional lands were included as a result of Development Engineering requiring the conveyance of Block 16 for stormwater management purposes. These amended applications were received on August 27, 2024, and deemed complete on September 20, 2024. The Public Notice Sign on the subject lands was updated with the additional lands on September 24, 2024.

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SUBJECT: 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)

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The proposed amended Zoning By-law Amendment and Draft Plan of Subdivision applications have merit and can be supported as:

- They are consistent with the Provincial Policy Statement (2020);
- They are consistent with the Provincial Planning Statement (2024);
- They conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- They comply with the general intent and purpose of the Urban Hamilton Official Plan; and,
- The proposal is considered good planning by providing a compact compatible residential development that contributes to a complete community through the establishment of housing forms and densities that are in keeping with existing and planned land uses and development in the surrounding area, while making efficient use of a vacant parcel of land.

Alternatives for Consideration – See Page 11

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold a public meeting to consider an application for a Zoning By-law Amendment. Bill 23 amended the *Planning Act* to remove the mandatory requirement for a public meeting to consider a proposed Draft Plan of Subdivision.

HISTORICAL BACKGROUND

Application Details	
Owner:	Zeina Homes (5025299 Ontario Inc. and 1376412 Ontario Ltd.)
Applicant/Agent:	A.J. Clarke and Associates Ltd. (c/o Ryan Ferrari)
File Number:	ZAC-22-037 25T-202207
Type of Applications:	Zoning By-law Amendment Draft Plan of Subdivision
Proposal:	To create two semi detached and 13 single detached lots, one block for stormwater management purposes, and the extension of Mentino Crescent.

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SUBJECT: 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)

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Proposal: (continued)	On August 27, 2024, additional lands, municipally known as 65 Eleanor Avenue were added to the submitted applications as a result of Development Engineering requiring the conveyance of lands for stormwater management purposes.
Property Details	
Municipal Address:	65 and 69 Eleanor Avenue, 177 Mentino Crescent, and 224 Eaglewood Drive, Hamilton.
Lot Area:	± 8,449.68 m ² (± 0.85 ha).
Servicing:	Full municipal services.
Existing Use:	Vacant lands.
Documents	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (2020).
Provincial Planning Statement	The proposal is consistent with the Provincial Planning Statement (2024).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Documents	
Official Plan Existing:	“Neighbourhoods” on Schedule E – Urban Structure and “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Zoning Existing:	City of Hamilton Zoning By-law No. 05-200: <ul style="list-style-type: none"> • Low Density Residential (R1) Zone. Former City of Hamilton Zoning By-law No. 6593: <ul style="list-style-type: none"> • “AA” (Agricultural District) District; and, • “C/S-1822” (Urban Protected Residential, etc.) District.
Zoning Proposed:	City of Hamilton Zoning By-law No. 05-200: <ul style="list-style-type: none"> • Low Density Residential – Small Lot (R1a, 910) Zone.
Modifications Proposed:	The following modifications are being proposed to Zoning By-law No. 05-200: Low Density Residential – Small Lot (R1a, 910) Zone: <ul style="list-style-type: none"> • To reduce the Minimum Setback from a Side Lot Line from 1.2 metres to 0.6 metres on one side; • To reduce the Minimum Setback from a Flankage Lot Line from 3.0 metres to 1.2 metres; and,

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SUBJECT: 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)

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	<ul style="list-style-type: none"> To reduce the Minimum Setback from the Rear Lot Line from 7.5 metres to 6.5 metres.
Processing Details	
Received:	June 9, 2022 (original) August 27, 2024 (amended)
Deemed Complete:	June 15, 2022 (original) September 20, 2024 (amended)
Notice of Complete Application:	Sent to 133 property owners within 120 metres of the subject lands on June 30, 2022 (original). Sent to 144 property owners within 120 metres of the subject lands on September 27, 2024 (amended).
Public Notice Sign:	Posted June 23, 2022, and updated with Public Meeting date and addition of added lands on September 24, 2024.
Notice of Public Meeting:	Sent to 144 property owners within 120 metres of the subject lands on September 27, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "E" attached to Report PED24172.
Public Consultation:	The following Public Consultation was completed for the proposed development: Residents within 120 metres of the subject lands were sent information letters about the proposed Zoning By-law Amendment and Draft Plan of Subdivision.
Public Comments:	No comments were received from the public.
Processing Time:	863 days from receipt of application.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant Lands	Low Density Residential (R1) Zone. "AA" (Agricultural District) District; and, "C/S-1822" (Urban Protected Residential, etc.) District, Modified.

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SUBJECT: 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)

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Surrounding Land Uses:

North	Single Detached Dwellings and Vacant Lands.	Low Density Residential (R1) Zone and “C/S-1822” (Urban Protected Residential, etc.) District, Modified.
South	Single Detached Dwellings	Low Density Residential (R1) Zone.
East	Single Detached Dwellings	Low Density Residential (R1) Zone.
West	Single Detached Dwellings and Vacant Lands.	“C/S-1822” (Urban Protected Residential, etc.) District, Modified.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and the Provincial Planning Statement (2024)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Policy Statement.

It is noted that the Provincial Planning Statement (2024) comes into effect, and the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe are being repealed, on October 20, 2024. As the Province has not released transition policies related to the new Provincial Planning Statement (2024), the proposal has been evaluated for consistency against both the Provincial Policy Statement (2020) and the Provincial Planning Statement (2024), as well as for conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent approval by the Ontario Land Tribunal, the City of Hamilton has established the Urban Hamilton Official Plan, which contains local policies for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (i.e., efficiency of land use) are discussed in the Official Plan analysis that follows.

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OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: 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)

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As the amended application for Zoning By-law Amendment complies with the Urban Hamilton Official Plan, it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the Provincial Policy Statement (2020) and the Provincial Planning Statement (2024); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan

The subject lands are identified as "Neighbourhoods" on Schedule E – Urban Structure and designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations. Lands designated "Neighbourhoods" are characterized as complete communities that include a range of residential dwelling types, densities and supporting uses to serve local residents. The proposed development would facilitate the development of two semi detached and 13 single detached dwellings on the subject lands. The lands fall into the Low Density Residential category of the "Neighbourhoods" designation, which permits single and semi detached dwelling units. As the proposal is considered greenfield development, the Residential Greenfield Design policies of Section E.3.7 apply, and the proposal conforms. The proposal has also been evaluated against Policy F.14.1.2 and it complies with the criteria for Draft Plans of Subdivision. The submitted amended Draft Plan of Subdivision is attached as Appendix "G" to Report PED24172. A review of the applicable Official Plan policies is attached as Appendix "D" to Report PED24172.

The proposal contributes to the achievement of creating complete communities by providing family friendly homes on vacant lands and by expanding the existing right-of-way to further improve the connectivity of the area and completing the existing road network.

Based on the foregoing, the proposal complies with the applicable policies of the Urban Hamilton Official Plan.

Eleanor Neighbourhood Plan

The subject lands are located in the Eleanor Neighbourhood Plan and are identified as "Single and Double". The Neighbourhood Plan permits single and double housing in the interior of the neighbourhood. The subject lands are located in the interior of the neighbourhood and the proposal conforms to the Eleanor Neighbourhood Plan.

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SUBJECT: 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)

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City of Hamilton Zoning By-law No. 05-200

The proposed amended Zoning By-law Amendment is for a change in zoning from “AA” (Agricultural) District, “C/S-1822” (Urban Protected Residential, etc) District, Modified, and Low Density Residential (R1) Zone to Low Density Residential – Small Lot (R1a, 910) Zone, to permit the development of 15 residential dwelling units (two semi detached and 13 single detached dwellings). To facilitate the proposed development, the applicant has proposed the following modifications:

- To reduce the minimum Setback from a Side Lot Line from 1.2 metres to 0.6 metres on one side of a dwelling;
- To reduce the minimum Setback from a Flankage Lot Line from 3.0 metres to 1.2 metres; and,
- To reduce the minimum Setback from the Rear Lot Line from 7.5 metres to 6.5 metres.

For further analysis on the proposed modifications, please refer to Appendix “C” attached to Report PED24172.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020), the Provincial Planning Statement (2024) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (ii) It complies with the Urban Hamilton Official Plan; and,
 - (iii) The proposal represents good planning by, among other things, incorporating a compatible residential development that contributes to the achievement of a complete community through the establishment of housing forms and densities that are in keeping with the existing and planned character of the area, while making efficient use of a vacant parcel of land that efficiently uses land, municipal services, and transportation infrastructure.

2. The amended application for Zoning By-law Amendment is to rezone the subject lands to Low Density Residential – Small Lot (R1a) Zone to permit the development of 15 residential dwelling units (two semi detached and 13 single detached dwellings).

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SUBJECT: 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)

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The proposed amendment to Hamilton Zoning By-law No. 05-200 will remove a portion of the subject lands that are zoned "AA" (Agricultural) District and "C/S-1822" (Urban Protected Residential, etc) District, Modified, in the Former Hamilton Zoning By-law No. 6593 and add them to Hamilton Zoning By-law No. 05-200 as Low Density Residential – Small Lot (R1a, 910) Zone, and rezone the remaining portion of lands from Low Density Residential (R1) Zone to Low Density Residential – Small Lot (R1a, 910) Zone.

Modifications are requested to the proposed zoning and are discussed in Appendix "C" attached to Report PED24172.

Staff are satisfied that the proposal complies with Urban Hamilton Official Plan and are supportive of the proposed amended Zoning By-law Amendment, as the proposal complies with policies of the Urban Hamilton Official Plan with respect to residential greenfield design, the "Neighbourhoods" designation, and plans of subdivision, among others. An analysis of the requested modifications is provided in Appendix "B" attached to Report PED24172.

3. The amended application for Draft Plan of Subdivision consists of two lots for semi detached dwellings (Lots 1 and 2), 13 lots for single detached dwellings (Lots 3-15), one block for stormwater management purposes (Block 16), and the extension of Mentino Crescent. In review of Subsection 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:
 - (i) It is consistent with the Provincial Policy Statement (2020), the Provincial Planning Statement (2024), and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (ii) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
 - (iii) It complies with the applicable policies of the Urban Hamilton Official Plan;
 - (iv) It completes the street network envisioned by the Eleanor Neighbourhood Plan and the proposed road will adequately service the proposed subdivision and will connect with the current road system, subject to applicable conditions of draft plan approval;
 - (v) The land is suitable for the purposes for which it is to be divided;
 - (vi) The dimensions and shape of the lots and blocks are appropriate;

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**SUBJECT: 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)**

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- (vii) Restrictions and regulations for the development of the subdivision are included in the implementing Zoning By-law Amendment, conditions of draft plan approval and the Subdivision Agreement;
- (viii) The subject lands can be appropriately used for the purposes for which it is to be subdivided and will not negatively impact natural heritage features, and flood control will be addressed through stormwater management plans that will be required as conditions of draft plan approval;
- (ix) Adequate municipal services will be available, the particulars of which will be determined as part of the conditions of draft plan approval and the Subdivision Agreement; and,
- (x) Public land will be conveyed to create road rights-of-way, the particulars of which will be determined as part of the conditions of draft plan approval, Standard Subdivision Agreement, and final registration of the Plan of Subdivision.

Therefore, staff are supportive of the proposed amended Draft Plan of Subdivision and recommend its approval subject to the Special Conditions outlined in Appendix "F" attached to Report PED24172.

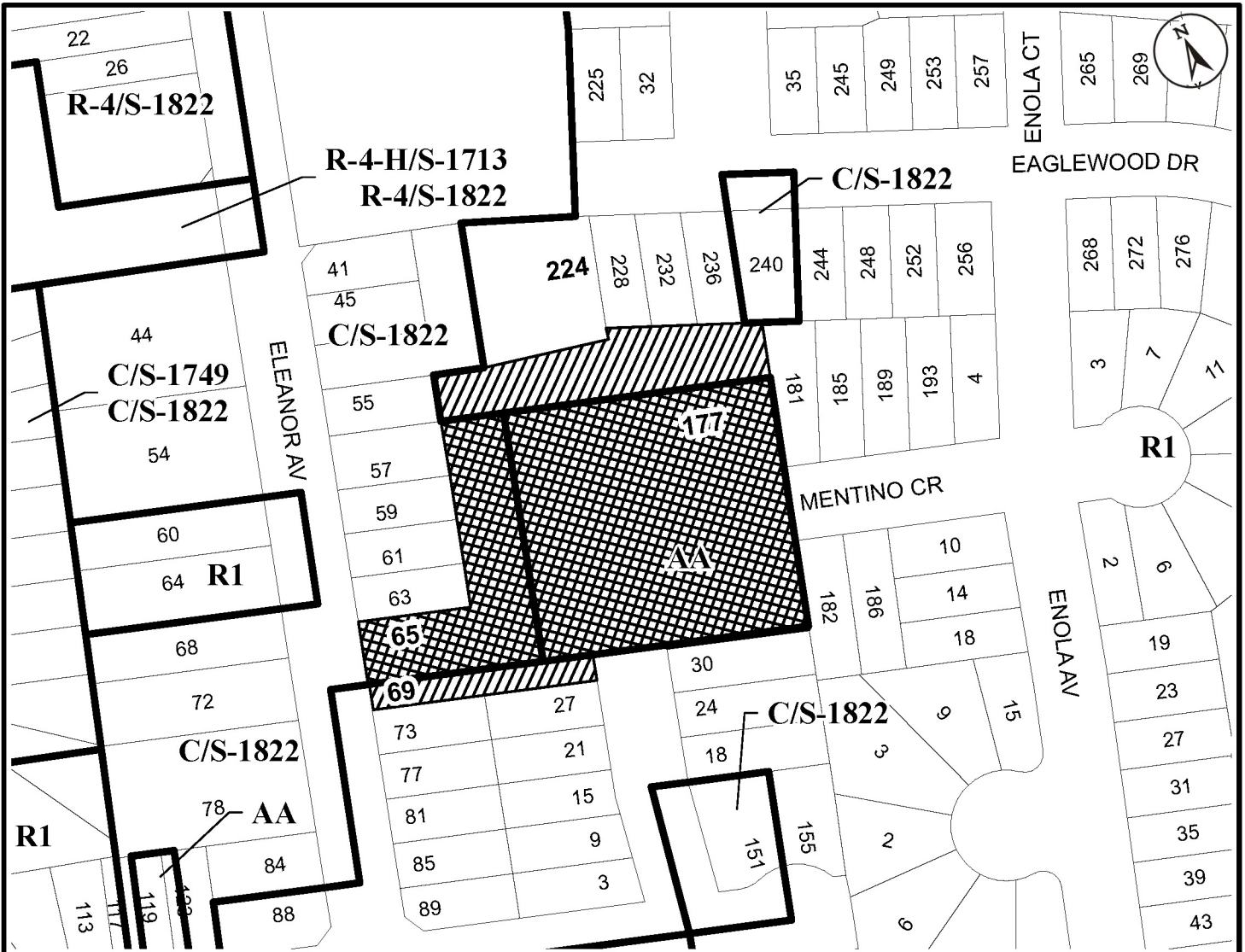
ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject property could be developed in accordance with the "AA" (Agricultural) District, "C/S-1822" (Urban Protected Residential, etc.) District, Modified, and Low Density Residential (R1) Zone.


APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24172 – Location Map
 Appendix "B" to Report PED24172 – Draft By-law
 Appendix "C" to Report PED24172 – Modification Chart
 Appendix "D" to Report PED24172 – Summary of Policy Review
 Appendix "E" to Report PED24172 – Department & Agency Comments
 Appendix "F" to Report PED24172 – Special Subdivision Conditions
 Appendix "G" to Report PED24172 – Draft Plan of Subdivision

SG/mb



Location Map





Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

<p>File Name/Number: ZAC-22-037 & 25T-202207</p>	<p>Date: September 23, 2024</p>	
<p>Appendix "A"</p>	<p>Scale: N.T.S</p>	<p>Planner/Technician: JV/NB</p>

Subject Property

65 and 69 Eleanor Avenue, 177 Mentino Crescent, and 224 Eaglewood Drive, Hamilton (Ward 6)

-  Block 1 - Change in zoning from the Low Density Residential (R1) Zone to the Low Density Residential – Small Lot (R1a, 910) Zone
-  Block 2 - Lands to be added to Zoning By-law No. 05-200 as the Low Density Residential – Small Lot (R1a, 910) Zone

**Appendix “B” to Report PED24172
Page 1 of 3**

YAuthority: Item ,
Report (PED24172)
CM: October 23, 2024
Ward: 06

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

**To Amend Zoning By-law No. 05-200 Respecting Lands Located at
65 and 69 Eleanor Avenue, 177 Mentino Crescent, and 224 Eaglewood Drive,
Hamilton**

WHEREAS Council approved Item of Report PED24172 of the Planning Committee, at its meeting held on October 18, 2024;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan;

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

1. That Map Nos. 1397, 1398, and 1449 of Schedule “A” – Zoning Maps are amended by:
 - a) Changing from the Low Density Residential (R1) Zone, to the Low Density Residential – Small Lot (R1a, 910) Zone, for the lands described as 69 Eleanor Avenue and 224 Eaglewood Drive, and identified as Block 1, the extent and boundaries of which are shown on Schedule “A” attached to and forming part of this By-law.
 - b) Adding the Low Density Residential – Small Lot (R1a, 910) Zone, for the lands described as 65 Eleanor Avenue and 177 Mentino Crescent, and identified as Block 2, the extent and boundaries of which are shown on Schedule “A” attached to and forming part of this By-law; and,
2. That Schedule “C” – Special Exceptions is amended by adding the following new Special Exception:

“910. For the lands zoned Low Density Residential – Small Lot (R1a, 910) Zone, on Map Nos. 1397, 1398, and 1449 of Schedule “A” – Zoning Maps and described as 61 Eleanor Avenue, the following special provisions shall apply:

 - a) Notwithstanding Section 15.2.2.1 d) e), and f) and Section 15.2.2.2 f), the following regulations shall apply:

Appendix “B” to Report PED24172
Page 2 of 3

Minimum Setback from a Side Lot Line	1.2 metres for a Single Detached Dwelling, except that the minimum interior side yard may be reduced to 0.6 metres on one side of the lot provided the abutting lot has a minimum side yard of 1.2 metres.
Minimum Setback from a Flankage Lot Line	1.2 metres
Minimum Setback from the Rear Lot Line	6.5 metres

3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the provisions of the Low Density Residential – Small Lot (R1a, 910) Zone, subject to the special requirements referred to in Section No. 2 of this By-law.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

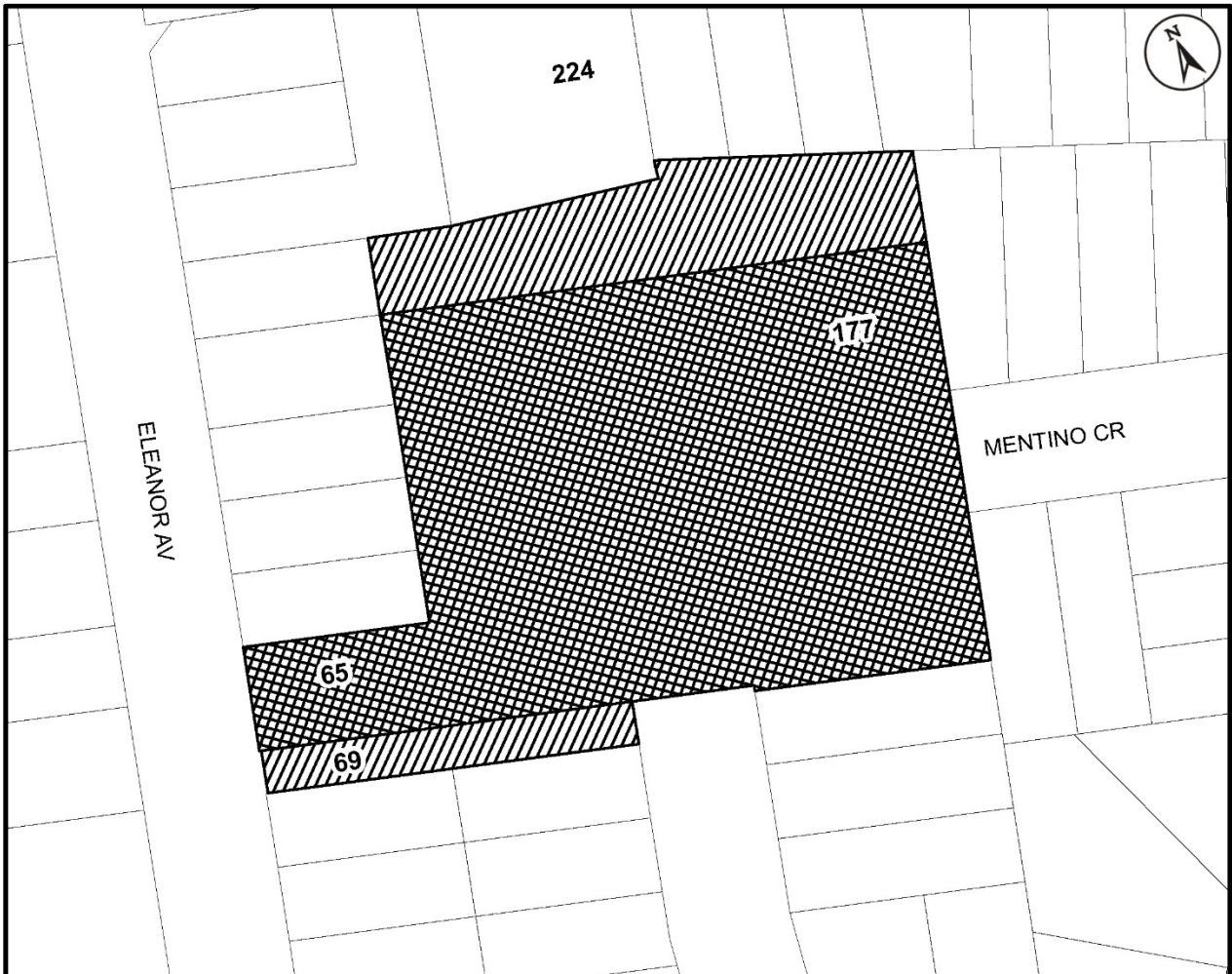
PASSED AND ENACTED this _____ day of _____, 2024.

A. Horwath
Mayor

Matthew Trennum
City Clerk

ZAC-22-037

Appendix "B" to Report PED24172
Page 3 of 3





This is Schedule "A" to By-law No. 24-
 Passed the day of, 2024

 Mayor

 Clerk

Schedule "A"
 Map forming Part of
 By-law No. 24-_____
 to Amend By-law No. 05-200
 Map 1397, 1398, 1449

Subject Property
 65 and 69 Eleanor Avenue, 177 Mentino Crescent, and
 224 Eaglewood Drive, Hamilton (Ward 6)

-  Block 1 - Change in zoning from the Low Density Residential (R1) Zone to the Low Density Residential – Small Lot (R1a, 910) Zone
-  Block 2 - Lands to be added to Zoning By-law No. 05-200 as the Low Density Residential – Small Lot (R1a, 910) Zone

Scale: N.T.S	File Name/Number: ZAC-22-037 & 25T-202207	 Hamilton
Date: September 23, 2024	Planner/Technician: SG/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Appendix “C” to Report PED24172
Page 1 of 2

Site Specific Modifications to the Low Density Residential – Small Lot (R1a) Zone in Zoning By-law No. 05-200.

Regulation	Required	Modification	Analysis
Section 15.2.2.1 d) – Minimum Setback from a Side Lot Line	1.2 metres	1.2 metres for a single detached dwelling, except that the minimum interior side yard may be reduced to 0.6 metres on one side of the lot provided the abutting lot has a minimum side yard of 1.2 metres.	<p>The applicant is requesting to reduce the side yard setback requirement on one side of the single detached dwellings from 1.2 metres to 0.6 metres to facilitate a larger building envelope as the proposed lot widths are smaller than typical.</p> <p>Staff support this modification provided the 0.6 metre side yard is adjacent to a 1.2 metre side yard on the adjacent lands, to ensure a minimum separation of 1.8 metres between dwellings. Staff will also require that the applicant register a 0.6 metre wide easement for access and maintenance on the adjacent lot to ensure a minimum of 1.2 metres of free and clear access within the side yard on all lots. The zoning has been drafted to ensure only yards adjacent to 1.2 metre side yards are permitted to be reduced, and a condition of Draft Plan Approval has been included that requires the proponent to register the appropriate access easement.</p> <p>Staff note that the establishment of an access easement along the interior side yard of the proposed dwellings will limit the ability to construct fencing between the dwellings on the property line. The purpose of this easement is to facilitate access for maintenance to sides of the future dwellings. Through the clearance of the condition, the extent of the easement can be limited to not extend into the rear yard, which would still allow future residents the ability to fence in their rear yard.</p> <p>Providing this flexibility in the zoning will allow for a broader range of built forms in the neighbourhood.</p> <p>Staff support this modification.</p>

Appendix "C" to Report PED24172

Page 2 of 2

Regulation	Required	Modification	Analysis
Section 15.2.2.1 e) – Minimum Setback from a Flankage Lot Line	3.0 metres	1.2 metres	<p>The applicant is requesting to reduce the flankage setback requirement of the single detached dwellings from 3.0 metres to 1.2 metres to facilitate a larger building envelope as the proposed lot widths are smaller than typical.</p> <p>Staff support this modification provided there is enough buffer between the sidewalk and the building footprint to allow for a tree to grow to its full size. Urban Design and Urban Forestry confirmed that this modification is feasible.</p> <p>Staff support this modification.</p>
Section 15.2.2.1 f) and 15.2.2.2 f) – Minimum Setback from the Rear Lot Line	7.5 metres	6.5 metres	<p>The applicant is requesting to reduce the rear yard setback requirement of the single detached and semi detached dwellings from 7.5 metres to 6.5 metres in order to permit a larger building envelope on the subject lands.</p> <p>Staff support the modifications as the reduced rear yard can provide for adequate amenity space for future residents and it complies with the minimum 6.0 metre rear yard setback requirements identified in the City's Lot Grading Policy.</p> <p>Staff support this modification.</p>

Appendix “D” to Report PED24172
Page 1 of 7

SUMMARY OF POLICY REVIEW

The following policies, amongst others, apply to the proposal.

Urban Hamilton Official Plan		
Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Greenfield Density Target</p> <p>Policy A.2.3.4.2</p>	<p>Greenfield areas shall be planned to achieve an overall minimum density of 60 people and jobs per hectare. The greenfield density target shall be measured over the entirety of Hamilton’s greenfield area.</p>	<p>The proposal complies with this policy.</p> <p>The residential density of the proposed development is approximately 17.75 units per hectare, which translates to approximately 60 people and jobs per hectare when applying a unit capacity of 3.405 people per dwelling unit. This people per unit figure was derived from the <i>Existing Designated Greenfield Area Density Analysis (March, 2021)</i> completed through the MCR/GRIDS process.</p>
<p>Built Form</p> <p>Policy: B.3.3.3.2</p>	<p>New development shall be designed to minimize impacts on neighbouring buildings and public spaces by creating transitions in scale to neighbouring buildings, ensuring adequate privacy and sunlight to neighbouring properties, and minimizing the impacts of shadows and wind conditions.</p>	<p>The proposal complies with this policy.</p> <p>The applicant has proposed to rezone the subject lands to Low Density Residential – Small Lot (R1a) Zone (without modification to the maximum height allowed) and the existing properties adjacent to the subject lands are zoned Low Density Residential (R1) Zone. Both the R1 Zone and R1a Zone, allow a maximum height of 10.5 metres. Based on this information, the proposed development of low-density housing will be consistent with the existing adjacent development in terms of building scale, ensuring adequate privacy and sunlight to neighbouring properties and minimizing shadow and wind conditions.</p>
<p>Trees</p> <p>Policy C.2.11.1</p>	<p>The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage</p>	<p>The proposal complies with this policy.</p>

**Appendix “D” to Report PED24172
Page 2 of 7**

Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Trees</p> <p>Policy C.2.11.1 (continued)</p>	<p>sustainable forestry practices and the protection and restoration of trees and forests.</p>	<p>Based on aerial photograph interpretation, trees have been identified within the subject property. To facilitate the proposed development, trees on site will need to be removed.</p> <p>The City recognizes the importance of trees to the health and quality of life in the community (i.e., canopy cover, energy conservation, mental health benefits) and encourages the protection and restoration of trees. A Tree Protection Plan (drawings L-1 and L-2) has been prepared by Adesso Design Inc. (Mario Patitucci; landscape architect) September 27, 2022. A total of 12 trees have been inventoried. Of these trees, 11 have been identified to be removed. Four of these trees have already been removed because of a previous property severance (HM/B-20:83, 84, and 85). The decision to retain trees is to be based on vigour, condition, aesthetics, age, and species. It is recognized that there are limited opportunities to retain trees on site due to the species (e.g., Common Apple, Siberian Elm) and their health (fair to poor).</p> <p>Based on the City’s Council adopted Tree Protection Guidelines (revised October 2010), a Verification of Tree Protection Letter is to be prepared by the recognized tree management professional (i.e., certified arborist, registered professional forester, or landscape architect).</p> <p>The above concerns are being addressed through Condition Nos. 21 and 22 of Appendix “F” attached to Report PED24172.</p>

Appendix “D” to Report PED24172
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Theme and Policy	Summary of Policy or Issue	Staff Response
Infrastructure Policy C.5.3.6	All new development and redevelopment within the urban area shall be connected to the City’s water and wastewater system.	The proposal complies with this policy. Development Engineering staff have reviewed the Functional Servicing Report and Stormwater Management Report and are satisfied that the existing municipal sanitary and water system can support the proposed development, subject to certain conditions being satisfied through conditions of draft plan approval.
Infrastructure Policies: C.5.3.13, C.5.3.17, C.5.4.3	<p>The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system and that investments into the system will support the achievement of the intensification and density targets.</p> <p>The City shall be satisfied that adequate infrastructure services can be provided prior to any development or intensification proceeding.</p> <p>A detailed stormwater management plan prior to development is required to properly address on site drainage and to ensure that new development has no negative impact on offsite drainage.</p>	<p>The proposal complies with these policies.</p> <p>Development Engineering staff supports the applications as the proponent has demonstrated an adequate stormwater management design and has also demonstrated that the existing municipal sanitary and water system can support the proposed development.</p> <p>Development Engineering staff have reviewed the Functional Servicing Report and Stormwater Management Report in support of the proposed development. Staff have confirmed the proposal can be supported by the municipal infrastructure, subject to the proposed conditions of Draft Plan Approval.</p>
Neighbourhoods Designation Policies: E.3.2.1, E.3.2.3	Areas designated “Neighbourhoods” shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve local residents.	<p>The proposal complies with these policies.</p> <p>The proposal contributes to the achievement of a complete community as it proposes appropriate residential densities and unit types for the area and</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Neighbourhoods Designation</p> <p>Policies: E.3.2.1, E.3.2.3 (Continued)</p>	<p>The following uses shall be permitted on lands designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations:</p> <p>a) Residential dwellings, including second dwelling units and housing with supports.</p>	<p>residential dwellings are a permitted use under areas designated “Neighbourhoods”.</p>
<p>Neighbourhoods Designation – Residential Uses – General Policies</p> <p>Policy: E.3.3.2</p>	<p>Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.</p>	<p>The proposal complies with this policy.</p> <p>The applicant has proposed to develop low-density housing (two semi detached and 13 single detached dwellings), which will complete the existing residential neighbourhood. The proposed development is also compatible with the scale and character of the existing neighbourhood with respect to height, massing, and the arrangement of buildings.</p>
<p>Low Density Residential – Function</p> <p>Policy: E.3.4.1</p>	<p>The preferred location for low density residential uses is within the interior of neighbourhoods.</p>	<p>The proposal complies with this policy.</p> <p>The location of the subject lands is within the interior of the neighbourhood.</p>
<p>Low Density Residential – Function</p> <p>Policy: E.3.4.2</p>	<p>Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.</p>	<p>The proposal complies with this policy.</p> <p>The subject lands are located in the interior of the neighbourhood and the proposal is to develop two semi detached and 13 single detached dwellings that would have direct access to each unit at grade.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Low Density Residential – Function</p> <p>Policy: E.3.4.2 (continued)</p>		<p>The height of the proposed development will be a maximum three storeys and each unit will front onto a local road.</p>
<p>Low Density Residential – Function</p> <p>Policy: E.3.4.3</p>	<p>Uses permitted in low density residential areas:</p> <p>a) Shall include single-detached, semi-detached, duplex, triplex, fourplex, and street townhouse dwellings.</p>	<p>The proposal complies with this policy.</p> <p>The proposal is to create 15 lots to facilitate the development of two semi detached and 13 single detached dwellings on the subject lands.</p>
<p>Low Density Residential – Scale</p> <p>Policy: E.3.4.5</p>	<p>For low density residential areas, the maximum height shall be three storeys.</p>	<p>The proposal complies with this policy.</p> <p>The applicant has proposed to rezone the subject lands to Low Density Residential – Small Lot (R1a) Zone to develop semi detached and single detached dwellings. The maximum height allowed in the R1a Zone is 10.5 metres, which is approximately three storeys. The applicant has not requested any modifications to the maximum height regulation in the R1a Zone.</p>
<p>Low Density Residential – Design</p> <p>Policy: E.3.4.6</p>	<p>Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:</p> <ul style="list-style-type: none"> • Discourage access from minor or major arterial roads; • Discourage backlotting; • A mix of lot widths and dwelling unit types are encouraged; and, • Creation of new streets shall generally occur by Plan of Subdivision. 	<p>The proposal complies with this policy.</p> <p>The proposed 15 lots to facilitate the development of two semi detached and 13 single detached dwellings will have direct access from the local road. The proposal to create 15 lots and an extension of public street (Mentino Crescent) is being done through the Draft Plan of Subdivision.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Residential Greenfield Design</p> <p>Policy E.3.7.1</p>	<p>New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open spaces, and infrastructure shall be designed to contribute to this character.</p>	<p>The proposal complies with this policy.</p> <p>The proposed development consists of single and semi detached dwellings and builds upon the existing neighbourhood character, while also allowing for a more compact development through smaller lot widths and the inclusion of semi detached dwellings. The proposed buildings, streetscape, street pattern, landscaping and infrastructure are all cohesive with the existing neighbourhood character.</p>
<p>Residential Greenfield Design</p> <p>Policy E.3.7.3</p>	<p>The configuration of streets, trails, and open spaces shall ensure clear and convenient pedestrian, cycling, and vehicular connections from within the greenfield community to the focal point and adjacent neighbourhoods.</p>	<p>The proposal complies with this policy.</p> <p>The proposal has been reviewed from a transportation perspective, which includes pedestrian, cycling and vehicular circulation and connections. The proposal includes sidewalks on both sides of the proposed municipal street, and a pedestrian connection from Mentino Crescent to Eleanor Avenue through the proposed stormwater block (Block 16). The proposal is also well connected to existing adjacent neighbourhoods.</p>
<p>Residential Greenfield Design</p> <p>Policy E.3.7.5</p>	<p>New greenfield development shall generally be designed to minimize changes to existing topography; preserve existing trees and natural features; and be compatible and maintain established views to prominent City features and landmarks.</p>	<p>The proposal complies with this policy.</p> <p>The proposed civil engineering design seeks to minimize changes to the existing topography. The engineering design will be finalized through conditions of Draft Plan Approval. A Tree Protection Plan was also submitted with the submitted applications, the approval of which has been included as a condition of Draft Plan Approval to ensure existing trees are preserved to the best extent possible.</p>

Appendix “D” to Report PED24172

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Implementation – Plan of Subdivision</p> <p>Policy F.1.14.1.1</p>	<p>The development of lands may require subdivision of existing lots or tracts of land and shall be evaluated on a number of criteria including review of land use policy, integration with adjacent lands, staging of development, provision of adequate services, no adverse impact on the transportation systems and the natural environment, and not adversely impacting municipal finances.</p>	<p>The proposal complies with this policy.</p> <p>The subject lands are within the urban boundary. The proposed Draft Plan of Subdivision, attached as Appendix “G” to Report PED24172, consists of two lots for semi detached dwellings (Lots 1 – 2), 13 lots for single detached dwellings (Lots 3 – 15), one block (Block 16) for stormwater management purposes, and the extension of the public right-of-way (Mentino Crescent).</p> <p>The proposal represents a logical and orderly development of the lands. The site can be serviced using existing and planned infrastructure and will not adversely impact the transportation system and the natural environment, subject to the proposed Draft Plan conditions.</p> <p>In addition, it will not adversely impact municipal finances, and meets all requirements of the <i>Planning Act</i>.</p>

Appendix “E” to Report PED24172
Page 1 of 5

CONSULTATION – DEPARTMENTS AND AGENCIES

Department/Agency	Comment	Staff Response
<ul style="list-style-type: none"> • Commercial District and Small Business Section, Economic Development Division, Planning and Economic Development Department; • Hydro One; and, • Hamilton Conservation Authority. 	No Comment.	Noted.
Development Engineering Section, Growth Management Division, Planning and Economic Development Department.	<p>Development Engineering reviewed the following items with regards to the subject applications:</p> <ul style="list-style-type: none"> • Functional Servicing Report (FSR) and Stormwater Management (SWM) Report (prepared by A.J. Clarke & Associates Ltd., dated March 2024); • Watermain Hydraulic Analysis Report submitted by A.J. Clarke & Associates Ltd., dated May 2023; and, • Draft Plan of Subdivision prepared by A.J. Clarke & Associates Ltd., dated March 2024. <p>Development Engineering identified minor concerns related to the stormwater management and lot grading of the proposed development; however, confirmed that these can be addressed through Conditions of Approval.</p> <p>Development Engineering is in support of the approval of the submitted Zoning By-law Amendment and Draft Plan of Subdivision applications, subject to the proposed Special Conditions, which will address any remaining technical comments related to the water, wastewater, and stormwater servicing of the proposed development. The proponent has demonstrated a functionally adequate stormwater management proposal and has also demonstrated that the existing municipal sanitary and water systems can support the proposed development.</p>	<p>Noted.</p> <p>A revised Functional Servicing Report, Stormwater Management report, and Watermain Hydraulic Analysis report is required. The required materials and revisions are being addressed through the recommended conditions of Draft Plan approval. Please refer to Special Condition Nos. 1 through 17 of Appendix “F” attached to Report PED24172.</p> <p>In discussions with the applicant and Transportation Planning staff, it was determined that a pedestrian connection be provided connecting Mentino Crescent to Eleanor Avenue. The provision of a 3.0m wide paved and lit pedestrian connection in the servicing block (Block 16) to be conveyed to the City that connects Mentino Crescent to Eleanor Avenue, has been included as Special Condition No. 6 in Appendix “F” attached to Report PED24172.</p>

Appendix “E” to Report PED24172
Page 2 of 5

Department/Agency	Comment	Staff Response
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<p>Transportation Planning supports the proposed development. To protect the existing and future pedestrian realm, cycling infrastructure and road network, Transportation Planning shall require the following:</p> <ul style="list-style-type: none"> • 1.5 metre clear width sidewalk shall be provided on both sides of all proposed municipal roads within the subject lands; • Recommended driveway widths of 3.0 metres but driveway widths must not be more than 5.0; and, • Mentino Crescent is to be designed and built to municipal standards and dedicated to the City of Hamilton. • Transportation Planning has requested a paved pedestrian connection be provided in the servicing block (Block 16) to be conveyed to the City that connects Mentino Crescent to Eleanor Avenue. <p>Transportation Planning supports the Zoning By-law Amendment application and Draft Plan of Subdivision application, subject to conditions.</p>	<p>The requirements are being addressed through the recommended conditions of Draft Plan approval. Please refer to Special Condition Nos. 6, 18, 19, 20, and 21 of Appendix “F” attached to Report PED24172.</p>
<p>Legislative Approvals, Growth Planning Section, Growth Management Division, Planning and Economic Development Department</p>	<p>It should be determined if there are any implications arising from the adjacent Registered Plans of Subdivision, 62M-219, 62M-249, 62M-1095, and 62M-1230 as well as Draft Plan of Subdivision 25T-202301 e.g. cost recoveries related to the registered plan. It is noted that the subject lands are also within a defined area of cost recovery.</p> <p>The owner and agent should be made aware that the addresses for this proposal will be determined through the Draft Plan of Subdivision process.</p>	<p>The subject lands are within a defined area of cost recovery. The Owner/developer may/will be required to pay any outstanding cost recoveries/best efforts assessed for the property. This is being addressed through a condition of Draft Plan Approval. Please refer to Special Condition No. 16 of Appendix “F” attached to Report PED24172.</p>
<p>Forestry and Horticulture Section, Environmental Services Division, Public Works Department</p>	<p>Forestry approves the tree protection plans L-1 & L-2, revision No. 4, dated- 2022-09-27, requiring fees.</p>	<p>Noted.</p>

Appendix “E” to Report PED24172
Page 3 of 5

Department/Agency	Comment	Staff Response
Waste Policy and Planning Section, Waste Management Division, Public Works Department	<p>This application has been reviewed for municipal waste collection service.</p> <p>The residential dwellings can be serviceable for municipal waste collection if the requirements under the City of Hamilton Solid Waste Management By-law No. 20-221 are adhered to.</p>	<p>Changes requested in the drawings will be addressed at the Building Permit stage.</p> <p>The developer is responsible for all waste removal up until the time that municipal collection services are initiated. Note 2. has been included in Appendix “F” attached to Report PED24172.</p>
Landscape Architectural Services, Strategic Planning Division, Public Works Department	Cash-in-lieu of parkland dedication will be requested at a future application.	The Cash-in-lieu payment will be required and addressed at the future Building Permit stage and a Draft Plan Condition confirming same has been included.
Alectra	<p>Alectra’s response to the City of Hamilton’s circulation dated April 26, 2024, is as follows:</p> <p>For Subdivision or Townhouse development, the Developer needs to contact Alectra’s Engineering Design Department @ 905-798-3234. The owner shall bear the expenses for relocation, modification, or removal of Alectra’s existing hydro facilities. The owner/developer should contact Alectra to facilitate this. And the owner/developers are responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.</p> <p>The owner/developer to acquire an easement, if required and for Alectra Utilities to prepare a design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantageous for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 36-52 weeks to purchase a transformer.</p>	Noted.

Appendix “E” to Report PED24172
Page 4 of 5

Department/Agency	Comment	Staff Response
Bell Canada	<p>Bell Canada has reviewed the circulation regarding the subject application. The following paragraphs are to be included as a condition of approval:</p> <p>Bell Canada Condition(s) of Approval:</p> <ul style="list-style-type: none"> • The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada; and, • The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost. <p>Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to planninganddevelopment@bell.ca to confirm the provision of communication/telecommunication infrastructure needed to service the development.</p> <p>It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the <i>Bell Canada Act</i>, the Owner may be required to pay for the extension of such network infrastructure.</p> <p>If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.</p>	<p>Noted, and shared this with the applicant. Special Condition Nos. 29 and 30 of Draft Plan approval have been incorporated in Appendix “F” attached to Report PED24172.</p>

Appendix “E” to Report PED24172
Page 5 of 5

Department/Agency	Comment	Staff Response
Enbridge	<p>Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.</p> <p>This response does not constitute a pipe locate, clearance for construction or availability of gas. The applicant shall use the 'Enbridge Gas Get Connected tool' to determine gas availability, service, and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping and/or asphalt paving.</p> <p>If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.</p> <p>In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas at no cost.</p> <p>The applicant will contact Enbridge Gas Customer Service prior to any site construction activities to determine if existing pipe facilities need to be relocated or abandoned.</p>	<p>Noted. Special Condition No. 31 of Draft Plan approval has been incorporated in Appendix “F” attached to Report PED24172 to address Enbridge comments.</p>

Appendix “F” to Report PED24172
Page 1 of 6

Special Conditions for Draft Plan of Subdivision Approval for 25T-202207

That this approval for the Draft Plan of Subdivision, 25T-202207, prepared by A.J. Clarke and Associated Ltd., certified by Nicholas P. Muth, O.L.S., dated August 22, 2024, consisting of 2 lots for semi detached dwellings (Lots 1-2), 13 lots for single detached dwellings (Lots 3-15), one block for stormwater management purposes (Block 16) and the extension of Mentino Crescent, be received and endorsed by City Council with the following special conditions:

Development Engineering:

1. That, **prior to registration of the final plan of subdivision**, the Owner agrees to transfer to the City a minimum 7.0 m wide storm servicing block (Block 16) adjacent to the south property line of lot 2 and lot 3 from Mentino Crescent to Eleanor Avenue, to the satisfaction of the Director, Growth Management & Chief Development Engineer.

2. That, **prior to registration of the final plan of subdivision**, the Owner agrees that they will perform all required Winter Maintenance activities on all Public Highways within the registered Plan in accordance with Ontario Regulation 239/02 - Minimum Maintenance Standards for Municipal Highways under the Municipal Act, 2001 (MMS) until the criteria for municipal Winter Maintenance activities are met. Additionally, the Owner commits to submitting an application to the City for assuming Winter Maintenance responsibilities before September 15th, provided that the following criteria;
 - a. Sites are easily accessible;
 - b. Roads are free of all construction debris and have at least the base course asphalt completed;
 - c. Trucks can enter and exit without backing up; and,
 - d. Utility chambers are either ramped at a minimum of 2 metres from each chamber or set to grade.

All to the satisfaction of the Manager of Roadway Maintenance.

3. That, **prior to registration of the final plan of subdivision**, the Owner agrees that until an application for Waste Collection Services has been submitted and approved as per the City of Hamilton Waste Requirements for the Design of New Developments and Collection, the Owner shall make the appropriate arrangements for the collection and disposal of household waste, entirely at owner's expense, all to the satisfaction of the Manager of Waste Collection.

4. That, **prior to registration of the final plan of subdivision**, the Owner shall design, install, and energize the street lighting system, entirely at the Owner's

Appendix “F” to Report PED24172
Page 2 of 6

expense, all to the satisfaction of the Director, Growth Management & Chief Development Engineer.

5. That, **prior to preliminary grading**, the Owner shall submit an updated stormwater management (SWM) report prepared by a qualified Professional Engineer and in accordance with FSR and SWM Report (A.J. Clarke; dated March 2024), City of Hamilton Drainage Policy and Current Comprehensive Development Guidelines by considering the following parameters:
 - a. A linear stormwater super pipe shall be identified and established along the entire extension of Mentino Crescent and stormwater servicing block (Block 16) to accommodate drainage from the subject land including any interim and permanent external drainage routed through the SWM facility for 2- to 100-year storm events;
 - b. Up to 100-year post-development flow shall be controlled to the maximum release rate of 17 L/s as identified in the FSR and SWM Report (AJ Clarke; dated: March 2024);
 - c. Post-development 100-year hydraulic grade line (HGL) shall not exceed the super pipe obvert elevation; and,
 - d. A continuous and unobstructed overland flow route shall be established from the rear yard of lot 8 to Eleanor Avenue through the rear yards of lots 8-3 and stormwater servicing block (Block 16).

All to the satisfaction of the Director, Growth Management & Chief Development Engineer.

6. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedule, a 3.0 metre wide paved and adequately illuminated pedestrian connection through the proposed servicing Block at the south limit of Lots 2 and 3 (Block 16) from Mentino Crescent extension to Eleanor Avenue, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
7. That, **prior to servicing**, the Owner shall submit a revised geotechnical report prepared by a qualified professional engineer in accordance with City standards, and implement the recommendations of the report, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
8. That, **prior to servicing**, the Owner include in the engineering design and cost estimate schedules, the reconstruction of driveways for the dwellings located at 21, 24, 27 and 30 Mentino Crescent associated with the removal of the temporary turning circle to realign and generally connect perpendicular to the proposed Mentino Crescent curb. This shall incorporate any required works on private lands including new driveway reconstruction extending to the garage with material approved by the City. The Owner shall obtain written permission from the private landowners to perform the proposed works on private property. All

Appendix “F” to Report PED24172
Page 3 of 6

costs associated with the driveway realignments and new driveway reconstruction will be at 100% Owner’s cost, to the satisfaction of the Director, Growth Management & Chief Development Engineer.

9. That, **prior to servicing**, the Owner include in the engineering design and cost estimate schedules the extension of Mentino Crescent from the existing terminus at the east limit to the south limit of the draft plan lands including but not limited to: the proposed stormwater management superpipe, removal of the existing temporary turning circle at the south limit of the draft plan lands, utility relocates, pole relocates, hydro vault relocates, etc., restoration of the road and boulevards and the extension of sidewalk to blend with the proposed sidewalks on Mentino Crescent, entirely at the Owner’s cost, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
10. That, **prior to servicing**, where services are to be constructed in rock, the Owner shall conduct a pre-condition survey of residences within minimum 100 metres and notify residents of rock removal within minimum 200 metres of that phase of construction, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
11. That, **prior to servicing**, the Owner shall submit a rock removal protocol and vibration monitoring plan, including a pre-construction survey and associated cost estimates, prepared by a licensed professional engineer. All associated costs will be borne by the Owner and shall be included in the engineering cost schedules, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
12. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules the installation of a 1.5m high black vinyl coated heavy-duty chain-link fence along the north and south limits of Block 16, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
13. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provision for installation of 13.0m pavement radii along the inside curb line and 15m radii along the outside curb line at all 90-degree bends within the draft plan lands, to the satisfaction of the Director, Growth Management & Chief Development Engineer and Manager, Transportation Planning.
14. That, **prior to servicing**, the Owner prepares and submits a driveway location/on street parking plan showing:
 - a. The location of driveways based on achieving on-street parking for 40% of the total dwelling units;
 - b. The driveways ramps and curb openings for all lots; the pairing of driveways;

Appendix “F” to Report PED24172
Page 4 of 6

- c. Where lots in the subdivision abut a park entrance or a public walkway, as the case may be;
- d. The location of transit pads, community mailbox pads and fire hydrants, where the location has been determined by the appropriate authorities; and,
- e. Parking on one side of the street only.

All to the satisfaction of the Manager, Transportation Planning.

- 15. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedules permanent pavement marking and signage plans for all internal streets of the subdivision including street signs, stop signs, stop bars, pedestrian crossings, etc. upon placement of surface course asphalt, entirely at the Owner’s costs, all to the satisfaction of the Manager, Transportation Planning.
- 16. That, **prior to registration of the final plan of subdivision**, the Owner agrees to pay all outstanding costs including cost recoveries associated with the draft plan lands, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
- 17. That, **prior to preliminary grading**, the Owner agrees to provide in writing a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision. This document will also include first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works as well as contractor/agent contact information so that the City can direct the work to be completed as necessary all to the satisfaction of the Director, Growth Management & Chief Development Engineer.

Transportation Planning:

- 18. That, **prior to grading**, a 1.5 metre clear width sidewalk must be provided on both sides of all proposed roads within the subject lands, to the satisfaction and approval of the Manager, Transportation Planning.
- 19. That, **prior to grading**, the alignment of any existing-to-new sidewalk connections must transition at a deflection ratio of 1:1, to the satisfaction and approval of the Manager, Transportation Planning.
- 20. That, **prior to grading**, the driveways to each new residential lot must be minimum 3.0 metres and no more than 5.0 metres in width and be designed as per City of Hamilton Standard Drawing no. RD-108, to the satisfaction and approval of the Manager, Transportation Planning.

Appendix "F" to Report PED24172
Page 5 of 6

21. That, **prior to registration of the plan of subdivision**, approximately 20.0 metres shall be dedicated to the right-of-way for the extension of Mentino Crescent, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2. Local Roads (Mentino Crescent) are to be 20.0 metres as to be consistent with the existing portion of Mentino Crescent, all to the satisfaction of the Manager, Transportation Planning.

Heritage & Urban Design:

22. That, **prior to preliminary grading or servicing**, the Owner/Developer shall submit a Tree Protection Plan (TPP) prepared by a tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) showing the location of drip lines, edges of existing plantings, the location of all existing trees and the methods to be employed in retaining trees to be protected to the satisfaction of the Director of Heritage and Urban Design.
23. That, **prior to registration**, the Owner/Developer shall prepare a Landscape Plan by a certified Landscape Architect showing the placement of compensation trees for any tree removals to the satisfaction of the Director Heritage and Urban Design.

Growth Planning:

24. That, **prior to registration of the final plan of subdivision**, the owner and agent shall work with Legislative Approvals / Staging of Development Staff to finalize municipal addressing, to the satisfaction of the Director, Growth Management and Chief Development Engineer.

Forestry & Horticulture:

25. That, **prior to preliminary grading**, the Owner shall submit any necessary canopy fees for any municipal trees related to the subdivision including construction of the extension of Mentino Crescent, to the satisfaction of the Director of Environmental Services.

Development Planning:

26. That, **prior to issuance of a Building Permit**, the Owner shall register the appropriate easements for access and maintenance along the interior side yard of lots proposed to contain side yards less than 1.2 metres, to ensure each future lot has a minimum 1.2 metre free and clear access along the side of the dwelling unit, to the satisfaction of the Director of Planning and Chief Planner.
27. That, **prior to servicing**, the Owner shall submit for approval, a Photometric Analysis of the lighting design for the proposed pedestrian walkway in the

Appendix "F" to Report PED24172
Page 6 of 6

servicing block to be conveyed to the City (Block 16), demonstrating no light trespass onto the adjacent residential properties in accordance with the City's guidelines and terms of reference, to the satisfaction of the Director of Planning and Chief Planner.

28. That, **prior to registration of the plan of subdivision**, the Owner discharge the consent agreement associated with the previous Consent to Sever application for the lands legally described as Part 6 on Reference Plan 69R-21690, to the satisfaction of the Director of Planning and Chief Planner.

Bell Canada:

29. That, **prior to registration of the plan of subdivision**, the Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
30. That, **prior to the registration of the plan of subdivision**, the Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

Enbridge Gas:

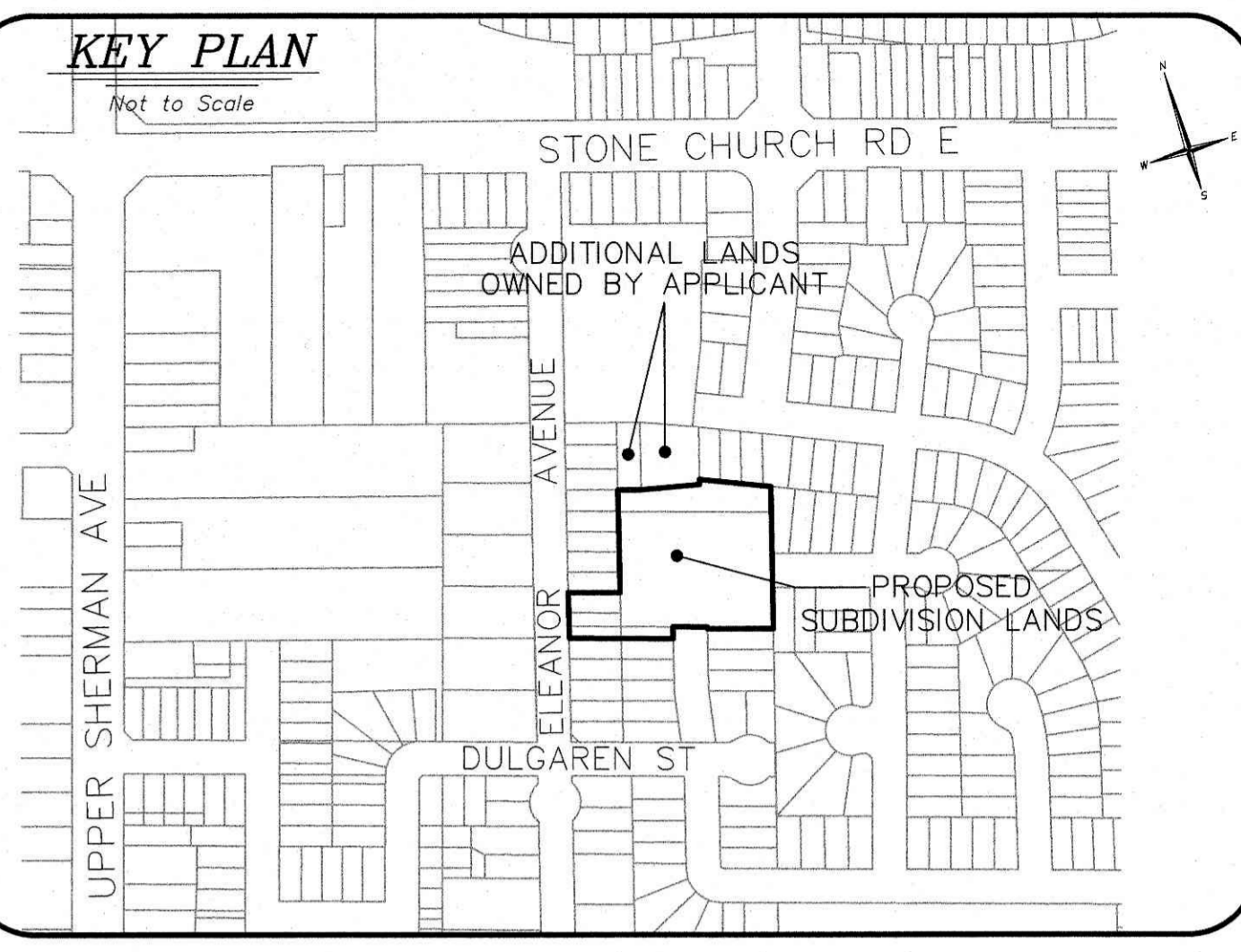
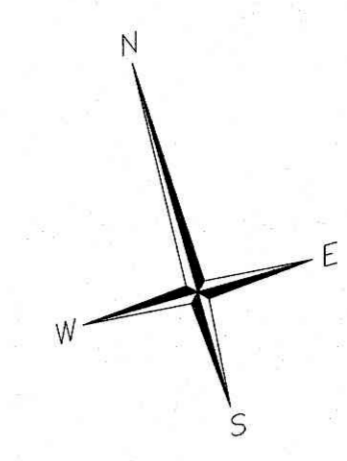
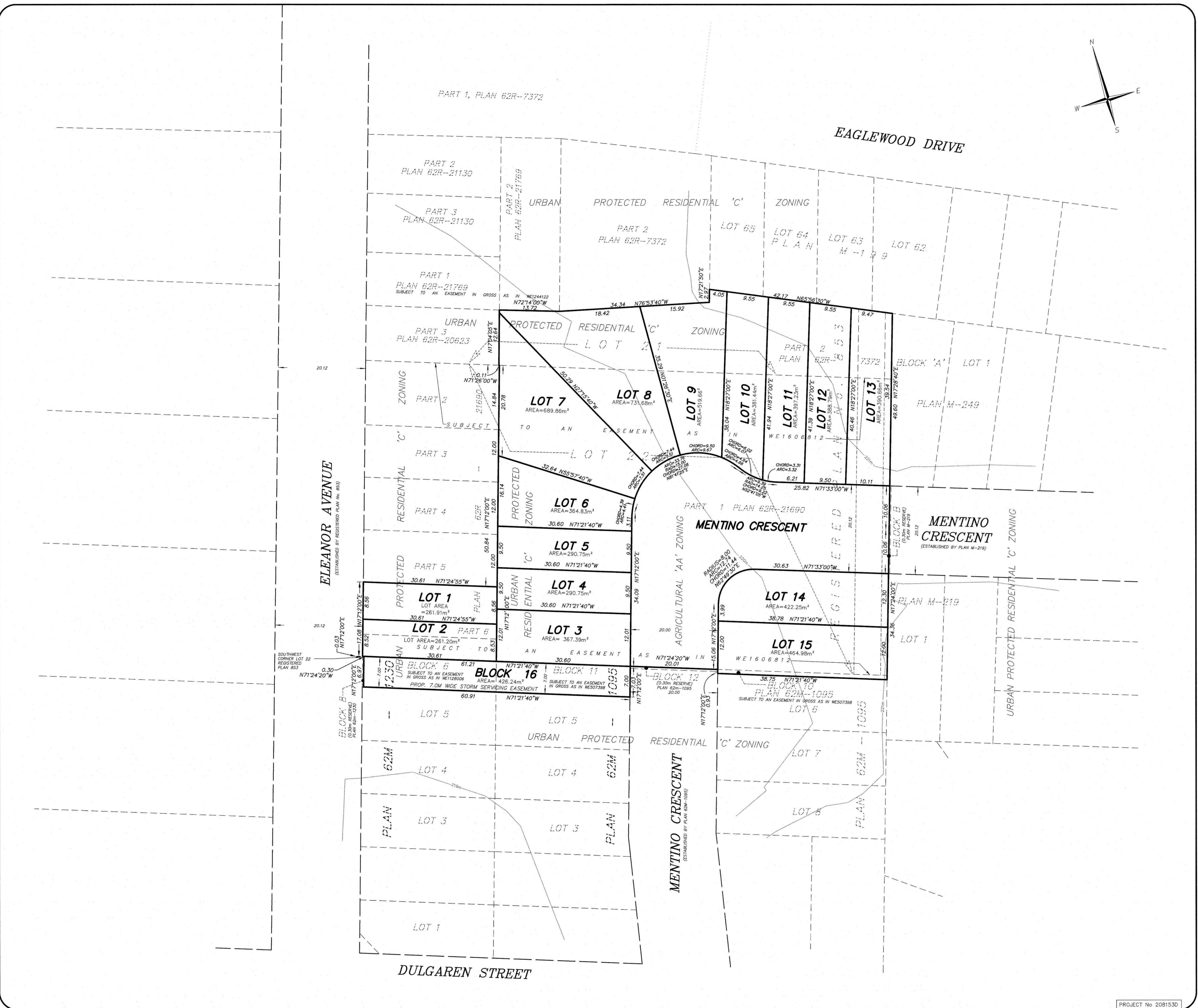
31. That prior to **registration of the plan of subdivision**, the owner / developer shall provide to Enbridge Gas Inc.'s operating as Union Gas, ("Union") the necessary easements and / or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.

NOTES TO DRAFT PLAN APPROVAL

1. Pursuant to Section 51 (32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received two months before the draft approval lapses.

Recycling and Waste Disposal:

2. The developer is responsible for all waste removal up until the time that municipal collection services are initiated.



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
 0 5 10 15 metres
 NICHOLAS P. MUTH O.L.S.

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

RE: CHAPTER P. 13 R.S.O. 1990 SECTION 51(17) THE PLANNING ACT

- | | |
|--------------------------|--|
| A. SHOWN ON PLAN | H. MUNICIPAL PIPED WATER AVAILABLE |
| B. SHOWN ON PLAN | I. SILT LOAM |
| C. SHOWN ON PLAN | J. SHOWN ON PLAN |
| D. SEE LAND USE SCHEDULE | K. SANITARY AND STORM SERVICES AVAILABLE |
| E. SHOWN ON PLAN | L. SHOWN ON PLAN |
| F. SHOWN ON PLAN | |
| G. SHOWN ON PLAN | |

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 P. MUTH
 ONTARIO LAND SURVEYOR

LAND USE SCHEDULE:

PROPOSED SEMI-DETACHED DWELLINGS LOTS 1 & 2
 PROPOSED SINGLE FAMILY DWELLINGS - LOTS 3 TO 15 INCLUSIVE
 PROPOSED STORM SEWER EASEMENT - BLOCK 16 (AREA= 426.24m²)
 PROPOSED FUTURE STREET - MENTINO CRESCENT
 AREA = 8449.68m²

SUBDIVISION DRAFT APPROVAL:
 APPROVED UNDER SECTION 51 OF THE PLANNING ACT, R.S.O. 1990,C.P.13, AS AMENDED, BY THE GENERAL MANAGER OF PLANNING AND ECONOMIC DEVELOPMENT OF THE CITY OF HAMILTON UNDER THE AUTHORITY OF BY-LAW 07-323
 THIS ____ DAY OF _____, 2024.

GENERAL MANAGER, PLANNING AND ECONOMIC DEVELOPMENT
 CITY OF HAMILTON

A. J. Clarke and Associates Ltd.
 SURVEYORS • PLANNERS • ENGINEERS
 25 MAIN STREET WEST, SUITE 300
 HAMILTON, ONTARIO, L8P 1H1
 TEL. 905-528-8761 FAX 905-528-2289
 email: ajc@ajclarke.com



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

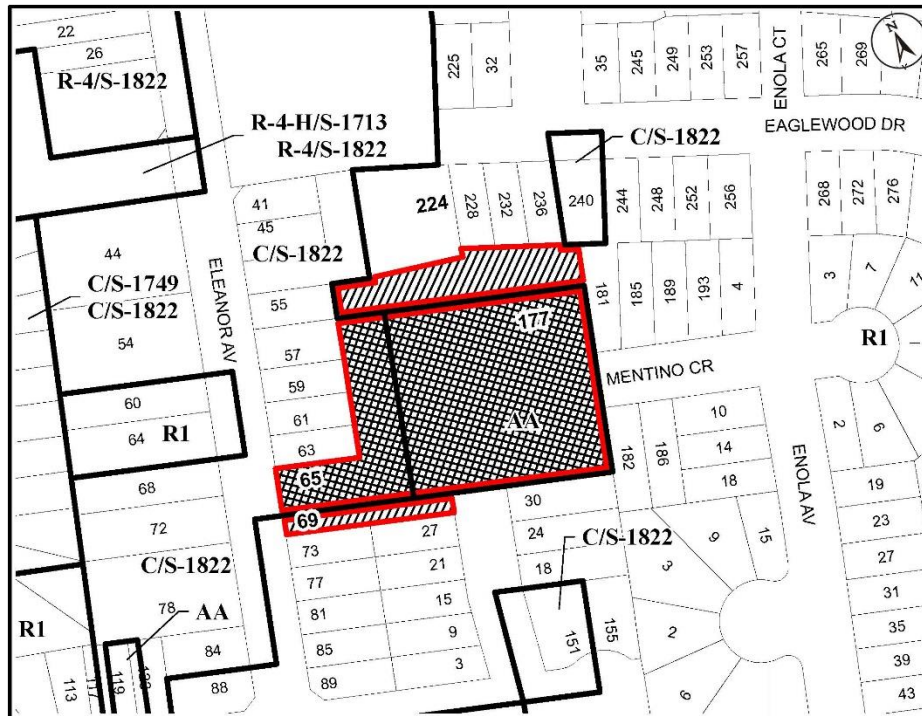


SUBJECT PROPERTY

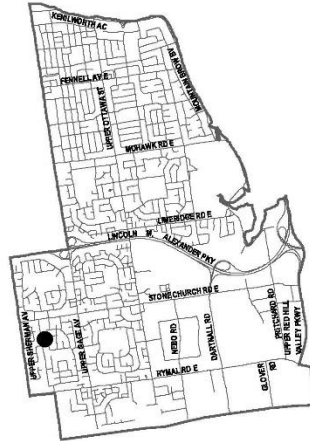


**65 & 69 Eleanor Avenue, 177 Mentino Crescent and
224 Eaglewood Drive, Hamilton**





● Site Location



Key Map - Ward 6

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-22-037 & 25T-202207

Date:
September 23, 2024



Appendix "A"

Scale:
N.T.S

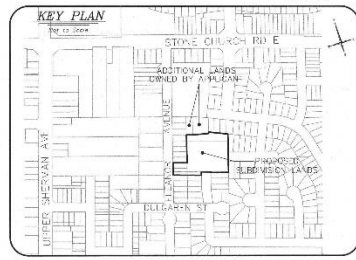
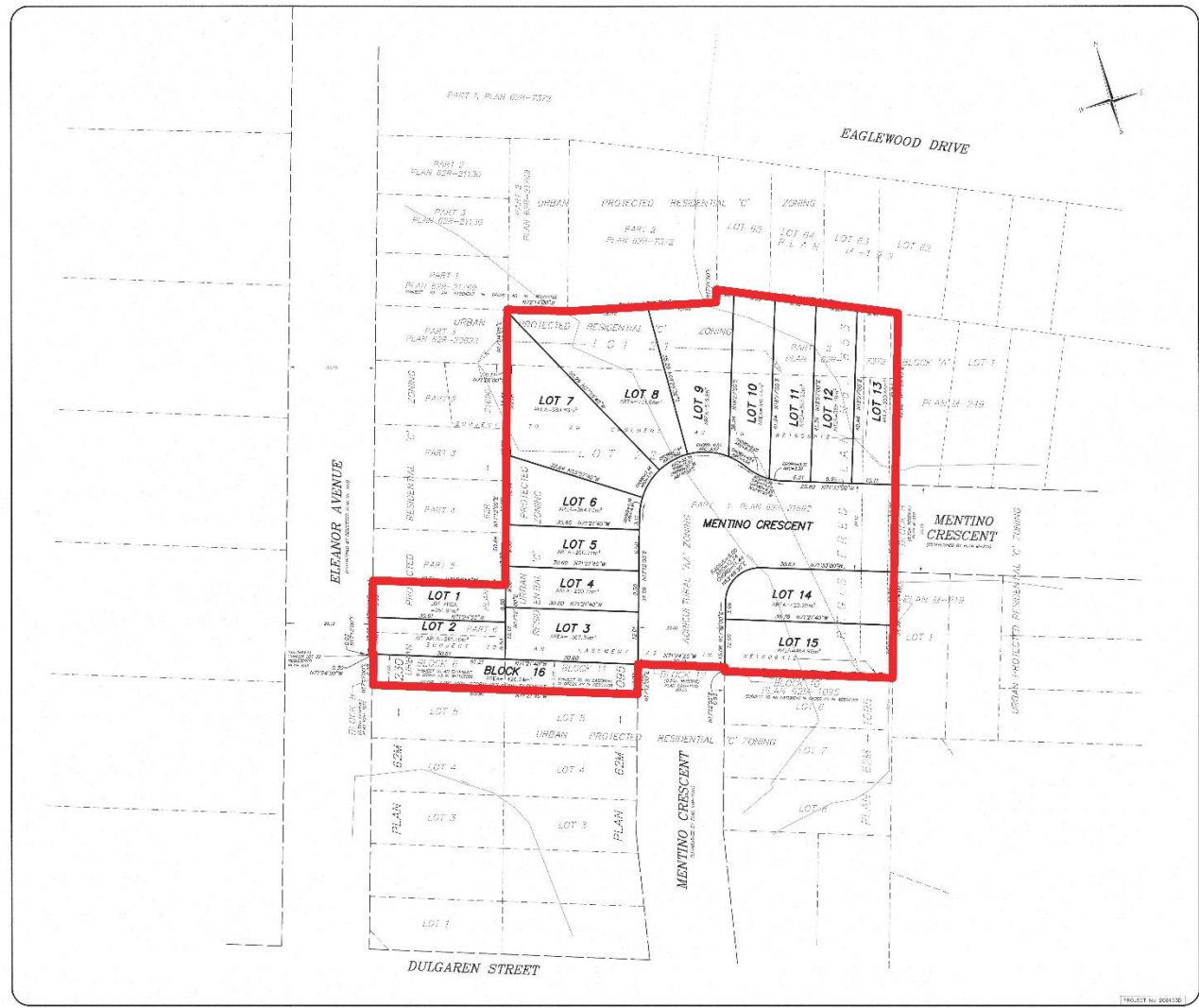
Planner/Technician:
JV/NB

Subject Property

65 and 69 Eleanor Avenue, 177 Mentino Crescent, and 224 Eaglewood Drive, Hamilton (Ward 6)

-  Block 1 - Change in zoning from the Low Density Residential (R1) Zone to the Low Density Residential – Small Lot (R1a, 910) Zone
-  Block 2 - Lands to be added to Zoning By-law No. 05-200 as the Low Density Residential – Small Lot (R1a, 910) Zone

Appendix 'G' to Report PRD04172
 Page 1 of 7



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 IN FEET BY DIVIDING BY 0.3048.

**RE: CHAPTER P TO R.S.O. 1990 SECTION 51(7)
 THE PLANNING ACT**

A. SHOWN ON PLAN IN MUNICIPAL ZONING BY-LAW 2014
 B. SHOWN ON PLAN IN MENTINO CRESCENT
 C. SHOWN ON PLAN IN DULGAREN
 D. SET BACK SCHEDULE
 E. SHOWN ON PLAN IN MENTINO CRESCENT
 F. SHOWN ON PLAN IN MENTINO CRESCENT
 G. 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 COMPLETELY SHOWN.

ADULT 22, 2024
 DATE
 NICHOLAS F. MUTH
 SURVEYOR

LAND USE SCHEDULE:
 PROPOSED SEMI-Detached (Mentino Crescent) - R 1 & 2
 PROPOSED SINGLE-FAMILY CHALLENGE - LOTS 3 TO 15 (INCLUDES)
 PROPOSED 3-BRM SEMI-DETACHED - BLOCK 10 (PLAN# 426,246/1)
 PROPOSED FUTURE STREET - MENTINO CRESCENT
 AREA = 8465.85m²

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

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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



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 18, 2024
SUBJECT/REPORT NO:	City Initiated Official Plan Amendments - Formal Consultation and Complete Application Requirements under Bill 185 (PED24134) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Charlie Toman (905) 546-2424 Ext. 5863 Jennifer Allen (905) 546-2424 Ext. 4672 Jennifer Haan (905) 546-2424 Ext. 1230 Johanna Black (905) 546-2424 Ext. 1324
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **City Initiative CI-24-G – City Initiated Official Plan Amendments – Formal Consultation and Complete Application Requirements under Bill 185**, to amend policies in Volume 1 – Parent Plan and Volume 2 – Secondary Plans and Rural Settlement Areas of the Urban Hamilton Official Plan and Rural Hamilton Official Plan, in order to align with and respond to *Planning Act* changes resulting from Bill 185, *Cutting Red Tape to Build More Homes Faster Act, 2024*, be **APPROVED** on the following basis:
- (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED24134, which has been prepared in a form satisfactory to the City Solicitor, be adopted by Council;
 - (ii) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED24134, which has been prepared in a form satisfactory to the City Solicitor, be adopted by Council;

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- (iii) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement, 2020, the Provincial Planning Statement, 2024 and the Greenbelt Plan, 2017;
- (b) That **City Initiative CI-24-G – City Initiated Official Plan Amendments – Formal Consultation and Complete Application Requirements under Bill 185**, to amend policies in Subsection D.7 of the former Hamilton-Wentworth Official Plan, in order to align with and respond to *Planning Act* changes resulting from Bill 185, *Cutting Red Tape to Build More Homes Faster Act, 2024*, be **APPROVED** on the following basis:
 - (i) That the Draft Hamilton-Wentworth Official Plan Amendment, attached as Appendix “C” to Report PED24134, which has been prepared in a form satisfactory to the City Solicitor, be adopted by Council;
 - (ii) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement, 2020, the Provincial Planning Statement, 2024 and the Greenbelt Plan, 2017;
- (c) That the draft By-law to amend By-law No. 08-297, attached as Appendix “D” to Report PED24134, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (d) That staff be directed to investigate opportunities to incentivize the Formal Consultation process, including a review of the Planning Division fees;
- (e) That staff report back to Planning Committee in Q3 2025 with an update on the effectiveness of the policies and if any additional amendments are required.

EXECUTIVE SUMMARY

The purpose of this report is to align with and respond to changes to the *Planning Act* resulting from Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*, specifically the elimination of pre-consultation requirements (Formal Consultation) for Official Plan Amendments, Zoning By-law Amendments, Site Plan Control, and Draft Plan of Subdivision applications, including the applicant’s ability to forward motions for deeming applications complete to the Ontario Land Tribunal at any time during the process.

As of June 6, 2024, the date Bill 185 received Royal Assent, the City’s Formal Consultation process is no longer a mandatory process for planning applications. This leaves a gap in the application review process as the City no longer has a mechanism

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to ensure that all of the necessary reports, studies and information are submitted upfront with an application.

The recommended Official Plan Amendments will establish minimum submission requirements (e.g., technical plans and studies) that must be submitted with Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Site Plan applications if an applicant chooses to not engage in pre-consultation (Formal Consultation). Without the amendments, the ambiguity of what constitutes a complete application will affect the ability to process applications in a timely manner and may lengthen the process and result in additional motions being forwarded to the Ontario Land Tribunal for determination of complete application.

There is urgency to bring forward these amendments to ensure that planning applications include all information required to fully assess and for Council to make a decision within the timelines legislated in the *Planning Act*. While Bill 185 repealed the requirements to refund fees in respect to applications that exceed the 60, 90, and 120 day processing timelines, staff are committed to maintaining the process improvements that have been put in place to meet these timelines that were implemented through Bill 109, *More Homes for Everyone Act, 2022*.

This report is implementing Recommendation (e) from Report PED24097.

Alternatives for Consideration – See Page 10

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The elimination of pre-consultation requirements through Bill 185 creates a loss of revenue for the City from Formal Consultation applications. Currently, the fee for a Formal Consultation application for Site Plan is \$12,215, and the fee for a Formal Consultation application for a Zoning By-law Amendment, Official Plan Amendment, Draft Plan of Subdivision and Draft Plan of Condominium (vacant land only) is either \$9,230 or \$7,945 depending on whether a Development Team Meeting is requested. It is anticipated that the elimination of this mandatory process would result in a reduction of approximately \$600,000.00 annually in development fees.

Staffing: Without a clear process and policy framework staffing resources could be impacted as a result of additional motions forwarded to the Ontario Land Tribunal for determination of the completeness of an application. With the removal of pre-consultation (Formal Consultation) it is expected that staff will receive more inquiries from applicant's requesting clarification on submission requirements for which there is no fee. Furthermore, the

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review of development application submissions to confirm completeness will become more onerous without the benefit of the Formal Consultation Document. Overall, it is anticipated that the intake process of each application will require additional staff time.

Legal: Amending the Official Plan to clearly identify and prescribe the minimum submission requirements for different application types would support the City's position should we receive an appeal under those new sections of the *Planning Act*, being Subsections 22 (6.2), 34 (10.5), 41 (3.7), and 51 (19.2).

HISTORICAL BACKGROUND

Bill 109, *More Homes for Everyone Act, 2022*

Bill 109 received Royal Assent on April 14, 2022. The Bill amended the *Planning Act* to require municipalities to refund development application fees if a decision is not made within the legislative timelines of 60, 90 and 120 days. These changes came into effect January 1, 2023. In response to the legislative timeframes, the City made improvements to its existing Formal Consultation application process. The improvements created the opportunity for more engagement on development applications with the applicants and gave applicants further direction on the requirements for a complete application, provided scoped submission requirements, and allowed for collaborative discussion on the details of the application. Mandatory Formal Consultation was an integral step in the application process for Draft Plan of Subdivision, Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications and a key factor in the approach to streamline development applications through Bill 109 implementation.

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

On June 6, 2024, Bill 185 received Royal Assent. The Bill eliminated pre-consultation requirements (Formal Consultation Application) coupled with additional amendments to allow an applicant to forward motions for deeming applications complete to the Ontario Land Tribunal at any time during the process. Prior to these changes through Bill 185, Subsections 22 (3.1), 34 (10.0.1), 41 (3.1) and (3.2), 51 (16.1) of the *Planning Act* required a council to permit applicants to consult with the municipality before submitting a request to amend an official plan or zoning by-law or submit applications for site plan control or plan of subdivision. These subsections also authorized a council to pass a by-law requiring applicants to consult with the municipality before submitting such a request. With regard to determining complete application requirements, the *Planning Act* permitted a 30-day timeframe within which a motion for directions could be sent to the Ontario Land Tribunal to determine if a complete application was submitted.

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On May 22, 2024, Council endorsed Report PED24097 containing the City's responses to Bill 185 and, upon Royal Assent, directing staff to prepare necessary amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan, as well as any other required policies and procedures, to give effect to the proposed changes.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement, and other Provincial policy plans. It provides municipal governments with the direction and authority to guide development and land use planning through official plans, secondary plans, and zoning by-laws. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with policy statements and plans issued by the Province. Bill 185 has made amendments to *Planning Act* application(s) processes which require municipalities to respond to these changes.

It is noted that the Provincial Planning Statement (2024) comes into effect and A Place to Grow: Growth Plan for the Greater Golden Horseshoe is being repealed on October 20, 2024. Given the changes to Bill 185 that removed mandatory formal consultations an update of submission requirements will help ensure compliance with the new PPS.

To ensure the City's Official Plan policies are consistent with Provincial policy frameworks, amendments are required to the Urban Hamilton Official Plan, Rural Hamilton Official Plan, former Hamilton-Wentworth Official Plan, and former City of Hamilton Official Plan as it relates to the Setting Sail Secondary Plan.

Urban and Rural Hamilton Official Plan Policies

Chapter F - Planning Act Implementation Tools of the Urban and Rural Hamilton Official Plans contains policies for Complete Application Requirements and Formal Consultation. The policies provide direction for mandatory Formal Consultation prior to the submission of an application for official plan amendment, zoning by-law amendment, draft plan of subdivision or site plan; the purpose of formal consultation and waiver there of; the table listing the other information and materials that may be required; and policies on deeming applications complete. These policies were last amended in August 2022 to implement process changes resulting from Bill 109.

**West Harbour (Setting Sail) Secondary Plan Area
(Hamilton Wentworth Official Plan and former City of Hamilton Official Plan)**

The West Harbour (Setting Sail) Secondary Plan was approved by Council in 2005. Due to appeals to the Ontario Municipal Board (now Ontario Land Tribunal), the Secondary

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Plan was not deemed to be in effect until the Ontario Land Tribunal issued its final decision in 2012. This decision added the Secondary Plan to the former City of Hamilton Official Plan and former Hamilton Wentworth Official Plan as those were the Official Plans in effect for the West Harbour (Setting Sail) Secondary Plan area.

Part D – Implementation of the former Hamilton-Wentworth Official Plan contains policies under Section 7A that address formal consultation and application submission requirements. Subsection D.11 of the former City of Hamilton Official Plan redirects back to the Regional Official Plan for complete application and formal consultation requirements. Therefore, staff are recommending amendments to Part D of the former Hamilton-Wentworth Official Plan to ensure that planning applications submitted within the West Harbour (Setting Sail) Secondary Plan area are processed consistently with the rest of the City.

RELEVANT CONSULTATION

Consultation has been undertaken with staff in the Planning Division, Growth Management Division, Transportation Planning and Parking Division, Public Works Department (Hamilton Water, Environmental Services) and Legal Services to obtain feedback from City Departments and Divisions on the minimum submission requirements for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Site Plan Control applications. Further, mock application intake reviews were carried out by staff using previous formal consultation applications to test the interpretation of the amended policies and new schedule of submission requirements and compare the submission requirements identified through each process.

To ensure that staff have the policies to deem an application complete in the absence of a formal consultation process, consultation with the development industry stakeholders could not occur in advance of the Public Meeting. Notification of the upcoming staff Report and Official Plan Amendments was given to the Development Industry Liaison Group (DILG) on September 9, 2024.

Through Recommendation (e), staff will report back to Planning Committee in Q3 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.

Notice of the proposed amendments was posted in the Hamilton Spectator on October 11, 2024.

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ANALYSIS AND RATIONALE FOR RECOMMENDATION

Rationale for Complete Application Submission Requirements

Through the implementation policies of the City's Official Plans, the City can identify what technical plans and studies are required prior to deeming an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Site Plan Control application complete. Prior to Bill 185, the City would confirm what the specific submission requirements are for these applications through the mandatory Formal Consultation process. A benefit of Formal Consultation is that it ensures that the submission requirements identified are specific to the proposed development and enables the City to remove submission requirements that are not necessary based on each individual proposal.

Now that applicants can choose not to submit a Formal Consultation application, staff are recommending that the Official Plans identify submission requirements for each planning application type with specific locational and proposal-based requirements that implement Official Plan policies. The Official Plan Amendments establish four specific criteria for each application type as follows:

- 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;
- 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.

A clear process and policy framework to identify the requirements for a complete application is needed. Eliminating the mandatory Formal Consultation process removes the City's ability to 'right size' and tailor the submission requirements for each individual proposal. Staff anticipate that the total number of plans and studies required for a planning application will be greater for an applicant that does not go through the Formal Consultation process as the submission requirements will be based on the broader policy framework without the opportunity to consider the context of the proposal and determine if any of the applicable submission requirements can be waived.

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The proposed amendments to the Urban Hamilton Official Plan, Rural Hamilton Official Plan and former Region of Hamilton-Wentworth Official Plan and supporting rationale are provided in Appendices “A”, “B”, “C”, “E” and “F” to Report PED24134, respectively.

Updates to Formal Consultation By-law No. 08-297

Formal Consultation By-law No. 08-297 was passed by Council on December 10, 2008, giving effect to mandatory formal consultation with City staff prior to the submission of applications for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Site Plan Control. The By-law also provided delegated authority to the Director of Planning to oversee the formal consultation process and deeming applications complete. The City’s mandatory Formal Consultation process commenced in 2009 and has been an integral part of the planning application process since that time.

As a result of Bill 185, By-law No. 08-297 is required to be amended to remove the prerequisite for required/mandatory formal consultation. The delegated authority over the pre-consultation process and deeming applications complete is to remain with the Director of Planning / Chief Planner, and/or their designate. Appendix “D” to Report PED24134 contains the Draft By-law to amend the Formal Consultation By-law No. 08-297. The revisions / deletions to the Formal Consultation By-law No. 08-297 are summarized as follows:

Title

The title of By-law No. 08-297 has been revised to remove the reference to the “required” pre-consultation process, while still recognizing that the City must permit applicants the opportunity to pre-consult if they choose to do so.

Section 1 Definitions have been modified to update the position title for delegated authority, and to include the applicable *Planning Act* references for Site Plan Control applications.

Section 2 refers to the requirement for Formal Consultation. Under Bill 185, municipalities can no longer require pre-consultation in advance of *Planning Act* applications but must still permit an applicant the opportunity to pre-consult. As a result, the section has been revised to remove reference to a required process.

Section 5 refers to the City’s ability to deem an application incomplete in the absence of a pre-consultation meeting, or if an applicant fails to submit the other information and material identified through a pre-consultation process. This section has been updated to remove reference to pre-consultation being a required process.

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Section 7 refers to the delegated authority of deeming applications complete. This section has been revised to clarify that pre-consultation is a voluntary process at the discretion of the applicant. It has further been revised to clarify the delegated authority to deem an application incomplete.

Section 8 refers to the waiving of the requirement for pre-consultation. This section has been deleted, as the Official Plan contains policy direction for when a formal consultation waiver can be considered.

Incentivize Formal Consultation Process

Pre-consultations (formal consultations) are a key step in the application process for Official Plan Amendment, Zoning By-law Amendment, Site Plan Control, and Draft Plan of Subdivision applications. Formal consultation ensures that the City receives all information needed to review and make recommendations, and in some cases issue approvals on applications and were a key factor in the approach taken to streamlining development applications through Bill 109 implementation.

Without a mandatory formal consultation process, there is no clear mechanism to identify to applicants what constitutes a complete application. This change will: create uncertainty for the City and applicants; and will affect the ability for staff to process applications in a timely manner as well as make informed recommendations and decisions to Council. It may result in the need for multiple submissions, lengthening the review process.

The draft Official Plan Amendments do not permit the City to issue a waiver for individual technical submission requirements if an applicant elects not to participate in the Formal Consultation process. By not participating in a Formal Consultation, staff will require the applicant to submit all of the identified materials and information for the specific application type as per the Official Plan Schedule. In comparison, the benefit of going through the Formal Consultation process allows the applicant the opportunity to discuss and potentially scope the application submission requirements with City staff.

To address deficiencies resulting from the shift of a mandatory Formal Consultation process to an optional process at the discretion of the applicant, staff will have to evaluate alternative processes and a review of application fees to encourage and incentivize the Formal Consultation process. This may include exploring financial incentives, similar to how Formal Consultation fees were previously credited towards future planning applications. Another option could be increasing the application fee for applicants that do not elect to participate in a Formal Consultation because without the benefit of the Formal Consultation, staff review will take longer. Staff will report back on this by Q3 of 2025.

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Finalize Terms of Reference/Guidelines

With the removal of the mandatory Formal Consultation process, having the Terms of References/Guidelines in place is needed as staff will not have the opportunity to discuss the scope of work to be completed, which is usually discussed at the pre-consultation stage.

The Planning Division initiated this work as part of the Bill 109 process changes in 2022 to create Terms of References/Guidelines for the list of studies established in the Official Plans and provide clarity on the submission requirements. Phase 1 - Interim Draft Terms of References/Guidelines were brought forward in Report PED22112(d) and approved by the Planning Committee on November 29, 2022. The inventory of References/Guidelines for Phase 1 are available on the City's website. Staff continue to work on bringing Phase 2 of the Terms of Reference/Guidelines to completion with an anticipated delivery date of Q1 of 2025.

Next Steps

Planning staff are preparing a separate report to be brought forward specific to changes required to the Site Plan Control By-law. There will be a need to monitor the proposed policy changes to track the impacts on application processing timelines, and to ensure the review process continues to be both efficient and collaborative with applicants.

Staff will report back to Planning Committee within one year (Q3 2025) of these implemented changes with feedback received from applicants and key stakeholders, as well as key metrics on the impacts these process changes have on the overall application processing timelines. Staff will track the number of applicants who chose to go through the Formal Consultation process versus those who do not; delays in deeming applications complete; length of time it takes to obtain missing application materials, reports and information; number of Holding provisions imposed to address missing materials, etc.

Should these recommendations be approved, staff will update the application forms and the website to reflect the updated process.

ALTERNATIVES FOR CONSIDERATION

If Council does not approve the Official Plan Amendments applicants and staff do not have clear direction on submission requirements for each application there will be a gap in the application review process as the city no longer has a mechanism to ensure that all of the necessary reports, studies and information are submitted upfront with an application.

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Without the amendments, staff will not be able to make a decision on whether or not an application can be deemed complete or incomplete, affecting the ability to process applications in a timely manner. This, in turn, may result in additional motions being forwarded to the Ontario Land Tribunal for determination of a complete application.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24134 – Draft Urban Hamilton Official Plan Amendment No. XX

Appendix "B" to Report PED24134 – Draft Rural Hamilton Official Plan Amendment No. XX

Appendix "C" to Report PED24134 – Draft Amendment No. XX to the former Region of Hamilton Wentworth Official Plan

Appendix "D" to Report PED24134 – Draft By-law to amend By-law No. 08-297

Appendix "E" to Report PED24134 – Proposed Text Amendments to the Urban Hamilton Official Plan – Implementation of Bill 185

Appendix "F" to Report PED24134 – Proposed Text Amendments to the Rural Hamilton Official Plan – Implementation of Bill 185

DRAFT Urban Hamilton Official Plan Amendment No. X

The following text, together with:

Appendix “A”	Volume 1: Chapter B – Communities
Appendix “B”	Volume 1: Chapter E – Urban Systems and Designations
Appendix “C”	Volume 1: Chapter F – Implementation
Appendix “D”	Volume 1: Schedule I – Other Information and Materials
Appendix “E”	Volume 2: Chapter B-4 – Flamborough Secondary Plans
Appendix “F”	Volume 2: Chapter B-6 – Hamilton Secondary Plans
Appendix “G”	Volume 2: Chapter B-7 – Stoney Creek Secondary Plans

attached hereto, constitutes Official Plan Amendment No. “X” to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the Urban Hamilton Official Plan by amending existing policies and adding new policies to respond to *Planning Act* legislative changes which implement Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*.

2.0 Location:

The lands affected by this Amendment are located within the Urban Area of the City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- The Amendment provides clarity on the requirements for a complete application in the absence of an applicant first going through the formal consultation process; and,
- To update the Urban Hamilton Official Plan to reflect updated policy direction of the Provincial Policy Statement, 2024.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Text

4.1.1 Chapter B – Communities

a. That the following policies of Volume 1: Chapter B – Communities be amended, added, or deleted, as outlined in Appendix “A”, attached to this Amendment:

- B.3.3.10.11 (new)
- B.3.6.3.10
- B.3.6.3.18
- B.3.6.3.7

4.1.3 Chapter E – Urban Systems and Designations

a. That the following policies of Volume 1: Chapter E – Implementation be amended, added or deleted, as outlined in Appendix “A”, attached to this Amendment:

- E.3.3.3 (new)
- E.3.3.3
- E.3.3.4 (new)
- E.4.2.12 (new)
- E.4.2.13 (new)
- E.4.4.16 (new)
- E.5.2.7.1
- E.5.4.10

4.1.1 Chapter F – Implementation

a. That the following policies of Volume 1: Chapter F – Implementation be amended, added or deleted, as outlined in Appendix “A”, attached to this Amendment:

- F.1.19.1
- F.1.19.3
- F.1.19.5
- F.1.19.6
- F.1.19.7
- F.1.19.8
- F.1.19.9
- F.1.19.10
- F.1.19.11
- F.1.19.12 (new)
- F.1.19.13 (new)
- F.1.19.14 (new)
- F.1.19.15 (new)
- F.1.19.16 (new)
- F.1.19.17 (new)
- F.1.19.18 (new)
- F.3.2.2.2
- F.3.2.6.2
- F.3.2.6.3
- F.3.2.2.2
- F.3.2.6.2
- F.3.2.6.3
- F.3.2.9.2
- F.3.2.5.3 (new)
- F.3.2.12 (new)
- F.3.2.12
- F.3.2.13 (new)
- F.3.2.14 (new)
- F.3.2.15 (new)
- F.3.2.16 (new)
- F.3.2.12
- F.3.2.12.1

Schedules and Appendices

4.1.2 Schedule I – Other Information and Materials

- a. That Volume 1: Schedule I – Other Information and Materials be added to the Urban Hamilton Official Plan, as shown on Appendix “D”, attached to this Amendment.

4.2 Volume 2 – Secondary Plans

Text

4.2.1 Chapter B.4.0 – Flamborough Secondary Plans – Section B.4.3 – Waterdown South Secondary Plan

- a. That Policy B.4.3.14.1 of Volume 2: Chapter B.4.0 – Flamborough Secondary Plans, Section B.4.3 – Waterdown South Secondary Plan be amended, as outlined in Appendix “E”, attached to this Amendment.

4.2.2 Chapter B.6.0 – Hamilton Secondary Plans – Section B.6.1 – Downtown Hamilton Secondary Plan

- a. That the following policies of Volume 2: Chapter B.6.0 – Hamilton Secondary Plans, Section B.6.1 – Downtown Hamilton Secondary Plan be amended, as outlined in Appendix “F”, attached to this Amendment:

- B.6.1.4.16
- B.6.1.4.17
- B.6.1.4.23
- B.6.1.10.6
- B.6.1.10.10

4.2.3 Chapter B.7.0 – Stoney Creek Secondary Plans – Section B.7.4 – Fruitland Winona Secondary Plan

- a. That Policy B.7.4.17.6 of Volume 2: Chapter B.7.0 – Stoney Creek Secondary Plans, Section B.7.4 – Fruitland Winona Secondary Plan be amended, as outlined in Appendix “G”, attached to this Amendment.

5.0 Implementation:

An implementing amendment to the City’s Formal Consultation By-law will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule “1” to By-law No. _____ passed on the ____th day of ____, 2024.

Appendix "A" to Report PED24134
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The
City of Hamilton

A. Horwath
MAYOR

M. Trennum
CITY CLERK

Appendix “A” to Report PED24134
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Appendix “A” – Volume 1: Chapter B – Communities

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>B.3.3.10.11 Where a reduction in the minimum number of required parking spaces or an increase in the maximum number of permitted parking spaces is proposed, the City shall require a Parking Analysis / Study as part of a complete application, unless otherwise determined through the formal consultation process.</p>	<p>B.3.3.10.11 Where a reduction in the minimum number of required parking spaces or an increase in the maximum number of permitted parking spaces is proposed, the City shall require a Parking Analysis / Study as part of a complete application, unless otherwise determined through the formal consultation process.</p>
<p>B.3.6.3.7 A noise feasibility study, or and detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations: ...</p>	<p>B.3.6.3.7 A noise feasibility study and detailed noise study, shall be submitted prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations: ...</p>
<p>B.3.6.3.10 A vibration study may shall be required to be submitted prior to or at the time of application submission for <i>development</i> on lands located within 75 metres of a railway line or railway yard, unless otherwise determined through the formal consultation process.</p>	<p>B.3.6.3.10 A vibration study shall be required to be submitted prior to or at the time of application submission for <i>development</i> on lands located within 75 metres of a railway line or railway yard, unless otherwise determined through the formal consultation process.</p>
<p>B.3.6.3.18 The City shall ensure that all <i>development</i> or <i>redevelopment</i> with the potential to create conflicts between <i>sensitive land uses</i> and point source or fugitive air emissions such as noise, vibration, odour, dust, and other emissions complies with all applicable provincial legislation, provincial and municipal standards, and provincial guidelines, and shall have regard to municipal guidelines. The City may shall require proponents of such proposals to submit studies prior to or at the time of application submission, unless otherwise determined through the formal consultation process, including the following: noise feasibility study; detailed noise study; air quality study; odour impact assessment; dust impact analysis; and light impact assessment; and any <i>other information and materials</i> identified in Section F.1.19 – Complete Application Requirements and Formal Consultation.</p>	<p>B.3.6.3.18 The City shall ensure that all <i>development</i> or <i>redevelopment</i> with the potential to create conflicts between <i>sensitive land uses</i> and point source or fugitive air emissions such as noise, vibration, odour, dust, and other emissions complies with all applicable provincial legislation, provincial and municipal standards, and provincial guidelines, and shall have regard to municipal guidelines. The City shall require proponents of such proposals to submit studies prior to or at the time of application submission, unless otherwise determined through the formal consultation process, including the following: noise feasibility study; detailed noise study; air quality study; odour impact assessment; dust impact analysis; light impact assessment; and any <i>other information and materials</i> identified in Section F.1.19 – Complete Application Requirements and Formal Consultation.</p>

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Appendix “B” – Volume 1: Chapter E – Urban Systems and Designations

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
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: a) Design Review Panel Summary of Advice Response; b) Pedestrian Level Wind Study; and, c) 3D Model.	E.3.3.3 For any <i>development or redevelopment</i> with a proposed height of more than six storeys, or any other <i>development</i> 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: a) Design Review Panel Summary of Advice Response; b) Pedestrian Level Wind Study; and, c) 3D Model.
E.3.3.4 In addition to Policy E.3.3.3, any development or redevelopment with a proposed height of more than six storeys and subject to the criteria of Policies E.3.5.8, E.3.5.9 and E.3.6.8, the City shall require the following studies as part of a complete application unless otherwise determined through the formal consultation process: a) Housing Report; b) Energy and Environmental Assessment Report; and, c) Shadow Impact Study.	E.3.3.4 In addition to Policy E.3.3.3, any <i>development or redevelopment</i> with a proposed height of more than six storeys and subject to the criteria of Policies E.3.5.8, E.3.5.9 and E.3.6.8, the City shall require the following studies as part of a complete application unless otherwise determined through the formal consultation process: a) Housing Report; b) Energy and Environmental Assessment Report; and, c) Shadow Impact Study.
E.3.3.5 Secondary dwelling units shall not be included in the calculation of residential density. (OPA 142)	E.3.3.5 Secondary dwelling units shall not be included in the calculation of residential density. (OPA 142)
E.3.7.7 Prior to registration of a plan of subdivision, the City may shall require the owner to prepare urban design and/or architectural guidelines to the satisfaction of the City, unless otherwise determined through the formal consultation process . The City may undertake architectural control to ensure compliance with the approved urban design or architectural guidelines.	E.3.7.7 Prior to registration of a plan of subdivision, the City shall require the owner to prepare urban design and/or architectural guidelines to the satisfaction of the City, unless otherwise determined through the formal consultation process. The City may undertake architectural control to ensure compliance with the approved urban design or architectural guidelines.
E.4.2.12 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: a) Design Review Panel Summary of Advice Response; b) Pedestrian Level Wind Study; and,	E.4.2.12 For any <i>development or redevelopment</i> with a proposed height of more than six storeys, or any other <i>development</i> 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: a) Design Review Panel Summary of Advice Response; b) Pedestrian Level Wind Study; and,

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c) 3D Model.	c) 3D Model.
<p>E.4.2.13 In addition to Policy E.4.2.12, development or redevelopment with a proposed height of more than six storeys and subject to the criteria of Policy E.4.6.8, the following requirements shall be submitted as part of a complete application unless otherwise determined through a formal consultation:</p> <p>a) Housing Report; b) Energy and Environmental Assessment Report; and, c) Shadow Impact Study.</p>	<p>E.4.2.13 In addition to Policy E.4.2.12, any development or redevelopment with a proposed height of more than six storeys and subject to the criteria of Policy E.4.6.8, the following requirements shall be submitted as part of a complete application unless otherwise determined through a formal consultation:</p> <p>a) Housing Report; b) Energy and Environmental Assessment Report; and, c) Shadow Impact Study.</p>
<p>E.4.4.16 In addition to Policy E.4.2.12, development or redevelopment with a proposed height over six storeys within the Downtown Urban Growth Centre and subject to Policies B.6.1.4.16, and B.6.1.4.18 of Volume 2, the City shall require the following studies as part of a complete application unless otherwise determined through the formal consultation process:</p> <p>a) Transportation Studies, including, but not limited to:</p> <ol style="list-style-type: none"> 1. Transportation Impact Study; 2. Cycling Route Analysis; 3. Pedestrian Route and Sidewalk Analysis; 4. Neighbourhood Traffic Calming Options Report; 5. Transit Assessment; and, 6. Transportation Demand Management Options Report. <p>b) Infrastructure and Servicing Study; c) Cultural Heritage Impact Assessment; d) Urban Design Brief; e) Planning Justification Report; and, f) Visual Impact Assessment.</p>	<p>E.4.4.16 In addition to Policy E.4.2.12, development or redevelopment with a proposed height over six storeys within the Downtown Urban Growth Centre and subject to Policies B.6.1.4.16, and B.6.1.4.18 of Volume 2, the City shall require the following studies as part of a complete application unless otherwise determined through the formal consultation process:</p> <p>a) Transportation Studies, including, but not limited to:</p> <ol style="list-style-type: none"> 1. Transportation Impact Study; 2. Cycling Route Analysis; 3. Pedestrian Route and Sidewalk Analysis; 4. Neighbourhood Traffic Calming Options Report; 5. Transit Assessment; and, 6. Transportation Demand Management Options Report. <p>b) Infrastructure and Servicing Study; c) Cultural Heritage Impact Assessment; d) Urban Design Brief; e) Planning Justification Report; and, f) Visual Impact Assessment.</p>
<p>E.5.2.7.1 The following provisions apply to all lands designated Employment Area – Industrial Land, Employment Area – Business Park, Employment Area – Airport Employment Growth District, and Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations (OPA 35)</p> <p>...</p> <p>b) <i>Sensitive land uses</i> shall be protected from the potential adverse impacts of <i>major facilities</i>, and <i>major facilities</i> shall be protected from <i>sensitive land uses</i> as follows: (OPA 167, MMAH Mod. 36)</p> <p>i) The City shall follow provincial guidelines concerning land use compatibility between</p>	<p>E.5.2.7.1 The following provisions apply to all lands designated Employment Area – Industrial Land, Employment Area – Business Park, Employment Area – Airport Employment Growth District, and Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations (OPA 35)</p> <p>...</p> <p>b) <i>Sensitive land uses</i> shall be protected from the potential adverse impacts of <i>major facilities</i>, and <i>major facilities</i> shall be protected from <i>sensitive land uses</i> as follows: (OPA 167, MMAH Mod. 36)</p> <p>i) The City shall follow provincial guidelines concerning land use compatibility between</p>

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industrial facilities and *sensitive land uses*. *Major facilities, sensitive land uses, major retail uses and major office uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety, to ensure the long-term viability of *major facilities* in accordance with provincial guidelines, standards and procedures. (OPA 167, MMAH Mod. 36)

ii) Where avoidance of impacts is not possible in accordance with Policy E.5.2.7.1 b) i), the City shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent *sensitive land uses* are only permitted if the development of proposed adjacent *sensitive land uses, major retail uses and major office uses* are only permitted if the development proponent submits a Land Use Compatibility Study to the satisfaction of the City detailing that following are demonstrated in accordance with provincial guidelines, standards and procedures: (OPA 167, MMAH Mod. 36)

1. there is an identified need for the proposed use; (OPA 167)
2. alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations; (OPA 167)
3. adverse effects to the proposed sensitive land use are minimized and mitigated; and, (OPA 167)
4. potential impacts to industrial, manufacturing or other uses are minimized and mitigated. (OPA 167)

iii) The proponent of either a new *sensitive land use* within the Neighbourhoods, Institutional or Commercial and Mixed Use designations, or a new industrial facility within an Employment Area designation, shall be responsible for addressing and implementing the necessary mitigation measures to the satisfaction of the City.

iv) The preferred approach to mitigation shall be the establishment of a separation distance and/or an appropriate transitional land use. In some cases, noxious

industrial facilities and *sensitive land uses*. *Major facilities, sensitive land uses, major retail uses and major office uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety, to ensure the long-term viability of *major facilities* in accordance with provincial guidelines, standards and procedures. (OPA 167, MMAH Mod. 36)

ii) Where avoidance of impacts is not possible in accordance with Policy E.5.2.7.1 b) i), the City shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent *sensitive land uses* are only permitted if the development of proposed adjacent *sensitive land uses, major retail uses and major office uses* are only permitted if the development proponent submits a Land Use Compatibility Study to the satisfaction of the City detailing that following are demonstrated in accordance with provincial guidelines, standards and procedures: (OPA 167, MMAH Mod. 36)

1. there is an identified need for the proposed use; (OPA 167)
2. alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations; (OPA 167)
3. adverse effects to the proposed sensitive land use are minimized and mitigated; and, (OPA 167)
4. potential impacts to industrial, manufacturing or other uses are minimized and mitigated. (OPA 167)

iii) The proponent of either a new *sensitive land use* within the Neighbourhoods, Institutional or Commercial and Mixed Use designations, or a new industrial facility within an Employment Area designation, shall be responsible for addressing and implementing the necessary mitigation measures to the satisfaction of the City.

iv) The preferred approach to mitigation shall be the establishment of a separation distance and/or an appropriate transitional land use. In some cases, noxious

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<p>manufacturing uses may be prohibited through the Zoning By-law.</p> <p>v) Other mitigation measures which may be appropriate include: screening, barriers, landscaping, mechanical or other technological mitigation, traffic mitigation, and lighting control.</p> <p>...</p> <p>f) Waste disposal facilities shall only be permitted by amendment to this Plan, subject to the completion of an Environmental Assessment, in accordance with the Environmental Assessment Act. The City shall require an Impact Assessment for new Private Waste Disposal Sites as part of a complete application, unless otherwise determined through the formal consultation process.</p>	<p>manufacturing uses may be prohibited through the Zoning By-law.</p> <p>v) Other mitigation measures which may be appropriate include: screening, barriers, landscaping, mechanical or other technological mitigation, traffic mitigation, and lighting control.</p> <p>...</p> <p>f) Waste disposal facilities shall only be permitted by amendment to this Plan, subject to the completion of an Environmental Assessment, in accordance with the Environmental Assessment Act. The City shall require an Impact Assessment for new Private Waste Disposal Sites as part of a complete application, unless otherwise determined through the formal consultation process.</p>
<p>E.5.4.10 Mineral aggregate resources are present in the Ancaster Business Park/Wilson-Garner area. The City supports and encourages the recovery of these resources through the sequential use of the developable land in this area, whereby mineral aggregate resources are extracted prior to, or in conjunction with, development of the area. The City shall require an Aggregate Resource Assessment or Aggregate/Mineral Resource Analysis for development or redevelopment in this area, unless otherwise determined through the formal consultation process.</p>	<p>E.5.4.10 Mineral aggregate resources are present in the Ancaster Business Park/Wilson-Garner area. The City supports and encourages the recovery of these resources through the sequential use of the developable land in this area, whereby mineral aggregate resources are extracted prior to, or in conjunction with, development of the area. The City shall require an Aggregate Resource Assessment or Aggregate/Mineral Resource Analysis for <i>development or redevelopment</i> in this area, unless otherwise determined through the formal consultation process.</p>

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Appendix “C” – Volume 1: Chapter F – Implementation

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
F.1.19.1 Formal consultation with the City shall be encouraged required prior to the submission of a <u>Planning Act, R.S.O., 1990 c. P.13</u> application(s) for an official plan amendment, Zoning By-law amendment, draft plan of subdivision, or site plan.	F.1.19.1 Formal consultation with the City shall be encouraged prior to the submission of a <u>Planning Act, R.S.O., 1990 c. P.13</u> application(s) for an official plan amendment, Zoning By-law amendment, draft plan of subdivision, or site plan.
F.1.19.3 Notwithstanding Policy F.1.19.1, the City may waive the requirement for formal consultation, where the City has identified that, due to the nature of the proposal, the need for and scope of required other information and materials can be determined without a formal consultation. A waiver for formal consultation shall only be considered where a formal consultation process had been completed for the same proposal. If the requirement for formal consultation is waived by the City , the City shall provide the applicant with a waiver letter from the formal consultation process that identifies any necessary <i>other information and materials</i> to be submitted with the application(s) to deem it complete. (OPA 175)	F.1.19.3 A waiver for formal consultation shall only be considered where a formal consultation process had been completed for the same proposal. If the formal consultation is waived by the City, the City shall provide the applicant with a waiver letter from the formal consultation process that identifies any necessary <i>other information and materials</i> to be submitted with the application(s) to deem it complete. (OPA 175)
F.1.19.5 A Planning Act, R.S.O., 1990 c. P.13 application(s) shall be deemed complete provided that: a) it satisfies all applicable provincial requirements; b) it satisfies all requirements set out in this Plan; and, c) it shall be accompanied by all the relevant other information and materials listed in Schedule I Table 1.19.1 or as determined by the procedures of Policy F.1.19.1 or F.1.19.3. (OPA 175)	F.1.19.5 A Planning Act, R.S.O., 1990 c. P.13 application(s) shall be deemed complete provided that: a) it satisfies all applicable provincial requirements; b) it satisfies all requirements set out in this Plan; and, c) it shall be accompanied by all the relevant <i>other information and materials</i> listed in Schedule I or as determined by the procedures of Policy F.1.19.1. (OPA 175)
F.1.19.6 Schedule I Table F.1.19.1 identifies the <i>other information and materials</i> which are may be required to deem <u>Planning Act, R.S.O., 1990 c. P.13</u> applications for official plan amendment, Zoning By-law amendment, draft plan of subdivision, and site plan complete, unless otherwise determined through a formal consultation process. (OPA 175)	F.1.19.6 Schedule I identifies the <i>other information and materials</i> which are required to deem <u>Planning Act, R.S.O., 1990 c. P.13</u> applications for official plan amendment, Zoning By-law amendment, draft plan of subdivision, and site plan complete, unless otherwise determined through a formal consultation process. (OPA 175)
Repeal Table F.1.19.1 (as part of Policy F.1.19.6) with the table contained at the end	See new table at the end of Appendix “A”

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<p>of Appendix “A” to the Amendment to be added as Schedule I to this Plan.</p>	
<p>F.1.19.7 <i>Other information and materials</i> submitted in accordance with Policy F.1.19.5 shall be subject to the following requirements to be deemed complete: (OPA 175)</p> <p>a) The <i>other information and materials</i> submitted shall be prepared by a qualified professional, in accordance with applicable legislation, in accordance with Council endorsed Terms of Reference or Guideline material as amended, and/or to the satisfaction of the City, retained by and at the expense of the applicant. (OPA 175)</p> <p>b) The City may request or conduct a peer review of any other information and materials submitted where the City lacks the appropriate expertise to review such <i>other information and materials</i>. Such peer review shall be completed by an appropriate agency or professional consultant retained by the City, at the applicant's expense.</p> <p>c) The City may refuse any <i>other information and materials</i> submitted as part of a complete application(s) if it considers the quality of the submission unsatisfactory and is not considered to be in accordance with the applicable Terms of Reference or Guideline. (OPA 175)</p> <p>d) The City may shall require electronic versions of all <i>other information and materials</i> submitted as part of a complete application and stipulate the format of the digital submission.</p> <p>e) In addition to the <i>other information and materials</i> listed in Schedule I Table F.1.19.1, the applicant may be required to submit any other supporting information and materials identified by the City during the formal consultation process with the applicant as being necessary for an application to be deemed complete.</p>	<p>F.1.19.7 <i>Other information and materials</i> submitted in accordance with Policy F.1.19.5 shall be subject to the following requirements to be deemed complete: (OPA 175)</p> <p>a) The <i>other information and materials</i> submitted shall be prepared by a qualified professional, in accordance with applicable legislation, in accordance with Council endorsed Terms of Reference or Guideline material as amended, and/or to the satisfaction of the City, retained by and at the expense of the applicant. (OPA 175)</p> <p>b) The City may request or conduct a peer review of any other information and materials submitted where the City lacks the appropriate expertise to review such <i>other information and materials</i>. Such peer review shall be completed by an appropriate agency or professional consultant retained by the City, at the applicant's expense.</p> <p>c) The City may refuse any <i>other information and materials</i> submitted as part of a complete application(s) if it considers the quality of the submission unsatisfactory and is not considered to be in accordance with the applicable Terms of Reference or Guideline. (OPA 175)</p> <p>d) The City shall require electronic versions of all <i>other information and materials</i> submitted as part of a complete application and stipulate the format of the digital submission.</p> <p>e) In addition to the <i>other information and materials</i> listed in Schedule I, the applicant may be required to submit any other supporting information and materials identified by the City during the formal consultation process with the applicant as being necessary for an application to be deemed complete.</p>
<p>F.1.19.8 The requirement for <i>other information and materials</i> submitted in accordance with Policies F.19.1, or F.19.3, or Schedule I is not intended to preclude Council and its delegated authorities from requiring additional reports, studies, maps, plans, calculations, information or materials, which are identified during the review process for an application(s) which has been deemed complete as being necessary for Council and</p>	<p>F.1.19.8 The requirement for <i>other information and materials</i> submitted in accordance with Policies F.19.1, F.19.3, or Schedule I is not intended to preclude Council and its delegated authorities from requiring additional reports, studies, maps, plans, calculations, information or materials, which are identified during the review process for an application(s) which has been deemed complete as being necessary for Council and</p>

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its delegated authorities to make informed decisions.	its delegated authorities to make informed decisions.
F.1.19.9 The City shall establish guidelines for the <i>other information and materials</i> identified in Policy F.19.6 Schedule I , to provide direction regarding the intended content and scope of such <i>other information and materials</i> .	F.1.19.9 The City shall establish guidelines for the <i>other information and materials</i> identified in Schedule I, to provide direction regarding the intended content and scope of such <i>other information and materials</i> .
F.1.19.10 Any <i>development or redevelopment</i> within 200 metres of any gas pipeline easement or facility shall require consultation with the applicable utility company. The City or utility company shall require a Land Use in the Vicinity of Existing Pipelines Study or other information and materials identified in Schedule I as part of a complete application, unless otherwise determined through the formal consultation process.	F.1.19.10 Any <i>development or redevelopment</i> within 200 metres of any gas pipeline easement or facility shall require consultation with the applicable utility company. The City or utility company shall require a Land Use in the Vicinity of Existing Pipelines Study or <i>other information and materials</i> identified in Schedule I as part of a complete application, unless otherwise determined through the formal consultation process.
F.1.19.11 Prior to the submission of a complete Planning Act application, where complete application requirements have been determined through formal consultation or a formal consultation waiver letter prior to January 1, 2023, the City may: a) amend the formal consultation or waiver letter; or b) require the complete application requirements to be determined through a new formal consultation or in accordance with Schedule I. (OPA 175)	F.1.19.11 Prior to the submission of a complete Planning Act application, where complete application requirements have been determined through formal consultation or a formal consultation waiver letter prior to January 1, 2023, the City may: a) amend the formal consultation or waiver letter; or b) require the complete application requirements to be determined through a new formal consultation or in accordance with Schedule I. (OPA 175)
F.1.19.12 Schedule I identifies four categories under which <i>other information and materials</i> shall be required for each Planning Act application. These categories are: a) minimum requirements for the submission of a complete application regardless of the context of the application; b) locational requirements for the submission of a complete application for all applications located within a specified area, as determined by the applicable policies of this Plan; c) proposal based requirements for the submission of a complete application for all applications of a specified use, form, character or scale, as determined by the applicable policies of this Plan; and, d) discretionary requirements being all <i>other information and materials</i> that may be requested by the City through the formal consultation process and/or the processing of a Planning Act application.	F.1.19.12 Schedule I identifies four categories under which <i>other information and materials</i> shall be required for each Planning Act application. These categories are: a) minimum requirements for the submission of a complete application regardless of the context of the application; b) locational requirements for the submission of a complete application for all applications located within a specified area, as determined by the applicable policies of this Plan; c) proposal based requirements for the submission of a complete application for all applications of a specified use, form, character or scale, as determined by the applicable policies of this Plan; and, d) discretionary requirements being all <i>other information and materials</i> that may be requested by the City through the formal consultation process and/or the processing of a Planning Act application.

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<p>F.1.19.13 <i>Other information and materials</i> identified as locational or proposal based requirements in Schedule I shall also be considered discretionary requirements that may be requested by the City through the formal consultation process and/or the processing of a Planning Act application.</p>	<p>F.1.19.13 <i>Other information and materials</i> identified as locational or proposal based requirements in Schedule I shall also be considered discretionary.</p>
<p>F.1.19.14 The City may establish application guidelines to provide guidance on the applicable policies of this Plan which apply to the locational and proposal based requirements as identified in Schedule I.</p>	<p>F.1.19.14 The City may establish application guidelines to provide guidance on the applicable policies of this Plan which apply to the locational and proposal based requirements as identified in Schedule I.</p>
<p>F.1.19.15 Where any policy of this Plan identifies a submission requirement the City shall require as part of a complete application and where it is identified as a locational or proposal based requirement in Schedule I, it shall be deemed to be a submission requirement for a complete application unless otherwise determined through the formal consultation process.</p>	<p>F.1.19.15 Where any policy of this Plan identifies a submission requirement the City shall require as part of a complete application and where it is identified as a locational or proposal based requirement in Schedule I, it shall be deemed to be a submission requirement for a complete application unless otherwise determined through the formal consultation process.</p>
<p>F.1.19.16 For any <i>development</i> on lands identified on Schedule A – Provincial Plans as Niagara Escarpment Plan Natural Area; or regulated by a Conservation Authority; or located within 120 metres of <i>Hazardous Lands, Key Hydrologic Features, or Earth Science Area of Natural and Scientific Interest (ANSI)</i>, the City shall require the following <i>other information and materials</i> to be submitted as part of a complete application unless otherwise determined through the formal consultation process:</p> <ul style="list-style-type: none"> a) Channel Design and Geofluvial Assessment; b) Erosion Hazard Assessment; c) Floodline Delineation Study/ Hydraulic Analysis; d) Karst Assessment / Karst Contingency Plan; e) Limit of Core Areas or Limit of Conservation Authority Regulated Area; f) Meander Belt Assessment; g) Shoreline Assessment Study/ Coastal Engineers Study; and, h) Slope Stability Study and Report. 	<p>F.1.19.16 For any <i>development</i> on lands identified on Schedule A – Provincial Plans as Niagara Escarpment Plan Natural Area; or regulated by a Conservation Authority; or located within 120 metres of <i>Hazardous Lands, Key Hydrologic Features, or Earth Science Area of Natural and Scientific Interest (ANSI)</i>, the City shall be require the following <i>other information and materials</i> to be submitted as part of a complete application unless otherwise determined through the formal consultation process:</p> <ul style="list-style-type: none"> a) Channel Design and Geofluvial Assessment; b) Erosion Hazard Assessment; c) Floodline Delineation Study/ Hydraulic Analysis; d) Karst Assessment / Karst Contingency Plan; e) Limit of Core Areas or Limit of Conservation Authority Regulated Area; f) Meander Belt Assessment; g) Shoreline Assessment Study/ Coastal Engineers Study; and, h) Slope Stability Study and Report.
<p>F.1.19.17 Where there is a discrepancy between submission requirements identified in Volume 1 and the policies of Volume 2 and 3, the requirements identified in Volume 2 and 3 shall also apply.</p>	<p>F.1.19.17 Where there is a discrepancy between submission requirements identified in Volume 1 and the policies of Volume 2 and 3, the requirements identified in Volume 2 and 3 shall also apply.</p>

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<p>F.1.19.18 A Complete Application Compliance Summary shall be required as part of a complete application where no formal consultation has been completed which shall identify how each requirement on Schedule I has been addressed. Where a formal consultation has been completed, a Summary Response to Formal Consultation Comments shall be submitted as part of a complete application.</p>	<p>F.1.19.18 A Complete Application Compliance Summary shall be required as part of a complete application where no formal consultation has been completed which shall identify how each requirement on Schedule I has been addressed. Where a formal consultation has been completed, a Summary Response to Formal Consultation Comments shall be submitted as part of a complete application.</p>
<p>F.3.2.2.2 The City shall require a Hydrogeological Study and Solis/Geotechnical Study as part of a complete application for any <i>site alteration</i> activities below grade, unless otherwise determined through the formal consultation process.</p>	<p>F.3.2.2.2 The City shall require a Hydrogeological Study and Solis/Geotechnical Study as part of a complete application for any <i>site alteration</i> below grade, unless otherwise determined through the formal consultation process.</p>
<p>Delete Policy F.3.2.6.2 in its entirety. F.3.2.6.2 The need and scope for the preparation of a Design Report shall be determined by the City during the formal consultation stage of the development review process and submitted as part of an application in accordance with Section F.1.19.5. The specific requirements of the Urban Design Report shall be reflective of individual applications and determined on a case by case basis.</p>	
<p>F.3.2.6.2 F.3.2.6.2 The City shall develop Terms of Reference for the preparation of Urban Design Reports.</p>	<p>F.3.2.6.2 The City shall develop Terms of Reference for the preparation of Urban Design Reports.</p>
<p>F.3.2.9.2 The need and scope for the preparation of an Assessment Report shall be determined by the City in accordance with Schedule I or at the formal consultation stage of the development review process and submitted as part of the associated application. The specific requirements of the Assessment Report shall be reflective of individual applications and determined on a case by case basis.</p>	<p>F.3.2.9.2 The need and scope for the preparation of an Assessment Report shall be determined by the City in accordance with Schedule I or at the formal consultation stage of the development review process and submitted as part of the associated application. The specific requirements of the Assessment Report shall be reflective of individual applications and determined on a case by case basis.</p>
<p>F.3.2.5.3 The City shall require Urban Design or Architectural Guidelines to be submitted as part of a complete application for Draft Plan of Subdivision Applications with a total area greater than two hectares and more than 150 units or 50,000 square metres of gross floor area, unless otherwise determined through the formal consultation process.</p>	<p>F.3.2.5.3 The City shall require Urban Design or Architectural Guidelines to be submitted as part of a complete application for Draft Plan of Subdivision Applications with a total area greater than two hectares and more than 150 units or 50,000 square metres of gross floor area, unless otherwise determined through the formal consultation process.</p>
<p>F.3.2.11.1 Where a request is made by a proponent of a development application to reduce or waive requirements for</p>	<p>F.3.2.11.1 Where a request is made by a proponent of a development application to reduce or waive requirements for</p>

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<p>conveyance of lands for right-of-way dedications, including daylight triangles, as set out in Section C.4.5.2, Schedule C-2 – Future Right-of-Way Dedications, or Section C.4.5.7, proponents mayshall be required to prepare a Right of Way Impact Assessment to review potential impacts and provide a rationale for the alternative requirement in accordance with the criteria outlined in Policy C.4.5.6.5 a). (OPA 142)</p>	<p>conveyance of lands for right-of-way dedications, including daylight triangles, as set out in Section C.4.5.2, Schedule C-2 – Future Right-of-Way Dedications, or Section C.4.5.7, proponents shall be required to prepare a Right of Way Impact Assessment to review potential impacts and provide a rationale for the alternative requirement in accordance with the criteria outlined in Policy C.4.5.6.5 a). (OPA 142)</p>
<p>F.3.2.12 Housing Reports The City shall require proponents of development or redevelopment applications which include residential uses to prepare a Housing Report, unless otherwise determined through the formal consultation process, to indicate how the proposal will provide for a mix of unit sizes to accommodate a range of household sizes and income levels in accordance with policies in Chapter B – Communities and Chapter E – Urban Systems and Designations.</p>	<p>F.3.2.12 Housing Reports The City shall require proponents of <i>development or redevelopment</i> applications which include residential uses to prepare a Housing Report, unless otherwise determined through the formal consultation process, to indicate how the proposal will provide for a mix of unit sizes to accommodate a range of household sizes and income levels in accordance with policies in Chapter B – Communities and Chapter E – Urban Systems and Designations.</p>
<p>F.3.2.13 Neighbourhood Traffic Calming Report The City shall require proponents of development or redevelopment applications to prepare a Neighbourhood Traffic Calming Report for lands located within 500 metres of an educational establishment (i.e., elementary school), unless otherwise determined through the formal consultation process.</p>	<p>F.3.2.13 Neighbourhood Traffic Calming Report The City shall require proponents of <i>development or redevelopment</i> applications to prepare a Neighbourhood Traffic Calming Report for lands located within 500 metres of an educational establishment (i.e., elementary school), unless otherwise determined through the formal consultation process.</p>
<p>F.3.2.14 A Water Well Survey and Contingency Plans The City shall require a Water Well Survey and Contingency Plan as part of a complete application for development or redevelopment on lands within 500 metres of the urban boundary or any un-serviced lands within the urban area, unless otherwise determined through the formal consultation process.</p>	<p>F.3.2.14 A Water Well Survey and Contingency Plans The City shall require a Water Well Survey and Contingency Plan as part of a complete application for <i>development or redevelopment</i> on lands within 500 metres of the urban boundary or any un-serviced lands within the urban area, unless otherwise determined through the formal consultation process.</p>
<p>F.3.2.15 Vibration Study The City shall require a Vibration Study to be submitted as part of a Construction Management Plan prior to or at the time of application submission, unless otherwise determined through the formal consultation process.</p>	<p>F.3.2.15 Vibration Study The City shall require a Vibration Study to be submitted as part of a Construction Management Plan prior to or at the time of application submission, unless otherwise determined through the formal consultation process.</p>
<p>F.3.2.16 Recreation Needs Assessment The City shall require a Recreation Needs Assessment to be submitted as part of a</p>	<p>F.3.2.16 Recreation Needs Assessment The City shall require a Recreation Needs Assessment to be submitted as part of a</p>

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complete application where parkland is proposed on site, unless otherwise determined through the formal consultation process.	complete application where parkland is proposed on site, unless otherwise determined through the formal consultation process.
F.3.2.17 Zoning Compliance Reviews	F.3.2.17 Zoning Compliance Reviews
F.3.2.17.1 A Zoning Compliance Review shall be submitted as part of a complete application for Site Plan and Draft Plan of Subdivision which contains no non-compliances with respect to the use of the lands, unless otherwise determined through the formal consultation process.	F.3.2.17.1 A Zoning Compliance Review shall be submitted as part of a complete application for Site Plan and Draft Plan of Subdivision which contains no non-compliances with respect to the use of the lands, unless otherwise determined through the formal consultation process.
F.3.2.17.2 A Zoning Compliance Review submitted as part of Site Plan shall be reviewed by City staff to confirm that the development conforms to the applicable height and density policies of Volume 1, Volume 2 and Volume 3 of the Official Plan prior to the application being deemed complete.	F.3.2.17.2 A Zoning Compliance Review submitted as part of Site Plan shall be reviewed by City staff to confirm that the development conforms to the applicable height and density policies of Volume 1, Volume 2 and Volume 3 of the Official Plan prior to the application being deemed complete.
F.3.2.128 Other Technical Studies	F.3.2.18 Other Technical Studies
F.3.2.128.1 In addition to the studies identified in Section F.1.19 – Complete Application Requirements and Formal Consultation, and Sections F.3.2.1 to F.3.2.9, inclusive, the City may require technical studies to be submitted as part of the <u>Planning Act, R.S.O., 1990 c. P.13</u> process. Prior to submission of these technical studies, consultation shall be required with City staff to confirm the contents for and the criteria to be used in the technical studies.	F.3.2.18.1 In addition to the studies identified in Section F.1.19 – Complete Application Requirements and Formal Consultation, and Sections F.3.2.1 to F.3.2.9, inclusive, the City may require technical studies to be submitted as part of the <u>Planning Act, R.S.O., 1990 c. P.13</u> process. Prior to submission of these technical studies, consultation shall be required with City staff to confirm the contents for and the criteria to be used in the technical studies.
F.3.2.12.1 In addition to the studies identified in Section F.1.19 – Complete Application Requirements and Formal Consultation, and Sections F.3.2.1 to F.3.2.9, inclusive, the City may require technical studies to be submitted as part of the <u>Planning Act, R.S.O., 1990 c. P.13</u> process. Prior to submission of these technical studies, consultation shall be required with City staff and/or Conservation Authorities shall be encouraged to confirm the contents for and the criteria to be used in the technical studies.	F.3.2.12.1 In addition to the studies identified in Section F.1.19 – Complete Application Requirements and Formal Consultation, and Sections F.3.2.1 to F.3.2.9, inclusive, the City may require technical studies to be submitted as part of the <u>Planning Act, R.S.O., 1990 c. P.13</u> process. Prior to submission of these technical studies, consultation with City staff and/or Conservation Authorities shall be encouraged to confirm the contents for and the criteria to be used in the technical studies.

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Appendix “D” – Volume 1: Schedule I – Other Information and Materials

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
1	Affordable Housing Report / Rental Conversion Assessment			✓			✓										✓
2	Aggregate Resource Assessment			✓													
3	Aggregate/Mineral Resource Analysis			✓													
4	Agricultural Impact Assessment		✓			✓				✓				✓			
5	Air Drainage Analysis Brief		✓			✓				✓				✓			
6	Air Quality Study		✓	✓		✓	✓			✓	✓						✓
7	Archaeological Assessment		✓			✓				✓				✓			
8	Channel Design and Geofluvial Assessment		✓			✓							✓				✓
9	Chloride Impact Study				✓			✓					✓				✓
10	Complete Application Compliance Summary / Summary Response to Formal Consultation Comments	✓				✓			✓					✓			
11	Concept Plan	✓				✓			✓								
12	Construction Management Plan												✓				✓
13	Contaminant Management Plan				✓				✓				✓				✓
14	Cost Recovery Agreement	✓				✓			✓								✓
15	Cultural Heritage Assessment – Documentation and Salvage Plan				✓				✓				✓				✓
16	Cultural Heritage Impact Assessment		✓				✓			✓				✓			
17	Cut and Fill Analysis				✓				✓				✓				✓

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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	✓				✓				✓				✓			

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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
36	Grading Plan	✓				✓				✓				✓			
37	Housing Report			✓				✓				✓					✓
38	Hydrogeological Study			✓				✓		✓				✓			
39	Impact Assessment for new Private Waste Disposal Sites			✓				✓								✓	
40	Karst Assessment/Karst Contingency Plan		✓				✓				✓				✓		
41	Land Use Compatibility Study			✓				✓								✓	
42	Land Use in the Vicinity of Existing Pipelines Study		✓				✓				✓				✓		
43	Land Use/ Commercial Needs and Impact Assessment			✓				✓									
44	Landfill Impact Assessment		✓	✓			✓	✓			✓	✓			✓	✓	
45	Landscape Plan								✓					✓			
46	Landscape Plan (Conceptual)	✓				✓											
47	Light Impact Assessment			✓				✓				✓					✓
48	Limit of Core Areas or Limit of Conservation Authority Regulated Area		✓				✓				✓				✓		
49	Linkage Assessment		✓				✓				✓				✓		
50	Market Impact Study			✓				✓									
51	Master Drainage Plan				✓				✓				✓				✓
52	Materials Palette or Imagery												✓				✓
53	Meander Belt Assessment				✓				✓				✓				✓
54	Minimum Distance Separation Calculation				✓				✓				✓				✓
55	Ministry of the Environment Conservation and Parks -				✓				✓				✓				✓

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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
75	School and City Recreation Facility and Outdoor Recreation/Parks Issues Assessment				✓				✓				✓				
76	Servicing Plan				✓				✓	✓				✓			
77	Shoreline Assessment Study/Coastal Engineers Study		✓				✓				✓				✓		
78	Site Lighting Plan												✓				✓
79	Site Plan and Floor Plans													✓			
80	Slope Stability Study and Report		✓				✓				✓			✓			
81	Soil Management Plan												✓				✓
82	Soils/Geotechnical Study			✓				✓		✓				✓			
83	Species Habitat Assessment		✓				✓				✓			✓			
84	Storm Water Management Report/Plan and/or update to an existing Storm Water Management Plan	✓				✓				✓				✓			
85	Sub-watershed Plan and/or update to an existing Subwatershed Plan				✓				✓				✓				
86	Sun/Shadow Study			✓				✓				✓				✓	
87	Survey Plan (Real Property Report)	✓				✓				✓				✓			
88	Transit Assessment	✓				✓				✓							
89	Transportation Demand Management Options Report				✓			✓				✓				✓	
90	Transportation Impact Study	✓				✓						✓					✓
91	Tree Management Plan/Study (City-owned trees and / or within 3 metres of ROW)	✓				✓				✓				✓			
92	Tree Protection Plan (Private trees)	✓				✓				✓				✓			

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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
94	Urban Design or Architectural Guidelines with Control Architect											✓					
95	Urban Design Report/ Brief			✓				✓				✓				✓	
96	Vibration Study		✓				✓				✓				✓		
97	Visual Impact Assessment		✓	✓			✓	✓			✓	✓			✓	✓	
98	Water and Wastewater Servicing Study	✓				✓				✓				✓			
99	Watermain Hydraulic Analysis					✓				✓				✓			
100	Water Well Survey and Contingency Plan		✓				✓				✓			✓			
101	Wildland Fire Assessment (OPA 167)											✓					✓
102	Wind Study			✓				✓				✓				✓	
103	Zoning Compliance Review							✓	✓					✓			
104	3D Model			✓				✓				✓				✓	

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Appendix “E” – Volume 2: Chapter B-4 – Flamborough Secondary Plans

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>B.4.3.14.1 Study Requirements The following studies may shall be required to be submitted or at the time of application for any plan of subdivision, official plan amendment, or zoning bylaw amendment, unless otherwise determined through the formal consultation process in accordance with Section F.1.19 – Complete Application Requirements and Formal Consultation, and the relevant section of Section F.3.0 – Other Implementation Tools of Volume 1: ...</p>	<p>B.4.3.14.1 Study Requirements The following studies shall be required to be submitted or at the time of application for any plan of subdivision, official plan amendment, or zoning bylaw amendment, unless otherwise determined through the formal consultation process: ...</p>

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Appendix “F” – Volume 2: Chapter B-6 – Hamilton Secondary Plans

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
<p>B.6.1.4.16 For lands identified as Low-rise 2 on Map B.6.1.2 – Downtown Hamilton Building Heights, increases in height to a maximum of 12 storeys (mid-rise), may be permitted without an amendment to this Plan, subject to the following:</p> <p>...</p> <p>f) in order to demonstrate the considerations listed above, proponents may shall be required to submit all of the following studies, unless otherwise determined through the formal consultation process, in addition to any other studies identified as part of the Formal Consultation required under Section F – Implementation of Volume 1, as part of a development application:</p> <p>...</p>	<p>B.6.1.4.16 For lands identified as Low-rise 2 on Map B.6.1.2 – Downtown Hamilton Building Heights, increases in height to a maximum of 12 storeys (mid-rise), may be permitted without an amendment to this Plan, subject to the following:</p> <p>...</p> <p>f) in order to demonstrate the considerations listed above, proponents shall be required to submit all of the following studies, unless otherwise determined through the formal consultation process, as part of a development application:</p> <p>...</p>
<p>B.6.1.4.17 The following policies shall apply to mid-rise building forms:</p> <p>...</p> <p>e) Shadow Impact Studies, Visual Impact Assessments, and Pedestrian Level Wind Studies may shall be required to determine potential impacts arising from mid-rise buildings.</p>	<p>B.6.1.4.17 The following policies shall apply to mid-rise building forms:</p> <p>...</p> <p>e) Shadow Impact Studies, Visual Impact Assessments, and Pedestrian Level Wind Studies shall be required to determine potential impacts arising from mid-rise buildings.</p>
<p>B.6.1.4.23 All tall buildings shall meet the following requirements:</p> <p>...</p> <p>e) the following studies may shall be required, unless otherwise determined through the formal consultation process, in addition to any other studies identified as part of the Formal Consultation required under Section F – Implementation of Volume 1, for tall building development to demonstrate that the proposal meets the applicable design criteria of the Downtown Hamilton Tall Building Guidelines:</p> <p>...</p>	<p>B.6.1.4.23 All tall buildings shall meet the following requirements:</p> <p>...</p> <p>e) the following studies shall be required, unless otherwise determined through the formal consultation process, for tall building development to demonstrate that the proposal meets the applicable design criteria of the Downtown Hamilton Tall Building Guidelines:</p> <p>...</p>
<p>B.6.1.10.6 A Visual Impact Assessment may shall be required for <i>development</i> located on streets identified as View Corridors to the Niagara Escarpment, and properties identified as Locations Where There May Be Impacts to Views, as shown on Appendix C –</p>	<p>B.6.1.10.6 A Visual Impact Assessment shall be required for <i>development</i> located on streets identified as View Corridors to the Niagara Escarpment, and properties identified as Locations Where There May Be Impacts to Views, as shown on Appendix C – Downtown</p>

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<p>Downtown Hamilton Secondary Plan – Viewshed Analysis, unless otherwise determined through the formal consultation process.</p>	<p>Hamilton Secondary Plan – Viewshed Analysis, unless otherwise determined through the formal consultation process.</p>
<p>B.6.1.10.10 A Visual Impact Assessment mayshall be required for development that is adjacent to a cultural heritage resource, a cultural heritage landscape, a place of worship, or an existing landmark, that creates a distinct visual orientation point within the Downtown and that may be impacted by proposed development, unless otherwise determined through the formal consultation process.</p>	<p>B.6.1.10.10 A Visual Impact Assessment shall be required for development that is adjacent to a cultural heritage resource, a cultural heritage landscape, a place of worship, or an existing landmark, that creates a distinct visual orientation point within the Downtown and that may be impacted by proposed development, unless otherwise determined through the formal consultation process.</p>

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Appendix “G” – Volume 2: Chapter B-7 – Stoney Creek Secondary Plans

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
<p>B.7.4.17.6 In addition to Section F.1.19.6 – Complete Application Requirements and Formal Consultation, the following study may shall be required:</p> <p>a) An Air Drainage Analysis Brief, which has been prepared by a qualified environmental engineer with additional information being provided by a climatologist, and agrologist who are specialized in the field of tender fruit and grape production, to the satisfaction of the City. The Air Drainage Analysis Brief shall include the following:</p> <p>i) A review of the existing conditions, including air photos, topography, thermal conditions, climate and air movement down the Niagara Escarpment and towards Lake Ontario, to evaluate the effects of the proposed development on the existing microclimate and airflow.</p>	<p>B.7.4.17.6 In addition to Section F.1.19.6 – Complete Application Requirements and Formal Consultation, the following study shall be required:</p> <p>a) An Air Drainage Analysis Brief, which has been prepared by a qualified environmental engineer with additional information being provided by a climatologist, and agrologist who are specialized in the field of tender fruit and grape production, to the satisfaction of the City. The Air Drainage Analysis Brief shall include the following:</p> <p>i) A review of the existing conditions, including air photos, topography, thermal conditions, climate and air movement down the Niagara Escarpment and towards Lake Ontario, to evaluate the effects of the proposed development on the existing microclimate and airflow.</p>

DRAFT Rural Hamilton Official Plan Amendment No. X

The following text, together with:

Appendix “A”	Volume 1: Chapter B – Communities
Appendix “B”	Volume 1: Chapter C – City Wide Systems and Designations
Appendix “C”	Volume 1: Chapter F – Implementation
Appendix “D”	Volume 1: Schedule H - Other Information and Materials

attached hereto, constitutes Official Plan Amendment No. “X” to the Rural Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the Rural Hamilton Official Plan by amending existing policies and adding new policies to respond to *Planning Act* legislative changes which implement Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*.

2.0 Location:

The lands affected by this Amendment are located within the Rural Area of the City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- The Amendment provides clarity on the requirements for a complete application in the absence of an applicant first going through the formal consultation process; and,
- To update the Rural Hamilton Official Plan to reflect updated policy direction of the Provincial Planning Statement, 2024.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

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Text4.1.1 Chapter B – Communities

a. That the following policies of Volume 1: Chapter B – Communities be amended, added or deleted, as outlined in Appendix “A”, attached to this Amendment:

- B.3.4.4.3
- B.3.6.3.12
- B.3.6.3.19
- B.3.6.3.9

4.1.2 Chapter C – City Wide Systems and Designations

a. That the following policies of Volume 1: Chapter C – City Wide Systems and Designations be amended, added or deleted, as outlined in Appendix “B”, attached to this Amendment:

- C.1.4.5 (new)
- C.1.4.6 (new)
- C.4.5.17 (new)

4.1.3 Chapter F – Implementation

a. That the following policies of Volume 1: Chapter F – Implementation be amended, added or deleted, as outlined in Appendix “D”, attached to this Amendment:

- | | | |
|------------|-------------------|------------------|
| • F.1.9.1 | • F.1.9.13 (new) | • F.3.2.13 (new) |
| • F.1.9.2 | • F.1.9.14 (new) | • F.3.2.13 |
| • F.1.9.3 | • F.1.9.15 (new) | • F.3.2.13.1 |
| • F.1.9.5 | • F.1.9.16 (new) | • F.3.2.13.2 |
| • F.1.9.6 | • F.1.9.17 (new) | • F.3.2.14 (new) |
| • F.1.9.7 | • F.1.9.18 (new) | • F.3.2.15 (new) |
| • F.1.9.8 | • F.1.9.19 (new) | • F.3.2.16 (new) |
| • F.1.9.9 | • F.3.2.5.5 (new) | • F.3.2.17 (new) |
| • F.1.9.10 | • F.3.2.5.6 (new) | • F.3.2.18 (new) |
| • F.1.9.11 | • F.3.2.10.2 | |
| • F.1.9.12 | • F.3.2.12.1 | |

Schedules and Appendices4.1.4 Schedule H – Other Information and materials

a. That Volume 1: Schedule H – Other Information and Materials be added to the Rural Hamilton Official Plan, as shown on Appendix “E”, attached to this amendment.

5.0 Implementation:

An implementing amendment to the City’s Formal Consultation By-law will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule “1” to By-law No. _____ passed on the ____th day of ____, 2024.

**The
City of Hamilton**

A. Horwath
MAYOR

M. Trennum
CITY CLERK

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Appendix “A” – Volume 1: Chapter B – Communities

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
<p>B.3.4.4.3 In areas of archaeological potential identified on Appendix F-2 – Rural Archaeological Potential, an archaeological assessment:</p> <p>a) mayshall be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act when they involve soil disturbance or site alteration:</p> <p>i) site plan applications; and,</p> <p>ii) plans of condominium.</p> <p>...</p>	<p>B.3.4.4.3 In areas of archaeological potential identified on Appendix F-2 – Rural Archaeological Potential, an archaeological assessment:</p> <p>a) shall be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act when they involve soil disturbance or site alteration:</p> <p>i) site plan applications; and,</p> <p>ii) plans of condominium.</p> <p>...</p>
<p>B.3.6.3.9 A noise feasibility study, orand detailed noise study, or both, mayshall be required as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:</p>	<p>B.3.6.3.9 A noise feasibility study and detailed noise study shall be required as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:</p>
<p>B.3.6.3.12 A vibration study mayshall be required to be submitted prior to or at the time of application submission for development on lands located within 75 metres of a railway line or railway yard, unless otherwise determined through the formal consultation process. Vibration studies may be reviewed by the appropriate railway company.</p>	<p>B.3.6.3.12 A vibration study shall be required to be submitted prior to or at the time of application submission for development on lands located within 75 metres of a railway line or railway yard, unless otherwise determined through the formal consultation process. Vibration studies may be reviewed by the appropriate railway company.</p>
<p>B.3.6.3.19 The City shall ensure that all <i>development or redevelopment</i> with the potential to create conflicts between <i>sensitive land uses</i> and point source or fugitive air emissions such as noise, vibration, odour, dust, and other emissions complies with all applicable provincial legislation, provincial and municipal standards, and provincial guidelines and shall have regard to municipal guidelines. The City mayshall require proponents of such proposals to submit studies prior to or at the time of application submission, unless otherwise determined through the formal consultation process, including the following: <i>noise feasibility study; detailed noise study; air quality study; odour impact assessment; dust impact analysis; and light impact assessment;</i> and any other information and materials</p>	<p>B.3.6.3.19 The City shall ensure that all <i>development or redevelopment</i> with the potential to create conflicts between <i>sensitive land uses</i> and point source or fugitive air emissions such as noise, vibration, odour, dust, and other emissions complies with all applicable provincial legislation, provincial and municipal standards, and provincial guidelines and shall have regard to municipal guidelines. The City shall require proponents of such proposals to submit studies prior to or at the time of application submission, unless otherwise determined through the formal consultation process, including the following: <i>noise feasibility study; detailed noise study; air quality study; odour impact assessment; dust impact analysis; light impact assessment; and any other information and materials identified</i></p>

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Proposed Change	Proposed New / Revised Policy
identified in Section F.1.9 – Complete Application Requirements and Formal Consultation.	in Section F.1.9 – Complete Application Requirements and Formal Consultation.

Appendix “B” – Volume 1: Chapter C – City Wide Systems and Designations

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
C.1.4.5 Prior to submission of a <u>Planning Act</u> application for properties wholly or partially within a Wellhead Protection Area the proponent is required to provide a full disclosure report and receive approval of a Restricted Land Use Application (Section 59 Notice) from the City of Hamilton Risk Management Office.	C.1.4.5 Prior to submission of a <u>Planning Act</u> application for properties wholly or partially within a Wellhead Protection Area the proponent is required to provide a full disclosure report and receive approval of a Restricted Land Use Application (Section 59 Notice) from the City of Hamilton Risk Management Office.
C.1.4.6 For any development or redevelopment within a Wellhead Protection Area, the City shall require the submission of a Chloride Impact Study as part of a complete application, unless otherwise determined through the formal consultation process.	C.1.4.6 For any development or redevelopment within a Wellhead Protection Area, the City shall require the submission of a Chloride Impact Study as part of a complete application, unless otherwise determined through the formal consultation process.
C.4.5.17 Where a reduction in the minimum number of required parking spaces or an increase in the maximum number of permitted parking spaces is proposed, the City shall require a Parking Analysis / Study as part of a complete application, unless otherwise determined through the formal consultation process.	C.4.5.17 Where a reduction in the minimum number of required parking spaces or an increase in the maximum number of permitted parking spaces is proposed, the City shall require a Parking Analysis / Study as part of a complete application, unless otherwise determined through the formal consultation process.

Appendix “C” – Volume 1: Chapter F – Implementation

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
F.1.9.1 <i>Formal consultation</i> with the City shall be encouraged required prior to the submission of a <u>Planning Act</u> application(s) for an official plan amendment, zoning by-law amendment, draft plan of subdivision, or site plan.	F.1.9.1 <i>Formal consultation</i> with the City shall be encouraged prior to the submission of a <u>Planning Act</u> application(s) for an official plan amendment, zoning by-law amendment, draft plan of subdivision, or site plan.
F.1.9.2 The purpose of such <i>formal consultation</i> shall be to review a draft <i>development</i> proposal for the lands affected by the proposed application(s) and identify the need for, and the scope of <i>other</i>	F.1.9.2 The purpose of such <i>formal consultation</i> shall be to review a draft <i>development</i> proposal for the lands affected by the proposed application(s) and identify the need for, and the scope of <i>other</i>

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<p>information and materials, and the scope of the other information and materials, considered necessary by the City and other affected agencies to allow comprehensive assessment of the development application(s).</p>	<p><i>information and materials</i>, considered necessary by the City and other affected agencies to allow comprehensive assessment of the development application(s).</p>
<p>F.1.9.3 Notwithstanding Policy F.1.9.1, the City may waive the requirement for formal consultation, where the City has identified that, due to the nature of the proposal, the need for and scope of required other information and materials can be determined without a formal consultation. A waiver for formal consultation shall only be considered where a formal consultation process had been completed for the same proposal. If the requirement for formal consultation is waived by the City, the City shall provide the applicant with a waiver letter from the formal consultation process that identifies any necessary <i>other information and materials</i> to be submitted with the application(s) to deem it complete. (OPA 36)</p>	<p>F.1.19.3 A waiver for formal consultation shall only be considered where a formal consultation process had been completed for the same proposal. If the formal consultation is waived by the City, the City shall provide the applicant with a waiver letter from the formal consultation process that identifies any necessary <i>other information and materials</i> to be submitted with the application(s) to deem it complete. (OPA 36)</p>
<p>F.1.9.5 A <u>Planning Act</u> application(s) shall be deemed complete provided: a) it satisfies all applicable provincial requirements; b) it satisfies all requirements set out in this Plan; and, c) it shall be accompanied by all the relevant other information and materials listed in Table 1.9.1 Schedule H, or as determined by the procedures in Policies F.1.9.1, F.1.9.2, and F.1.9.3.</p>	<p>F.1.9.5 A <u>Planning Act</u> application(s) shall be deemed complete provided: a) it satisfies all applicable provincial requirements; b) it satisfies all requirements set out in this Plan; and, c) it shall be accompanied by all the relevant <i>other information and materials</i> listed in Schedule H, or as determined by the procedures in Policies F.1.9.1, F.1.9.2, and F.1.9.3.</p>
<p>F.1.9.6 Notwithstanding Policies F.1.9.1 to F.1.9.3 inclusive, and F.1.9.5 c), for severance applications the City may determine the need and scope of required other information and materials without a formal consultation. The City shall provide the applicant with a written list of <i>information and materials</i> required to be submitted with the consent applications(s). Alternatively, applicants may request a formal consultation in which case F.1.9.2 shall apply.</p>	<p>F.1.9.6 Notwithstanding Policy F.1.9.5 c), the City shall provide the applicant with a written list of <i>information and materials</i> required to be submitted with consent applications. Alternatively, applicants may request a formal consultation in which case F.1.9.2 shall apply.</p>

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<p>F.1.9.7 Schedule H identifies the <i>other information and materials</i> which aremay be required, to deem <u>Planning Act</u> applications for official plan amendment, zoning by-law amendment, draft plan of subdivision, and site plan complete, unless otherwise determined through a formal consultation.</p>	<p>F.1.9.7 Schedule H identifies the <i>other information and materials</i> which are required, to deem <u>Planning Act</u> applications for official plan amendment, zoning by-law amendment, draft plan of subdivision, and site plan complete, unless otherwise determined through a formal consultation.</p>
<p>Repeal and replace Table F.1.9.1 (as part of Policy F.1.9.7) with the table contained at the end of Appendix “A” to the Amendment to be added as Schedule H to this Plan.</p>	<p>See new table at the end of Appendix “A”</p>
<p>F.1.9.8 <i>Other information and materials</i> submitted in accordance with Policy F.1.9.5 shall be subject to the following requirements to be deemed complete:</p> <p>a) The <i>other information and materials</i> submitted shall be prepared by a qualified professional, in accordance with applicable legislation, in accordance with Council endorsed Terms of Reference or Guideline material as amended, and/or to the satisfaction of the City, retained by and at the expense of the applicant. (OPA 36)</p> <p>b) The City may request or conduct a peer review of any <i>other information and materials</i> submitted where the City lacks the appropriate expertise to review such other information and materials. Such peer review shall be completed by an appropriate agency or professional consultant retained by the City, at the applicant's expense.</p> <p>c) The City may refuse any other information and materials submitted as part of a complete application(s) if it considers the quality of the submission unsatisfactory and is not considered to be in accordance with the applicable Terms of Reference or Guideline. (OPA 36)</p> <p>d) The City mayshall require electronic versions of all <i>other information and materials</i> submitted as part of a complete application and stipulate the format of the digital submission.</p> <p>e) In addition to the other information and materials listed in Schedule H Table F.1.9.1, the applicant may be required to submit any other supporting information and materials identified by the City during the formal consultation process with the applicant as being necessary for an application to be deemed complete.</p>	<p>F.1.9.8 <i>Other information and materials</i> submitted in accordance with Policy F.1.9.5 shall be subject to the following requirements to be deemed complete:</p> <p>a) The <i>other information and materials</i> submitted shall be prepared by a qualified professional, in accordance with applicable legislation, in accordance with Council endorsed Terms of Reference or Guideline material as amended, and/or to the satisfaction of the City, retained by and at the expense of the applicant. (OPA 36)</p> <p>b) The City may request or conduct a peer review of any <i>other information and materials</i> submitted where the City lacks the appropriate expertise to review such other information and materials. Such peer review shall be completed by an appropriate agency or professional consultant retained by the City, at the applicant's expense.</p> <p>c) The City may refuse any other information and materials submitted as part of a complete application(s) if it considers the quality of the submission unsatisfactory and is not considered to be in accordance with the applicable Terms of Reference or Guideline. (OPA 36)</p> <p>d) The City shall require electronic versions of all <i>other information and materials</i> submitted as part of a complete application and stipulate the format of the digital submission.</p> <p>e) In addition to the other information and materials listed in Schedule H, the applicant may be required to submit any other supporting information and materials identified by the City during the formal consultation process with the applicant as being necessary for an application to be deemed complete.</p>

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<p>F.1.9.9 The requirement for other information and materials submitted in accordance with Policies F.1.9.1 through F.1.9.8 inclusive, or Schedule H is not intended to preclude Council and its delegated authorities from requiring additional reports, studies, maps, plans, calculations, information or materials, which are identified during the review process as necessary for Council and its delegated authorities to make informed decisions.</p>	<p>F.1.9.9 The requirement for other information and materials submitted in accordance with Policies F.1.9.1 through F.1.9.8 inclusive, or Schedule H is not intended to preclude Council and its delegated authorities from requiring additional reports, studies, maps, plans, calculations, information or materials, which are identified during the review process as necessary for Council and its delegated authorities to make informed decisions.</p>
<p>F.1.9.10 The City shall establish guidelines for the other information and materials identified in Policy F.1.9.7 Schedule H, to provide direction regarding the intended content and scope of such other information and materials.</p>	<p>The City shall establish guidelines for the other information and materials identified in Schedule H, to provide direction regarding the intended content and scope of such other information and materials.</p>
<p>F.1.19.11 Any <i>development or redevelopment</i> within 200 metres of any gas pipeline easement or facility shall require consultation with the applicable utility company. The City or utility company shall require a Land Use in the Vicinity of Existing Pipelines Study or other information and materials identified in Schedule H as part of a complete application, unless otherwise determined through the formal consultation process.</p>	<p>F.1.19.11 Any <i>development or redevelopment</i> within 200 metres of any gas pipeline easement or facility shall require consultation with the applicable utility company. The City or utility company shall require a Land Use in the Vicinity of Existing Pipelines Study or <i>other information and materials</i> identified in Schedule H as part of a complete application, unless otherwise determined through the formal consultation process.</p>
<p>F.1.9.12 Prior to the submission of a complete Planning Act application, where complete application requirements have been determined through formal consultation or a formal consultation waiver letter prior to January 1, 2023, the City may:</p> <ul style="list-style-type: none"> a) amend the formal consultation or waiver letter; or b) require the complete application requirements to be determined through a new formal consultation or in accordance with Schedule H. (OPA 36) 	<p>F.1.9.12 Prior to the submission of a complete Planning Act application, where complete application requirements have been determined through formal consultation or a formal consultation waiver letter prior to January 1, 2023, the City may:</p> <ul style="list-style-type: none"> a) amend the formal consultation or waiver letter; or b) require the complete application requirements to be determined through a new formal consultation or in accordance with Schedule H. (OPA 36)
<p>F.1.9.13 Schedule H identifies four categories under which <i>other information and materials</i> shall be required for each Planning Act application. These categories are:</p> <ul style="list-style-type: none"> a) minimum requirements for the submission of a complete application regardless of the context of the application; b) locational requirements for the submission of a complete application for all applications located within a specified area, as determined by the applicable policies of this Plan; c) proposal based requirements for the 	<p>F.1.9.13 Schedule H identifies four categories under which <i>other information and materials</i> shall be required for each Planning Act application. These categories are:</p> <ul style="list-style-type: none"> a) minimum requirements for the submission of a complete application regardless of the context of the application; b) locational requirements for the submission of a complete application for all applications located within a specified area, as determined by the applicable policies of this Plan. c) proposal based requirements for the

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<p>submission of a complete application for all applications of a specified use, form, character or scale, as determined by the applicable policies of this Plan; and, d) discretionary requirements being all <i>other information and materials</i> that may be requested by the City through the formal consultation process and/or the processing of a Planning Act application.</p>	<p>submission of a complete application for all applications of a specified use, form, character or scale, as determined by the applicable policies of this Plan; and, d) discretionary requirements being all <i>other information and materials</i> that may be requested by the City through the formal consultation process and/or the processing of a Planning Act application.</p>
<p>F.1.19.14 <i>Other information and materials</i> identified as locational, or proposal based requirements in Schedule H shall also be considered discretionary requirements that may be requested by the City through the formal consultation process and/or the processing of a Planning Act application.</p>	<p>F.1.19.14 <i>Other information and materials</i> identified as locational, or proposal based requirements in Schedule H shall also be considered discretionary requirements that may be requested by the City through the formal consultation process and/or the processing of a Planning Act application.</p>
<p>F.1.9.15 The City may establish application guidelines to provide guidance on the applicable policies of this Plan which apply to the locational and proposal based requirements as identified in Schedule H.</p>	<p>F.1.9.15 The City may establish application guidelines to provide guidance on the applicable policies of this Plan which apply to the locational and proposal based requirements as identified in Schedule H.</p>
<p>F.1.9.16 Where any policy of this Plan identifies a submission requirement the City may require as part of a complete application and where it is identified as a locational or proposal based requirement in Schedule H, it shall be deemed to be a submission requirement for a complete application unless otherwise determined through a formal consultation process.</p>	<p>F.1.9.16 Where any policy of this Plan identifies a submission requirement the City may require as part of a complete application and where it is identified as a locational or proposal based requirement in Schedule H, it shall be deemed to be a submission requirement for a complete application unless otherwise determined through a formal consultation process.</p>
<p>F.1.9.17 For any <i>development</i> on lands identified on Schedule A – Provincial Plans as Niagara Escarpment Plan Natural Area; or regulated by a Conservation Authority; or located within 120 metres of <i>Hazardous Lands, Key Hydrologic Features, or Earth Science Area of Natural and Scientific Interest (ANSI)</i>, the City shall require the following <i>other information and materials</i> to be submitted as part of a complete application unless otherwise determined through the formal consultation process:</p> <ul style="list-style-type: none"> a) Channel Design and Geofluvial Assessment; b) Erosion Hazard Assessment; c) Floodline Delineation Study/ Hydraulic Analysis; d) Karst Assessment / Karst Contingency Plan; e) Limit of Core Areas or Limit of Conservation Authority Regulated Area; f) Meander Belt Assessment; g) Shoreline Assessment Study/ Coastal 	<p>F.1.9.17 For any <i>development</i> on lands identified on Schedule A – Provincial Plans as Niagara Escarpment Plan Natural Area; or regulated by a Conservation Authority; or located within 120 metres of <i>Hazardous Lands, Key Hydrologic Features, or Earth Science Area of Natural and Scientific Interest (ANSI)</i>, the City shall require the following <i>other information and materials</i> to be submitted as part of a complete application unless otherwise determined through the formal consultation process:</p> <ul style="list-style-type: none"> a) Channel Design and Geofluvial Assessment; b) Erosion Hazard Assessment; c) Floodline Delineation Study/ Hydraulic Analysis; d) Karst Assessment / Karst Contingency Plan; e) Limit of Core Areas or Limit of Conservation Authority Regulated Area; f) Meander Belt Assessment; g) Shoreline Assessment Study/ Coastal

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Engineers Study; and, h) Slope Stability Study and Report.	Engineers Study; and, h) Slope Stability Study and Report.
F.1.9.18 Where there is a discrepancy between submission requirements identified on Schedule H and the policies of Volume 2 and 3, the requirements identified in Volume 2 and 3 shall also apply.	F.1.9.18 Where there is a discrepancy between submission requirements identified on Schedule H and the policies of Volume 2 and 3, the requirements identified in Volume 2 and 3 shall also apply.
F.1.9.19 A Complete Application Compliance Summary shall be required where no formal consultation has been completed which shall identify how each requirement on Schedule H has been addressed.	F.1.9.19 A Complete Application Compliance Summary shall be required where no formal consultation has been completed which shall identify how each requirement on Schedule H has been addressed.
F.3.2.5.5 The City shall require a Hydrogeological Study and Soils/Geotechnical Study as part of a complete application for any <i>site alteration</i> activities below grade, unless otherwise determined through the formal consultation process.	F.3.2.5.5 The City shall require a Hydrogeological Study and Soils/Geotechnical Study as part of a complete application for any <i>site alteration</i> below grade, unless otherwise determined through the formal consultation process.
F.3.2.5.6 Where a Hydrogeological Study is required as part of a complete application, a Water Well Survey and Contingency Plan shall also be required, unless otherwise determined through the formal consultation process.	F.3.2.5.6 Where a Hydrogeological Study is required as part of a complete application, a Water Well Survey and Contingency Plan shall also be required, unless otherwise determined through the formal consultation process.
F.3.2.10.2 The need and scope for the preparation of an Assessment Report shall be determined by the City in accordance with Schedule H at the formal consultation stage of the development review process and submitted as part of the associated application. The specific requirements of the Assessment Report shall be reflective of individual applications and determined on a case by case basis.	F.3.2.10.2 The need and scope for the preparation of an Assessment Report shall be determined by the City in accordance with Schedule H at the formal consultation stage of the development review process and submitted as part of the associated application. The specific requirements of the Assessment Report shall be reflective of individual applications and determined on a case by case basis.
F.3.2.12.1 Where a request is made by a proponent of a development application to reduce or waive requirements for conveyance of lands for road widenings or daylight triangles as set out in Section C.4.5.2, Section C.4.5.6, Schedule C-1 – Future Right-of-Way Dedications (Rural), or Section C.4.5.7, proponents may shall be required to prepare a Right of Way Impact Assessment to review potential impacts and provide a rationale for the alternative requirement, in accordance with the criteria outlined in Policy C.4.5.6.5 a). (OPA 26)	F.3.2.12.1 Where a request is made by a proponent of a development application to reduce or waive requirements for conveyance of lands for road widenings or daylight triangles as set out in Section C.4.5.2, Section C.4.5.6, Schedule C-1 – Future Right-of-Way Dedications (Rural), or Section C.4.5.7, proponents shall be required to prepare a Right of Way Impact Assessment to review potential impacts and provide a rationale for the alternative requirement, in accordance with the criteria outlined in Policy C.4.5.6.5 a). (OPA 26)
F.3.2.13 Neighbourhood Traffic Calming Report The City shall require proponents of <i>development or redevelopment</i> applications to prepare a Neighbourhood Traffic Calming	F.3.2.13 Neighbourhood Traffic Calming Report The City shall require proponents of <i>development or redevelopment</i> applications to prepare a Neighbourhood Traffic Calming

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<p>Report for lands located within 500 metres to an educational establishment (i.e., elementary school), unless otherwise determined through the formal consultation process.</p>	<p>Report for lands located within 500 metres to an educational establishment (i.e., elementary school), unless otherwise determined through the formal consultation process.</p>
<p>F.3.2.14 Vibration Study The City shall require a Vibration Study to be submitted as part of a Construction Management Plan prior to or at the time of application submission, unless otherwise determined through the formal consultation process.</p>	<p>F.3.2.14 Vibration Study The City shall require a Vibration Study to be submitted as part of a Construction Management Plan prior to or at the time of application submission, unless otherwise determined through the formal consultation process.</p>
<p>F.3.2.15 Zoning Compliance Reviews</p>	<p>F.3.2.15 Zoning Compliance Reviews</p>
<p>F.3.2.15.1 A Zoning Compliance Review shall be submitted as part a complete application for Site Plan and Draft Plan of Subdivision which contains no non-compliances with respect to the use of the lands, unless otherwise determined through the formal consultation process.</p>	<p>F.3.2.15.1 A Zoning Compliance Review shall be submitted as part a complete application for Site Plan and Draft Plan of Subdivision which contains no non-compliances with respect to the use of the lands, unless otherwise determined through the formal consultation process.</p>
<p>F.3.2.15.2 A Zoning Compliance Review submitted as part of Site Plan shall be reviewed by City staff to confirm that the development conforms to the applicable height and density policies of Volume 1, Volume 2 and Volume 3 of the Official Plan prior to the application being deemed complete.</p>	<p>F.3.2.15.2 A Zoning Compliance Review submitted as part of Site Plan shall be reviewed by City staff to confirm that the development conforms to the applicable height and density policies of Volume 1, Volume 2 and Volume 3 of the Official Plan prior to the application being deemed complete.</p>
<p>F.3.2.16 For any <i>development or redevelopment</i> that is transformational for the surrounding area or any other <i>development</i> 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: a) Design Review Panel Summary of Advice Response; b) Urban Design Report / Brief; c) Pedestrian Level Wind Study; and, d) 3D Model.</p>	<p>F.3.2.16 For any <i>development or redevelopment</i> that is transformational for the surrounding area or any other <i>development</i> 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:</p> <p>a) Design Review Panel Summary of Advice Response; b) Urban Design Report / Brief; c) Pedestrian Level Wind Study; and, d) 3D Model.</p>
<p>F.3.2.17 Where <i>non-agricultural uses</i> are proposed on lands designated Agriculture, Speciality Crop, Rural, Mineral Aggregate Resource Extraction Area, Open Space or Utility on Schedule D – Rural Land Use Designations, the City shall require an Agricultural Impact Assessment be submitted, unless otherwise determined through the formal consultation process, to evaluate potential impacts on existing agricultural</p>	<p>F.3.2.17 Where <i>non-agricultural uses</i> are proposed on lands designated Agriculture, Speciality Crop, Rural, Mineral Aggregate Resource Extraction Area, Open Space or Utility on Schedule D – Rural Land Use Designations, the City shall require an Agricultural Impact Assessment be submitted, unless otherwise determined through the formal consultation process, to evaluate potential impacts on existing agricultural</p>

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<p>operations and the agricultural system and recommend ways to avoid, or, if avoidance is not possible, minimize and mitigate adverse impacts.</p>	<p>operations and the agricultural system and recommend ways to avoid, or, if avoidance is not possible, minimize and mitigate adverse impacts.</p>
<p>F.3.2.18 Recreation Needs Assessment The City shall require a Recreation Needs Assessment to be submitted as part of a complete application where parkland is proposed on site, unless otherwise determined through the formal consultation process.</p>	<p>F.3.2.18 Recreation Needs Assessment The City shall require a Recreation Needs Assessment to be submitted as part of a complete application where parkland is proposed on site, unless otherwise determined through the formal consultation process.</p>
<p>F.3.2.139 Other Technical Studies</p>	<p>F.3.2.19.1 Other Technical Studies</p>
<p>F.3.2.139.1 In addition to the studies identified in Sections F.3.2.1 to F.3.2.5, the City may require technical studies to be submitted as part of the <u>Planning Act</u> process. Prior to submission of these technical studies, consultation shall be required with City staff and/or Conservation Authorities shall be encouraged to confirm the contents for and the criteria to be used in the technical Studies.</p>	<p>F.3.2.19.1 In addition to the studies identified in Sections F.3.2.1 to F.3.2.5, the City may require technical studies to be submitted as part of the <u>Planning Act</u> process. Prior to submission of these technical studies, consultation with City staff and/or Conservation Authorities shall be encouraged to confirm the contents for and the criteria to be used in the technical Studies.</p>
<p>F.3.2.139.2 The recommendations from approved technical studies shall be implemented by future amendments to this Plan, including Secondary Plans and/or conditions or criteria identified through the review of <i>development</i> applications.</p>	<p>F.3.2.19.2 The recommendations from approved technical studies shall be implemented by future amendments to this Plan, including Secondary Plans and/or conditions or criteria identified through the review of <i>development</i> applications.</p>

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Appendix “D” - Volume 1: Schedule H – Other Information and Materials

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
1	Affordable Housing Report / Rental Conversion Assessment			✓			✓					✓				✓	
2	Aggregate Resource Assessment		✓	✓		✓	✓										
3	Aggregate/Mineral Resource Analysis		✓	✓		✓	✓										
4	Agricultural Impact Assessment			✓			✓				✓				✓		
5	Air Drainage Analysis Brief				✓			✓			✓					✓	
6	Air Quality Study		✓	✓		✓	✓			✓	✓					✓	
7	Archaeological Assessment		✓			✓				✓				✓			
8	Channel Design and Geofluvial Assessment		✓			✓						✓				✓	
9	Chloride Impact Study		✓			✓				✓				✓			
10	Complete Application Compliance Summary / Summary Response to Formal Consultation Comments	✓				✓				✓				✓			
11	Concept Plan	✓				✓				✓							
12	Construction Management Plan											✓				✓	
13	Contaminant Management Plan				✓			✓				✓				✓	
14	Cost Recovery Agreement	✓				✓			✓							✓	
15	Cultural Heritage Assessment – Documentation and Salvage Plan				✓			✓				✓				✓	
16	Cultural Heritage Impact Assessment		✓			✓				✓				✓			
17	Cut and Fill Analysis			✓				✓				✓				✓	

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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	✓				✓				✓				✓			

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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
36	Grading Plan	✓				✓				✓				✓			
37	Housing Report				✓				✓				✓				✓
38	Hydrogeological Study			✓				✓		✓				✓			
39	Impact Assessment for new Private Waste Disposal Sites				✓				✓				✓				✓
40	Karst Assessment/Karst Contingency Plan		✓				✓				✓				✓		
41	Land Use Compatibility Study			✓			✓								✓		
42	Land Use in the Vicinity of Existing Pipelines Study		✓				✓				✓				✓		
43	Land Use/ Commercial Needs and Impact Assessment				✓				✓								
44	Landfill Impact Assessment		✓	✓			✓	✓			✓	✓			✓	✓	
45	Landscape Plan									✓				✓			
46	Landscape Plan (Conceptual)	✓				✓											
47	Light Impact Assessment			✓				✓				✓				✓	
48	Limit of Core Areas or Limit of Conservation Authority Regulated Area		✓				✓				✓				✓		
49	Linkage Assessment		✓				✓				✓				✓		
50	Market Impact Study				✓				✓								
51	Master Drainage Plan				✓				✓				✓				✓
52	Materials Palette or Imagery												✓	✓			✓
53	Meander Belt Assessment				✓				✓				✓				✓
54	Minimum Distance Separation Calculation			✓				✓				✓				✓	
55	Ministry of the Environment Conservation and Parks - Environmental Compliance Approval				✓				✓				✓				✓

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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
56	Modern Roundabout and Neighbourhood Roundabout Analysis				✓				✓				✓				
57	Neighbourhood Traffic Calming Options Report		✓				✓			✓				✓			
58	Noise Impact Studies (Noise Feasibility and/or Detailed Noise Study)		✓	✓			✓	✓			✓	✓			✓	✓	
59	Nutrient Management Study				✓				✓			✓					✓
60	Odour Impact Assessment		✓	✓			✓	✓			✓	✓			✓	✓	
61	On-Street Parking Plan											✓					✓
62	Parking Analysis/Study			✓				✓				✓			✓		
63	Pedestrian Route and Sidewalk Analysis	✓				✓				✓							✓
64	Planning Justification Report	✓				✓				✓							✓
65	Planning Brief / Development Brief													✓			
66	Pre-Technical Conservation Authority Review				✓				✓				✓				✓
67	Public Consultation Summary and Comment Response Report	✓				✓			✓								
68	Recreation Feasibility Study				✓				✓								
69	Recreation Needs Assessment				✓				✓				✓				
70	Restoration Plan				✓				✓				✓				✓
71	Right of Way Impact Assessment			✓				✓			✓				✓		
72	Roadway/Development Safety Audit				✓				✓				✓				
73	Approved Source Water Protection Restricted Land Use Application (Section 59 Notice)		✓				✓			✓				✓			

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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
74				✓				✓								
75				✓				✓				✓				
76				✓				✓	✓				✓			
77		✓				✓				✓				✓		
78												✓				✓
79													✓			
80		✓				✓				✓				✓		
81												✓				✓
82			✓				✓		✓				✓			
83		✓				✓			✓					✓		
84	✓				✓				✓				✓			
85				✓				✓				✓				
86				✓				✓				✓				✓
87	✓				✓				✓				✓			
88				✓				✓				✓				
89				✓				✓				✓				✓
90	✓				✓							✓				✓
91	✓				✓				✓				✓			
92	✓				✓				✓				✓			

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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
93	Urban Design or Architectural Guidelines											✓					
94	Urban Design Report/ Brief				✓				✓				✓				✓
95	Vibration Study		✓				✓				✓				✓		
96	Visual Impact Assessment		✓	✓			✓	✓			✓	✓			✓	✓	
97	Water and Wastewater Servicing Study	✓				✓				✓				✓			
98	Watermain Hydraulic Analysis					✓				✓				✓			
99	Water Well Survey and Contingency Plan			✓				✓				✓				✓	
100	Wildland Fire Assessment (OPA 167)											✓					✓
101	Wind Study			✓				✓				✓				✓	
102	Zoning Compliance Review					✓				✓				✓			
103	3D Model			✓				✓				✓				✓	

Schedule “1”

Draft
**Amendment No. XX to the former Region of Hamilton-
Wentworth Official Plan**

The following text, together with:

Appendix “A”	Subsection D.7A – Complete Application Requirements and Formal Consultation
Appendix “B”	Subsection D.7B – Locational and Proposal Based Requirements
Appendix “C”	Volume 1: Schedule I – Other Information and Materials

attached hereto, constitutes Official Plan Amendment No. “X” to the former Region of Hamilton-Wentworth Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the former Region of Hamilton - Wentworth Official Plan by amending existing policies and adding new policies to respond to Planning Act legislative changes which implement Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*.

2.0 Location:

The lands affected by this amendment are located within the West Harbour (Setting Sail) Secondary Plan area.

3.0 Basis:

The basis for permitting this Amendment is:

- The Amendment provides clarity on the requirements for a complete application in the absence of an applicant first going through the formal consultation process; and
- The Amendment is consistent with the Provincial Planning Statement, 2024.

4.0 Changes:

4.1 Text Changes

4.1.1 Subsection D.7A – Complete Application Requirements and Formal Consultation

a. That the following policies of Subsection D.7A – Complete Application Requirements and Formal Consultation be amended, added or deleted, as outlined in Appendix “A”, attached to this Amendment:

- | | | |
|----------|-----------------|-----------------|
| • D.7A.1 | • D.7A.8 | • D.7A.13 (new) |
| • D.7A.3 | • D.7A.9 | • D.7A.14 (new) |
| • D.7A.5 | • D.7A.10 (new) | • D.7A.15 (new) |
| • D.7A.6 | • D.7A.11 (new) | • |
| • D.7A.7 | • D.7A.12 (new) | |

4.1.2 Subsection D.7B – Locational and Proposal Based Application Requirements

a. That Subsection D.7B – Locational and Proposal Based Application Requirements be added as outlined in Appendix “B”, attached to this Amendment:

- | | | |
|----------------|-----------------|-----------------|
| • D.7B.1 (new) | • D.7B.6 (new) | • D.7B.12 (new) |
| • D.7B.2 (new) | • D.7B.7 (new) | • D.7B.13 (new) |
| • D.7B.3 (new) | • D.7B.8 (new) | • D.7B.14 (new) |
| • D.7B.4 (new) | • D.7B.9 (new) | • D.7B.15 (new) |
| • D.7B.5 (new) | • D.7B.10 (new) | • D.7B.16 (new) |
| • D.7B.6 (new) | • D.7B.11 (new) | |

4.2 Maps and Schedules

4.1.2 Schedule 1 – Other Information and Materials

a. That Schedule 1 – Other Information and Materials be added to the Region of Wentworth-Hamilton Official Plan, as shown on Appendix “C”, attached to this Amendment.

5.0 Implementation:

An implementing amendment to the City's Formal Consultation By-law will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule “1” to By-law No. _____ passed on the ___th day of ___, 2024.

The
City of Hamilton

A. Horwath
MAYOR

M. Trennum
CITY CLERK

Appendix “A” – Subsection D.7A – Complete Application Requirements and Formal Consultation

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>D.7A.1 Formal consultation with the City (formerly the Region of Hamilton-Wentworth) shall be encouraged required prior to the submission of a Planning Act application(s) for a Regional Official Plan Amendment, Area Municipal Official Plan Amendment, Zoning Bylaw Amendment, Draft Plan of Subdivision, or Site Plan.</p>	<p>D.7A.1 Formal consultation with the City (formerly the Region of Hamilton-Wentworth) shall be encouraged prior to the submission of a Planning Act application(s) for a Regional Official Plan Amendment, Area Municipal Official Plan Amendment, Zoning Bylaw Amendment, Draft Plan of Subdivision, or Site Plan.</p>
<p>D.7A.3 Notwithstanding Policy D.7A.1, the City may waive the requirement for formal consultation, where the City has identified that, due to the nature of the proposal, the need for and scope of required other information and materials can be determined without a formal consultation. A waiver for formal consultation shall only be considered where a formal consultation process had been completed for the same proposal. If the formal consultation is waived by the City, the City will provide the applicant with a form that identifies the necessary other information and materials to be submitted with the application(s) to deem it complete.</p>	<p>D.7A.3 A waiver for formal consultation shall only be considered where a formal consultation process had been completed for the same proposal. If the formal consultation is waived by the City, the City will provide the applicant with a form that identifies the necessary other information and materials to be submitted with the application(s) to deem it complete.</p>
<p>D.7A.5 A Planning Act application(s) shall be deemed complete provided that: a) it satisfies all applicable provincial requirements; b) it satisfies all requirements set out in the applicable Area Municipal Official Plans; and, c) it shall be accompanied by all the other information and materials listed in Schedule No. 1 Table 1 of Policy D.7A.6 or as determined by the procedures of Policy D.7A.1 or D.7A.3.</p>	<p>D.7A.5 A Planning Act application(s) shall be deemed complete provided that: a) it satisfies all applicable provincial requirements; b) it satisfies all requirements set out in the applicable Area Municipal Official Plans; and, c) it shall be accompanied by all the other information and materials listed in Schedule No. 1 or as determined by the procedures of Policy D.7A.1 or D.7A.3.</p>
<p>D.7A.6 Schedule No. 1 Table 1 identifies the other information and materials which are required to deem Planning Act applications for Regional Official Plan Amendment, Area Municipal Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Site Plan complete, unless otherwise determined through a formal consultation.</p>	<p>D.7A.6 Schedule No. 1 identifies the other information and materials which are required to deem Planning Act applications for Regional Official Plan Amendment, Area Municipal Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Site Plan complete, unless otherwise determined through a formal consultation.</p>

<p>Repeal Table 1 (as part of Policy 7A.6) with the table contained at the end of Appendix “A” to the Amendment to be added as Schedule No. 1 to this Plan.</p>	<p>See new table at the end of Appendix “A”</p>
<p>D.7A.7 Other information and materials submitted in accordance with Policy D.7A.5 shall be subject to the following requirements to be deemed complete:</p> <p>...</p> <p>e) In addition to the other information and materials listed in Schedule No. 1 Table 1, the applicant may shall be required to submit any other supporting information and materials identified by the City during the formal consultation process with the applicant as being necessary for an application to be deemed complete.</p>	<p>D.7A.7 Other information and materials submitted in accordance with Policy D.7A.5 shall be subject to the following requirements to be deemed complete:</p> <p>...</p> <p>e) In addition to the other information and materials listed in Schedule No. 1, the applicant shall be required to submit any other supporting information and materials identified by the City during the formal consultation process with the applicant as being necessary for an application to be deemed complete.</p>
<p>D.7A.8 The requirement for other information and materials submitted in accordance with Policies D.7A.1, or D.7A.3, or Schedule No. 1 is not intended to preclude Council and its delegated authorities from requiring additional reports, studies, maps, plans, calculations, information or materials, which are identified during the review process for an application(s) which has been deemed complete as being necessary for Council and its delegated authorities to make informed decisions.</p>	<p>D.7A.8 The requirement for other information and materials submitted in accordance with Policies D.7A.1, D.7A.3, or Schedule No. 1 is not intended to preclude Council and its delegated authorities from requiring additional reports, studies, maps, plans, calculations, information or materials, which are identified during the review process for an application(s) which has been deemed complete as being necessary for Council and its delegated authorities to make informed decisions.</p>
<p>D.7A.9 The City shall establish guidelines for the other information and materials identified in Policy D.7A.5 Schedule No. 1, to provide direction regarding the intended content and scope of such other information and materials.</p>	<p>D.7A.9 The City shall establish guidelines for the other information and materials identified in Schedule No. 1, to provide direction regarding the intended content and scope of such other information and materials.</p>
<p>D.7A.10 Prior to the submission of a complete Planning Act application, where complete application requirements have been determined through formal consultation or a formal consultation waiver letter prior to January 1, 2023, the City may:</p> <p>a) amend the formal consultation or waiver letter; or</p> <p>b) require the complete application requirements to be determined through a new formal consultation or in accordance with Schedule No. 1.</p>	<p>D.7A.10 Prior to the submission of a complete Planning Act application, where complete application requirements have been determined through formal consultation or a formal consultation waiver letter prior to January 1, 2023, the City may:</p> <p>a) amend the formal consultation or waiver letter; or</p> <p>b) require the complete application requirements to be determined through a new formal consultation or in accordance with Schedule No. 1.</p>
<p>D.7A.11 Schedule No. 1 identifies four categories under which other information and materials shall be required for each Planning Act application. These categories are:</p> <p>a) minimum requirements for the submission</p>	<p>D.7A.11 Schedule No. 1 identifies four categories under which other information and materials shall be required for each Planning Act application. These categories are:</p>

<p>of a complete application regardless of the context of the application; b) locational requirements for the submission of a complete application for all applications located within a specified area, as determined by the applicable policies of this Plan; c) proposal based requirements for the submission of a complete application for all applications of a specified use, form, character, or scale, as determined by the applicable policies of this Plan; and, d) discretionary requirements being all other information and materials that may be requested by the City through the formal consultation process and/or the processing of a Planning Act application.</p>	<p>a) minimum requirements for the submission of a complete application regardless of the context of the application; b) locational requirements for the submission of a complete application for all applications located within a specified area, as determined by the applicable policies of this Plan. c) proposal based requirements for the submission of a complete application for all applications of a specified use, form, character, or scale, as determined by the applicable policies of this Plan; and, d) discretionary requirements being all other information and materials that may be requested by the City through the formal consultation process and/or the processing of a Planning Act application.</p>
<p>D.7A.12 The City may establish application guidelines or update to provide guidance on the applicable policies of this Plan which apply to the locational and proposal based requirements as identified in Schedule No. 1.</p>	<p>D.7A.12 The City may establish application guidelines to provide guidance for the applicable policies of this Plan which apply to the locational and proposal based requirements as identified in Schedule No. 1.</p>
<p>D.7A.13 Where any policy of this Plan identifies a submission requirement the City may require as part of a complete application and where it is identified as a locational or proposal based requirement, it shall be deemed to be a submission requirement for a complete Planning Act application unless otherwise determined through the formal consultation process.</p>	<p>D.7A.13 Where any policy of this Plan identifies a submission requirement the City may require as part of a complete application and where it is identified as a locational or proposal based requirement, it shall be deemed to be a submission requirement for a complete Planning Act application unless otherwise determined through the formal consultation process.</p>
<p>D.7A.14 Where there is a discrepancy between submission requirements identified in this Plan and the policies of the former City of Hamilton Official Plan and the West Harbour Secondary Plan, the requirements identified in the former City of Hamilton Official Plan and the West Harbour Secondary Plan shall also apply.</p>	<p>D.7A.14 Where there is a discrepancy between submission requirements identified in this Plan and the policies of the former City of Hamilton Official Plan and the West Harbour Secondary Plan, the requirements identified in the former City of Hamilton Official Plan and the West Harbour Secondary Plan shall also apply.</p>
<p>D.7A.15 A Complete Application Compliance Summary shall be required where no formal consultation has been completed which shall identify how each requirement on Schedule No. 1 has been addressed.</p>	<p>D.7A.15 A Complete Application Compliance Summary shall be required where no formal consultation has been completed which shall identify how each requirement on Schedule No. 1 has been addressed.</p>

Appendix “B” – Subsection D.7B – Locational and Proposal Based Requirements

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>7B Locational and Proposal Based Application Requirements The following policies identify the criteria for locational and proposal based requirements identified in Schedule No. 1.</p>	<p>7B Locational and Proposal Based Application Requirements The following policies identify the criteria for locational and proposal based requirements identified in Schedule No. 1.</p>
<p>D.7B.1 The City shall ensure that all development or redevelopment with the potential to create conflicts between sensitive land uses and point source or fugitive air emissions such as noise, vibration, odour, dust, and other emissions complies with all applicable provincial legislation, provincial and municipal standards, and provincial guidelines, and shall have regard to municipal guidelines. The City shall require proponents of such proposals to submit studies prior to or at the time of application submission, unless otherwise determined through the formal consultation process, including the following: noise feasibility study; detailed noise study; air quality study; odour impact assessment; dust impact analysis; light impact assessment; and any other information and materials identified in Section D.7A - Complete Application Requirements and Formal Consultation.</p>	<p>D.7B.1 The City shall ensure that all development or redevelopment with the potential to create conflicts between sensitive land uses and point source or fugitive air emissions such as noise, vibration, odour, dust, and other emissions complies with all applicable provincial legislation, provincial and municipal standards, and provincial guidelines, and shall have regard to municipal guidelines. The City shall require proponents of such proposals to submit studies prior to or at the time of application submission, unless otherwise determined through the formal consultation process, including the following: noise feasibility study; detailed noise study; air quality study; odour impact assessment; dust impact analysis; light impact assessment; and any other information and materials identified in Section D.7A - Complete Application Requirements and Formal Consultation.</p>
<p>D.7B.2 For any development or redevelopment on lands identified on Map No 3a – Provincial Plans as Niagara Escarpment Plan Natural Area; or regulated by a Conservation Authority; or located within 120 metres of Hazardous Lands, Key Hydrologic Features, or Earth Science Area of Natural and Scientific Interest (ANSI), the City shall require the following other information and materials to be submitted as part of a complete application unless otherwise determined through the formal consultation process: a) Channel Design and Geofluvial Assessment; b) Erosion Hazard Assessment; c) Floodline Delineation Study/ Hydraulic Analysis; d) Karst Assessment / Karst Contingency Plan; e) Limit of Core Areas or Limit of Conservation Authority Regulated Area;</p>	<p>D.7B.2 For any development or redevelopment on lands identified on Map No 3a – Provincial Plans as Niagara Escarpment Plan Natural Area; or regulated by a Conservation Authority; or located within 120 metres of Hazardous Lands, Key Hydrologic Features, or Earth Science Area of Natural and Scientific Interest (ANSI), the City shall require the following other information and materials to be submitted as part of a complete application unless otherwise determined through the formal consultation process: a) Channel Design and Geofluvial Assessment; b) Erosion Hazard Assessment; c) Floodline Delineation Study/ Hydraulic Analysis; d) Karst Assessment / Karst Contingency Plan; e) Limit of Core Areas or Limit of Conservation Authority Regulated Area;</p>

<p>f) Meander Belt Assessment; g) Shoreline Assessment Study/ Coastal Engineers Study; and, h) Slope Stability Study and Report.</p>	<p>f) Meander Belt Assessment; g) Shoreline Assessment Study/ Coastal Engineers Study; and, h) Slope Stability Study and Report.</p>
<p>D.7B.3 A cultural heritage impact assessment: a) shall be required by the City and submitted prior to or at the time of any application submission pursuant to the Planning Act, where the proposed development, site alteration, or redevelopment of lands (both public and private) has the potential to adversely affect the following cultural heritage resources through displacement or disruption: i. Properties designated under any part of the Ontario Heritage Act or adjacent to properties designated under any part of the Ontario Heritage Act; ii. Properties that are included in the City's Register of Property of Cultural Heritage Value or Interest or adjacent to properties included in the City's Register of Property of Cultural Heritage Value or Interest; iii. A registered or known archaeological site or areas of archaeological potential; iv. Any area for which a cultural heritage conservation plan statement has been prepared; or, v. Properties that comprise or are contained within cultural heritage landscapes that are included in the Register of Property of Cultural Heritage Value or Interest. b) may be required by the City and submitted prior to or at the time of any application submission pursuant to the Planning Act, R.S.O., 1990 c. P.13 where the proposed development, site alteration, or redevelopment of lands (both public and private) has the potential to adversely affect cultural heritage resources included in the City's Inventory of Buildings of Architectural or Historical Interest through displacement or disruption.</p>	<p>D.7B.3 A cultural heritage impact assessment: a) shall be required by the City and submitted prior to or at the time of any application submission pursuant to the Planning Act, where the proposed development, site alteration, or redevelopment of lands (both public and private) has the potential to adversely affect the following cultural heritage resources through displacement or disruption: i. Properties designated under any part of the Ontario Heritage Act or adjacent to properties designated under any part of the Ontario Heritage Act; ii. Properties that are included in the City's Register of Property of Cultural Heritage Value or Interest or adjacent to properties included in the City's Register of Property of Cultural Heritage Value or Interest; iii. A registered or known archaeological site or areas of archaeological potential; iv. Any area for which a cultural heritage conservation plan statement has been prepared; or v. Properties that comprise or are contained within cultural heritage landscapes that are included in the Register of Property of Cultural Heritage Value or Interest. b) may be required by the City and submitted prior to or at the time of any application submission pursuant to the Planning Act, R.S.O., 1990 c. P.13 where the proposed development, site alteration, or redevelopment of lands (both public and private) has the potential to adversely affect cultural heritage resources included in the City's Inventory of Buildings of Architectural or Historical Interest through displacement or disruption.</p>
<p>D.7B.4 The City shall require proponents of development or redevelopment applications which include residential uses to prepare a Housing Report to indicate how the proposal will provide for a mix of unit sizes to accommodate a range of household sizes and income levels, unless otherwise determined through the formal consultation process.</p>	<p>D.7B.4 The City shall require proponents of development or redevelopment applications which include residential uses to prepare a Housing Report to indicate how the proposal will provide for a mix of unit sizes to accommodate a range of household sizes and income levels, unless otherwise determined through the formal consultation process.</p>

<p>D.7B.5 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:</p> <p>a) Design Review Panel Summary of Advice Response; b) Housing Report; c) Energy and Environmental Assessment Report; d) Shadow Impact Study; e) Pedestrian Level Wind Study; f) Visual Impact Assessment; and, g) 3D Model.</p>	<p>D.7B.5 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:</p> <p>a) Design Review Panel Summary of Advice Response; b) Housing Report; c) Energy and Environmental Assessment Report; d) Shadow Impact Study; e) Pedestrian Level Wind Study; f) Visual Impact Assessment; and, g) 3D Model.</p>																								
<p>D.7B.6 An EIS shall be required for development and site alteration proposed within or adjacent to a Core Area. Adjacent lands for features are defined in Table 1 below. The distances for adjacent lands provided in Table 1 are guidelines only and the City may require an EIS for development proposed outside of the adjacent area if it is anticipated that impacts may be far-reaching.</p> <p>Table 1: Adjacent Land Distances to Trigger an Environmental Impact Statement (For lands outside the Greenbelt Plan Area)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">Natural Heritage Feature</th> <th style="width: 25%;">Boundary Definition</th> <th style="width: 50%;">Extent of Adjacent Lands- (outside of Greenbelt)</th> </tr> </thead> <tbody> <tr> <td>Fish Habitat</td> <td>Streams, rivers, lakes, ponds, and wetland.</td> <td>30 metres from bankfull channel</td> </tr> <tr> <td>Provincially Significant Wetlands</td> <td>Defined by the Province</td> <td>120 metres</td> </tr> <tr> <td>Significant Habitat of Threatened and Endangered Species</td> <td>Defined by the Province and City of Hamilton.</td> <td>50 metres</td> </tr> </tbody> </table>	Natural Heritage Feature	Boundary Definition	Extent of Adjacent Lands- (outside of Greenbelt)	Fish Habitat	Streams, rivers, lakes, ponds, and wetland.	30 metres from bankfull channel	Provincially Significant Wetlands	Defined by the Province	120 metres	Significant Habitat of Threatened and Endangered Species	Defined by the Province and City of Hamilton.	50 metres	<p>D.7B.6 An EIS shall be required for development and site alteration proposed within or adjacent to a Core Area. Adjacent lands for features are defined in Table 1 below. The distances for adjacent lands provided in Table 1 are guidelines only and the City may require an EIS for development proposed outside of the adjacent area if it is anticipated that impacts may be far-reaching.</p> <p>Table 1: Adjacent Land Distances to Trigger an Environmental Impact Statement (For lands outside the Greenbelt Plan Area)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">Natural Heritage Feature</th> <th style="width: 25%;">Boundary Definition</th> <th style="width: 50%;">Extent of Adjacent Lands- outside of Greenbelt</th> </tr> </thead> <tbody> <tr> <td>Fish Habitat</td> <td>Streams, rivers, lakes, ponds, and wetland.</td> <td>30 metres from bankfull channel</td> </tr> <tr> <td>Provincially Significant Wetlands</td> <td>Defined by the Province</td> <td>120 metres</td> </tr> <tr> <td>Significant Habitat of Threatened and Endangered Species</td> <td>Defined by the Province and City of Hamilton.</td> <td>50 metres</td> </tr> </tbody> </table>	Natural Heritage Feature	Boundary Definition	Extent of Adjacent Lands- outside of Greenbelt	Fish Habitat	Streams, rivers, lakes, ponds, and wetland.	30 metres from bankfull channel	Provincially Significant Wetlands	Defined by the Province	120 metres	Significant Habitat of Threatened and Endangered Species	Defined by the Province and City of Hamilton.	50 metres
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Non-Provincially Significant Wetlands	Defined by Conservation Authorities and the City of Hamilton	50 metres	Non-Provincially Significant Wetlands	Defined by Conservation Authorities and the City of Hamilton	50 metres
Significant Woodlands	Defined by the City of Hamilton	50 metres, measured from the dripline	Significant Woodlands	Defined by the City of Hamilton	50 metres, measured from the dripline
Streams and River Valleys	Conservation Authority regulatory lines, flood plain mapping.	30 metres from stable top of bank	Streams and River Valleys	Conservation Authority regulatory lines, flood plain mapping.	30 metres from stable top of bank
Areas of Natural and Scientific Interest (ANSIs)	As defined by the Province	50 metres	Areas of Natural and Scientific Interest (ANSIs)	As defined by the Province	50 metres
Significant Valley lands	As defined by the Province and City of Hamilton.	50 metres	Significant Valley lands	As defined by the Province and City of Hamilton.	50 metres
Significant Wildlife Habitat	As defined by the Province and City of Hamilton.	50 metres	Significant Wildlife Habitat	As defined by the Province and City of Hamilton.	50 metres
Environmentally Significant Areas (ESAs)	As defined by the City of Hamilton	50 metres	Environmentally Significant Areas (ESAs)	As defined by the City of Hamilton	50 metres
<p>D.7B.7 Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines. The Record of Site Condition shall be submitted by the proponent to the City and the Province. The Record of Site Condition shall be to the satisfaction of the City.</p>			<p>D.7B.7 Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines. The Record of Site Condition shall be submitted by the proponent to the City and the Province. The Record of Site Condition shall be to the satisfaction of the City.</p>		
<p>D.7B.8 The City shall require a Hydrogeological Study and Soils/Geotechnical Study as part of a complete application for any site alteration below grade, unless otherwise determined through the formal consultation process.</p>			<p>D.7B.8 The City shall require a Hydrogeological Study and Soils/Geotechnical Study to be submitted as part of a complete application for any site alteration below grade, unless otherwise determined through the formal consultation process.</p>		

<p>D.7B.9 The City shall require proponents of development or redevelopment applications to prepare a Neighbourhood Traffic Calming Report as part of a complete application for lands located within 500 metres an educational establishment (i.e., elementary school), unless otherwise determined through the formal consultation process.</p>	<p>D.7B.9 The City shall require proponents of development or redevelopment applications to prepare a Neighbourhood Traffic Calming Report as part of a complete application for lands located within 500 metres to an educational establishment (i.e., elementary school), unless otherwise determined through the formal consultation process.</p>
<p>D.7B.10 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations: a) 100 metres of a minor arterial road; b) 400 metres of a major arterial road; c) 400 metres of a truck route; d) 400 metres of an existing or proposed parkway or provincial highway (controlled access); and, e) 400 metres of a railway line.</p>	<p>D.7B.10 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations: a) 100 metres of a minor arterial road; b) 400 metres of a major arterial road; c) 400 metres of a truck route; d) 400 metres of an existing or proposed parkway or provincial highway (controlled access); and, e) 400 metres of a railway line.</p>
<p>D.7B.11 Where a reduction in the minimum number of required parking spaces or an increase in the maximum number of permitted parking spaces is proposed, the City shall require a Parking Analysis / Study as part of a complete application, unless otherwise determined through the formal consultation process.</p>	<p>D.7B.11 Where a reduction in the minimum number of required parking spaces or an increase in the maximum number of permitted parking spaces is proposed, the City shall require a Parking Analysis / Study as part of a complete application, unless otherwise determined through the formal consultation process.</p>
<p>D.7B.12 Where a request is made by a proponent of a development application to reduce or waive requirements for conveyance of lands for right-of-way dedications, including daylight triangles , proponents shall be required to prepare a Right of Way Impact Assessment to review potential impacts and provide a rationale for the alternative requirement in accordance with the criteria outlined in Policy C.4.5.6.5 a).</p>	<p>D.7B.12 Where a request is made by a proponent of a development application to reduce or waive requirements for conveyance of lands for right-of-way dedications, including daylight triangles, proponents shall be required to prepare a Right of Way Impact Assessment to review potential impacts and provide a rationale for the alternative requirement in accordance with the criteria outlined in Policy C.4.5.6.5 a).</p>
<p>D.7B.13 The City shall require a Vibration Study to be submitted as part of a Construction Management Plan prior to or at the time of application submission.</p>	<p>D.7B.13 The City shall require a Vibration Study to be submitted as part of a Construction Management Plan prior to or at the time of application submission.</p>
<p>D.7B.14 The City shall require a Vibration Study to be submitted prior to or at the time of application submission for development on lands located within 75 metres of a railway line or railway yard, unless otherwise determined through the formal consultation process.</p>	<p>D.7B.14 The City shall require a Vibration Study to be submitted prior to or at the time of application submission for development on lands located within 75 metres of a railway line or railway yard, unless otherwise determined through the formal consultation process.</p>
<p>D.7B.15 The City shall require a Water Well Survey and Contingency Plan to be submitted</p>	<p>D.7B.15 The City shall require a Water Well Survey and Contingency Plan to be</p>

<p>prior to or at the time of application submission for development on lands within 500 metres of the urban boundary or any un-serviced lands within the urban area.</p>	<p>submitted prior to or at the time of application submission for development on lands within 500 metres of the urban boundary or any un-serviced lands within the urban area.</p>
<p>D.7B.16 A Zoning Compliance Review shall be submitted as part a complete application for Site Plan and Draft Plan of Subdivision which contains no non-compliances with respect to the use of the lands, unless otherwise determined through the formal consultation process.</p>	<p>D.7B.16 A Zoning Compliance Review shall be submitted as part a complete application for Site Plan and Draft Plan of Subdivision which contains no non-compliances with respect to the use of the lands, unless otherwise determined through the formal consultation process.</p>
<p>D.7B.17 A Zoning Compliance Review submitted as part of Site Plan shall be reviewed by City staff to confirm that the development conforms to the applicable height and density policies of Official Plan prior to the application being deemed complete.</p>	<p>D.7B.17 A Zoning Compliance Review submitted as part of Site Plan shall be reviewed by City staff to confirm that the development conforms to the applicable height and density policies of Official Plan prior to the application being deemed complete.</p>

Appendix “C” – Schedule 1 – Other Information and Materials

Study / Material Name		Former Region and Former Hamilton 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
1	Affordable Housing Report / Rental Conversion Assessment			✓			✓										✓
2	Agricultural Impact Assessment		✓			✓				✓				✓			
3	Air Quality Study		✓	✓		✓	✓			✓	✓						✓
4	Archaeological Assessment	✓				✓				✓			✓				
5	Channel Design and Geofluvial Assessment		✓			✓						✓					✓
6	Chloride Impact Study				✓			✓				✓					✓
7	Complete Application Compliance Summary / Summary Response to Formal Consultation Comments	✓				✓				✓			✓				
8	Concept Plan	✓				✓				✓							
9	Construction Management Plan											✓					✓
10	Contaminant Management Plan				✓			✓				✓					✓
11	Cost Recovery Agreement	✓				✓				✓							✓
12	Cultural Heritage Assessment – Documentation and Salvage Plan				✓			✓				✓					✓
13	Cultural Heritage Impact Assessment		✓			✓				✓				✓			
14	Cut and Fill Analysis				✓			✓				✓					✓

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

Study / Material Name		Former Region and Former Hamilton 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
53	Ministry of the Environment Conservation and Parks - Environmental Compliance Approval				✓				✓				✓				✓
54	Modern Roundabout and Neighbourhood Roundabout Analysis				✓				✓				✓				
55	Neighbourhood Traffic Calming Options Report		✓				✓				✓				✓		
56	Noise Impact Studies (Noise Feasibility and/or Detailed Noise Study)		✓	✓			✓	✓			✓	✓			✓	✓	
57	Nutrient Management Study				✓				✓				✓				✓
58	Odour Impact Assessment		✓	✓			✓	✓			✓	✓			✓	✓	
59	On-Street Parking Plan											✓					✓
60	Parking Analysis/Study			✓				✓				✓				✓	
61	Pedestrian Route and Sidewalk Analysis	✓				✓				✓							✓
62	Planning Justification Report	✓				✓				✓							✓
63	Planning Brief / Development Brief												✓				
64	Pre-Technical Conservation Authority Review				✓				✓				✓				✓
65	Public Consultation Summary and Comment Response Report	✓				✓				✓							
66	Recreation Feasibility Study				✓				✓								
67	Recreation Needs Assessment				✓				✓				✓				
68	Restoration Plan				✓				✓				✓				✓

Study / Material Name		Former Region and Former Hamilton 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
69	Right of Way Impact Assessment			✓			✓				✓				✓		
71	Roadway/Development Safety Audit				✓			✓				✓					
72	School Accommodation Issues Assessment				✓			✓									
73	School and City Recreation Facility and Outdoor Recreation/Parks Issues Assessment				✓			✓				✓					
74	Servicing Plan				✓			✓	✓				✓				
75	Shoreline Assessment Study/Coastal Engineers Study		✓			✓				✓				✓			
76	Site Lighting Plan											✓				✓	
77	Site Plan and Floor Plans												✓				
78	Slope Stability Study and Report		✓			✓				✓				✓			
79	Soil Management Plan											✓				✓	
81	Soils/Geotechnical Study			✓			✓		✓				✓				
82	Species Habitat Assessment		✓			✓				✓				✓			
83	Storm Water Management Report/Plan and/or update to an existing Storm Water Management Plan	✓				✓			✓				✓				
84	Sub-watershed Plan and/or update to an existing Sub-watershed Plan				✓			✓					✓				
85	Sun/Shadow Study			✓			✓				✓				✓		
86	Survey Plan (Real Property Report)	✓				✓			✓				✓				
87	Transit Assessment	✓				✓			✓								

Study / Material Name		Former Region and Former Hamilton 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
88	Transportation Demand Management Options Report				✓			✓				✓				✓	
89	Transportation Impact Study	✓				✓						✓					✓
90	Tree Management Plan/Study (City-owned trees and / or within 3 metres of ROW)	✓				✓				✓				✓			
91	Tree Protection Plan (Private trees)	✓				✓				✓				✓			
92	Urban Design or Architectural Guidelines											✓					
93	Design Review Panel Summary of Advice and Response		✓	✓			✓	✓			✓	✓			✓	✓	
94	Urban Design Report/ Brief		✓	✓			✓	✓				✓			✓	✓	
95	Vibration Study		✓				✓				✓				✓		
96	Visual Impact Assessment		✓	✓			✓	✓			✓	✓			✓	✓	
97	Water and Wastewater Servicing Study	✓				✓				✓				✓			
98	Watermain Hydraulic Analysis					✓				✓				✓			
99	Water Well Survey and Contingency Plan		✓				✓				✓				✓		
100	Wildland Fire Assessment											✓					✓
101	Wind Study			✓				✓				✓				✓	
102	Zoning Compliance Review					✓				✓				✓			
103	3D Model			✓				✓				✓				✓	

Appendix “D” to Report PED24134
Page 1 of 4

Authority: Item,
Report
CM:
Ward: City-wide

Bill No.

CITY OF HAMILTON
BY-LAW NO.

To Amend By-law No. 08-297,
Respecting Amendments to the *Planning Act* Related to Preliminary Consultation

AND WHEREAS the Urban Hamilton Official Plan, Rural Hamilton Official Plan and former Region of Hamilton-Wentworth Official Plan contain policies permitting applicants to pre-consult with the municipality for planning applications;

AND WHEREAS the City of Hamilton passed By-law No. 08-297 to require consultation prior to the submission of planning applications and to delegate to staff the authority to decide if an application is complete;

AND WHEREAS under the provisions of Subsections 22(3.1), 34(10.0.1), 41(3.1) and 51(16.1) of the *Planning Act*, as amended by *Bill 185, Cutting Red Tape to Build More Homes Act, 2024*, modified the authority for Council to require applicants to consult with the municipality for Official Plan Amendments, Zoning By-law Amendments, Site Plan Control and Draft Plan of Subdivision applications;

AND WHEREAS the purpose of this by-law is to amend By-law 08-297, to implement Bill 185 changes related to required consultation and retain the delegated authority for deeming an application complete;

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

1. That the Title of By-law No. 08-297 be modified to delete the words “To Require Consultation” and replace with the words “To Permit an Applicant to Consult”.
2. That Section 1(c) of By-law No. 08-297 be modified to add the words “/ Chief Planner” after “Director of Planning”.
3. That Section 1(f) of By-law No. 08-297 be modified to add “41(3.4),” after the words “24(10.2),” and before the words “51(18)”.
4. That Section 2 of By-law No. 08-297 be modified as follows:

Appendix “D” to Report PED24134**Page 2 of 4**

To Amend By-law No. 08-297,
Respecting Amendments to the *Planning Act* Related to Preliminary Consultation

- (i) to delete the words “formal consultation with City Staff shall be required for persons intending to make application to the City for the following Planning Act applications” and replace it with the words “any person intending to make any of the following Planning Act applications may request formal consultation with City staff”.
 - (ii) To add the words as a new paragraph “If requested by an applicant, City staff are directed to attend and participate in the formal consultation process” after the words “(d) Site Plan”.
5. That Section 5 of By-law No. 08-297 be modified to delete the words “That in the absence of a pre-consultation meeting, or where” and replace with the word “Where”.
6. That Section 7 of By-law No. 08-297 be modified as follows:
 - (i) That the words “/ Chief Planner” be added after the words “Director of Planning” and before “and”.
 - (ii) That Section 7(a) be modified to add the words “, where an applicant elects to participate in the formal consultation process” after the words “Planning Act”.
 - (iii) That Section 7(c) be modified to add the words “, where an applicant elects to participate in the formal consultation process” at the end of the section.
 - (iv) That Section 7(e) be modified to delete the words “pursuant to Section 5 of this By-law” and replace it with “and notify an applicant, within 30 days, that an applicant failed to submit the prescribed and other information and materials in accordance with the Planning Act.”
7. That Section 8 of By-law No. 08-297 be deleted in its entirety.
8. That Sections 9 and 10 of By-law No. 08-297 be renumbered to Sections 8 and 9, respectively.

Appendix “D” to Report PED24134

Page 3 of 4

To Amend By-law No. 08-297,
Respecting Amendments to the *Planning Act* Related to Preliminary Consultation

PASSED this ____ day of _____, 2024.

A. Horwath
Mayor

M. Trennum
City Clerk

CI-24-G

Appendix “D” to Report PED24134

Page 4 of 4

To Amend By-law No. 08-297,
Respecting Amendments to the *Planning Act* Related to Preliminary Consultation

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes		
Committee: Planning Committee	Report No.: PED24XXX	Date: 08/13/2024
Ward: City-wide		(MM/DD/YYYY)

Prepared by: Tricia Collingwood	Phone No: ext. XXXX
<i>For Office Use Only, this doesn't appear in the by-law</i>	

Proposed Text Amendments to the Urban Hamilton Official Plan – Implementation of Bill 185

~~Grey highlighted strikethrough text~~ = text to be deleted

Bolded text = text to be added

Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
Volume 1, Chapter B – Communities			
B.3.3.10.11 (new)	B.3.3.10.11 Where a reduction in the minimum number of required parking spaces or an increase in the maximum number of permitted parking spaces is proposed, the City shall require a Parking Analysis / Study as part of a complete application, unless otherwise determined through the formal consultation process.	B.3.3.10.11 Where a reduction in the minimum number of required parking spaces or an increase in the maximum number of permitted parking spaces is proposed, the City shall require a Parking Analysis / Study as part of a complete application, unless otherwise determined through the formal consultation process.	To establish proposal based criteria for requiring a Parking Study.
B.3.6.3.7	B.3.6.3.7 A noise feasibility study, or and detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations: ...	B.3.6.3.7 A noise feasibility study and detailed noise study, shall be submitted prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations: ...	To strengthen policy language to establish a submission requirement.
B.3.6.3.10	B.3.6.3.10 A vibration study may shall be required to be submitted prior to or at the time of application submission for <i>development</i> on lands located within 75 metres of a railway line or railway yard, unless otherwise determined through the formal consultation process.	B.3.6.3.10 A vibration study shall be required to be submitted prior to or at the time of application submission for <i>development</i> on lands located within 75 metres of a railway line or railway yard, unless otherwise determined through the formal consultation process.	To strengthen policy language to establish a submission requirement.
B.3.6.3.18	B.3.6.3.18 The City shall ensure that all <i>development or redevelopment</i> with	B.3.6.3.18 The City shall ensure that all <i>development or redevelopment</i> with	To establish an odour impact assessment, dust impact

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Page 2 of 28

Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
	<p>the potential to create conflicts between <i>sensitive land uses</i> and point source or fugitive air emissions such as noise, vibration, odour, dust, and other emissions complies with all applicable provincial legislation, provincial and municipal standards, and provincial guidelines, and shall have regard to municipal guidelines. The City may shall-require proponents of such proposals to submit studies prior to or at the time of application submission, unless otherwise determined through the formal consultation process, including the following: noise feasibility study; detailed noise study; air quality study; odour impact assessment; dust impact analysis; and light impact assessment; and any <i>other information and materials</i> identified in Section F.1.19 – Complete Application Requirements and Formal Consultation.</p>	<p>the potential to create conflicts between <i>sensitive land uses</i> and point source or fugitive air emissions such as noise, vibration, odour, dust, and other emissions complies with all applicable provincial legislation, provincial and municipal standards, and provincial guidelines, and shall have regard to municipal guidelines. The City shall require proponents of such proposals to submit studies prior to or at the time of application submission, unless otherwise determined through the formal consultation process, including the following: noise feasibility study; detailed noise study; air quality study; odour impact assessment; dust impact analysis; light impact assessment; and any <i>other information and materials</i> identified in Section F.1.19 – Complete Application Requirements and Formal Consultation.</p>	<p>analysis and light impact assessment as individual submission requirements.</p>
Volume 1: Chapter E – Urban Systems and Designations			
E.3.3.3 (new)	<p>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: a) Design Review Panel Summary of Advice Response; b) Pedestrian Level Wind Study; and, c) 3D Model.</p>	<p>E.3.3.3 For any <i>development or redevelopment</i> with a proposed height of more than six storeys, or any other <i>development</i> 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: a) Design Review Panel Summary of Advice Response; b) Pedestrian Level Wind Study; and, c) 3D Model.</p>	<p>To establish proposal based criteria for requiring the following materials in the absence of a formal consultation: Design Review Panel Summary of Advice Response; Pedestrian Level Wind Study; 3D Model.</p>

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E.3.3.4 (new)	E.3.3.4 In addition to Policy E.3.3.3, any development or redevelopment with a proposed height of more than six storeys and subject to the criteria of Policies E.3.5.8, E.3.5.9 and E.3.6.8, the City shall require the following studies as part of a complete application unless otherwise determined through the formal consultation process: a) Housing Report; b) Energy and Environmental Assessment Report; and, c) Shadow Impact Study.	E.3.3.4 In addition to Policy E.3.3.3, any development or redevelopment with a proposed height of more than six storeys and subject to the criteria of Policies E.3.5.8, E.3.5.9 and E.3.6.8, the City shall require the following studies as part of a complete application unless otherwise determined through the formal consultation process: a) Housing Report; b) Energy and Environmental Assessment Report; and, c) Shadow Impact Study.	To establish proposal based criteria for requiring the following materials in the absence of a formal consultation: Housing Report; Environmental Assessment Report; and, Shadow Impact Study.
E.3.3.3	E.3.3.3 5 Secondary dwelling units shall not be included in the calculation of residential density. (OPA 142)	E.3.3.5 Secondary dwelling units shall not be included in the calculation of residential density. (OPA 142)	Renumbering
E.3.7.7	E.3.7.7 Prior to registration of a plan of subdivision, the City may shall require the owner to prepare urban design and/or architectural guidelines to the satisfaction of the City, unless otherwise determined through the formal consultation process. The City may undertake architectural control to ensure compliance with the approved urban design or architectural guidelines.	E.3.7.7 Prior to registration of a plan of subdivision, the City shall require the owner to prepare urban design and/or architectural guidelines to the satisfaction of the City, unless otherwise determined through the formal consultation process. The City may undertake architectural control to ensure compliance with the approved urban design or architectural guidelines.	To strengthen policy language to establish a submission requirement.
E.4.2.12 (new)	E.4.2.12 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:	E.4.2.12 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: a) Design Review Panel Summary of	To establish proposal based criteria for requiring the following materials in the absence of a formal consultation: Design Review Panel Summary of Advice Response; Pedestrian Level Wind Study; 3D Model.

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
	<p>a) Design Review Panel Summary of Advice Response; b) Pedestrian Level Wind Study; and, c) 3D Model.</p>	<p>Advice Response; b) Pedestrian Level Wind Study; and, c) 3D Model.</p>	
E.4.2.13 (new)	<p>E.4.2.13 In addition to Policy E.4.2.12, development or redevelopment with a proposed height of more than six storeys and subject to the criteria of Policy E.4.6.8, the following requirements shall be submitted as part of a complete application unless otherwise determined through a formal consultation: a) Housing Report; b) Energy and Environmental Assessment Report; and, c) Shadow Impact Study.</p>	<p>E.4.2.13 In addition to Policy E.4.2.12, any development or redevelopment with a proposed height of more than six storeys and subject to the criteria of Policy E.4.6.8, the following requirements shall be submitted as part of a complete application unless otherwise determined through a formal consultation: a) Housing Report; b) Energy and Environmental Assessment Report; and, c) Shadow Impact Study.</p>	<p>To establish proposal based criteria for requiring the following materials in the absence of a formal consultation: Housing Report; Environmental Assessment Report; and, Shadow Impact Study.</p>
E.4.4.16 (new)	<p>E.4.4.16 In addition to Policy E.4.2.12, development or redevelopment with a proposed height over six storeys within the Downtown Urban Growth Centre and subject to Policies B.6.1.4.16, and B.6.1.4.18 of Volume 2, the City shall require the following studies as part of a complete application unless otherwise determined through the formal consultation process: a) Transportation Studies, including, but not limited to: 1. Transportation Impact Study; 2. Cycling Route Analysis; 3. Pedestrian Route and Sidewalk Analysis; 4. Neighbourhood Traffic Calming Options Report; 5. Transit Assessment; and,</p>	<p>E.4.4.16 In addition to Policy E.4.2.12, development or redevelopment with a proposed height over six storeys within the Downtown Urban Growth Centre and subject to Policies B.6.1.4.16, and B.6.1.4.18 of Volume 2, the City shall require the following studies as part of a complete application unless otherwise determined through the formal consultation process: a) Transportation Studies, including, but not limited to: 1. Transportation Impact Study; 2. Cycling Route Analysis; 3. Pedestrian Route and Sidewalk Analysis; 4. Neighbourhood Traffic Calming Options Report; 5. Transit Assessment; and,</p>	<p>To establish proposal based criteria for requiring the following materials in the absence of a formal consultation: Transportation Studies, including, but not limited to: Transportation Impact Study; Cycling Route Analysis; Pedestrian Route and Sidewalk Analysis; Neighbourhood Traffic Calming Options Report; Transit Assessment; and, Transportation Demand Management Options Report. Infrastructure and Servicing Study; Cultural Heritage Impact</p>

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	<p>6. Transportation Demand Management Options Report. b) Infrastructure and Servicing Study; c) Cultural Heritage Impact Assessment; d) Urban Design Brief; e) Planning Justification Report; and, f) Visual Impact Assessment.</p>	<p>6. Transportation Demand Management Options Report. b) Infrastructure and Servicing Study; c) Cultural Heritage Impact Assessment; d) Urban Design Brief; e) Planning Justification Report; and, f) Visual Impact Assessment.</p>	<p>Assessment; Urban Design Brief; Planning Justification Report; and, Visual Impact Assessment.</p>
E.5.2.7.1	<p>E.5.2.7.1 The following provisions apply to all lands designated Employment Area – Industrial Land, Employment Area – Business Park, Employment Area – Airport Employment Growth District, and Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations (OPA 35)</p> <p>...</p> <p>b) <i>Sensitive land uses</i> shall be protected from the potential adverse impacts of <i>major facilities</i>, and <i>major facilities</i> shall be protected from <i>sensitive land uses</i> as follows: (OPA 167, MMAH Mod. 36)</p> <p>i) The City shall follow provincial guidelines concerning land use compatibility between industrial facilities and <i>sensitive land uses</i>. <i>Major facilities, sensitive land uses, major retail uses, and major office uses</i> shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety, to ensure the long-term viability of <i>major facilities</i> in</p>	<p>E.5.2.7.1 The following provisions apply to all lands designated Employment Area – Industrial Land, Employment Area – Business Park, Employment Area – Airport Employment Growth District, and Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations (OPA 35)</p> <p>...</p> <p>b) <i>Sensitive land uses</i> shall be protected from the potential adverse impacts of <i>major facilities</i>, and <i>major facilities</i> shall be protected from <i>sensitive land uses</i> as follows: (OPA 167, MMAH Mod. 36)</p> <p>i) The City shall follow provincial guidelines concerning land use compatibility between industrial facilities and <i>sensitive land uses</i>. <i>Major facilities, sensitive land uses, major retail uses, and major office uses</i> shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety, to ensure the long-term viability of <i>major facilities</i> in accordance with provincial</p>	<p>To establish proposal based criteria for requiring an Impact Assessment for new Private Waste Disposal Sites.</p>

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	<p>accordance with provincial guidelines, standards and procedures. (OPA 167, MMAH Mod. 36)</p> <p>ii) Where avoidance of impacts is not possible in accordance with Policy E.5.2.7.1 b) i), the City shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent <i>sensitive land uses</i>, <i>major retail uses</i> and <i>major office uses</i> are only permitted if the development of proposed adjacent <i>sensitive land uses</i>, <i>major retail uses</i> and <i>major office uses</i> are only permitted if the development proponent submits a Land Use Compatibility Study to the satisfaction of the City detailing that following are demonstrated in accordance with provincial guidelines, standards and procedures: (OPA 167, MMAH Mod. 36)</p> <ol style="list-style-type: none"> 1. there is an identified need for the proposed use; (OPA 167) 2. alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations; (OPA 167) 3. adverse effects to the proposed sensitive land use are minimized and mitigated; and (OPA 167) 4. potential impacts to industrial, manufacturing or other uses are minimized and mitigated. (OPA 167) 	<p>guidelines, standards and procedures. (OPA 167, MMAH Mod. 36)</p> <p>ii) Where avoidance of impacts is not possible in accordance with Policy E.5.2.7.1 b) i), the City shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent <i>sensitive land uses</i> are only permitted if the development of proposed adjacent <i>sensitive land uses</i>, <i>major retail uses</i> and <i>major office uses</i> are only permitted if the development proponent submits a Land Use Compatibility Study to the satisfaction of the City detailing that following are demonstrated in accordance with provincial guidelines, standards and procedures: (OPA 167, MMAH Mod. 36)</p> <ol style="list-style-type: none"> 1. there is an identified need for the proposed use; (OPA 167) 2. alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations; (OPA 167) 3. adverse effects to the proposed sensitive land use are minimized and mitigated; and (OPA 167) 4. potential impacts to industrial, manufacturing or other uses are minimized and mitigated. (OPA 167) <p>iii) The proponent of either a new <i>sensitive land use</i> within the Neighbourhoods, Institutional or</p>	

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	<p>iii) The proponent of either a new <i>sensitive land use</i> within the Neighbourhoods, Institutional or Commercial and Mixed Use designations, or a new industrial facility within an Employment Area designation, shall be responsible for addressing and implementing the necessary mitigation measures to the satisfaction of the City.</p> <p>iv) The preferred approach to mitigation shall be the establishment of a separation distance and/or an appropriate transitional land use. In some cases, noxious manufacturing uses may be prohibited through the Zoning By-law.</p> <p>v) Other mitigation measures which may be appropriate include: screening, barriers, landscaping, mechanical or other technological mitigation, traffic mitigation, and lighting control.</p> <p>...</p> <p>f) Waste disposal facilities shall only be permitted by amendment to this Plan, subject to the completion of an Environmental Assessment, in accordance with the Environmental Assessment Act. The City shall require an Impact Assessment for new Private Waste Disposal Sites as part of a complete application, unless otherwise determined through the formal consultation process.</p>	<p>Commercial and Mixed Use designations, or a new industrial facility within an Employment Area designation, shall be responsible for addressing and implementing the necessary mitigation measures to the satisfaction of the City.</p> <p>iv) The preferred approach to mitigation shall be the establishment of a separation distance and/or an appropriate transitional land use. In some cases, noxious manufacturing uses may be prohibited through the Zoning By-law.</p> <p>v) Other mitigation measures which may be appropriate include: screening, barriers, landscaping, mechanical or other technological mitigation, traffic mitigation, and lighting control.</p> <p>...</p> <p>f) Waste disposal facilities shall only be permitted by amendment to this Plan, subject to the completion of an Environmental Assessment, in accordance with the Environmental Assessment Act. The City shall require an Impact Assessment for new Private Waste Disposal Sites as part of a complete application, unless otherwise determined through the formal consultation process.</p>	

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E.5.4.10	E.5.4.10 Mineral aggregate resources are present in the Ancaster Business Park/Wilson- Garner area. The City supports and encourages the recovery of these resources through the sequential use of the developable land in this area, whereby mineral aggregate resources are extracted prior to, or in conjunction with, development of the area. The City shall require an Aggregate Resource Assessment or Aggregate/Mineral Resource Analysis for development or redevelopment in this area, unless otherwise determined through the formal consultation process.	E.5.4.10 Mineral aggregate resources are present in the Ancaster Business Park/Wilson- Garner area. The City supports and encourages the recovery of these resources through the sequential use of the developable land in this area, whereby mineral aggregate resources are extracted prior to, or in conjunction with, development of the area. The City shall require an Aggregate Resource Assessment or Aggregate/Mineral Resource Analysis for <i>development or redevelopment</i> in this area, unless otherwise determined through the formal consultation process.	To establish locational criteria for requiring Aggregate Resource Assessment Aggregate/Mineral Resource Analysis.
Volume 1: Chapter F – Implementation			
F.1.19.1	F.1.19.1 Formal consultation with the City shall be encouraged required prior to the submission of a <u>Planning Act, R.S.O., 1990 c. P.13</u> application(s) for an official plan amendment, Zoning By-law amendment, draft plan of subdivision, or site plan.	F.1.19.1 Formal consultation with the City shall be encouraged prior to the submission of a <u>Planning Act, R.S.O., 1990 c. P.13</u> application(s) for an official plan amendment, Zoning By-law amendment, draft plan of subdivision, or site plan.	In accordance with the Planning Act as amended through Bill 185, municipalities may no longer require a formal consultation prior to the submission of a Planning Act application.
F.1.19.3	F.1.19.3 Notwithstanding Policy F.1.19.1, the City may waive the requirement for formal consultation, where the City has identified that, due to the nature of the proposal, the need for and scope of required other information and materials can be determined without a formal consultation. A waiver for formal consultation shall only be considered where a formal consultation process had been completed for the same proposal. If the requirement for formal	F.1.19.3 A waiver for formal consultation shall only be considered where a formal consultation process had been completed for the same proposal. If the formal consultation is waived by the City, the City shall provide the applicant with a waiver letter from the formal consultation process that identifies any necessary <i>other information and materials</i> to be submitted with the application(s) to deem it complete. (OPA 175)	In accordance with the Planning Act as amended through Bill 185, municipalities may no longer require a formal consultation prior to the submission of a Planning Act application. The only time a formal consultation would need to be waived is for another formal consultation for the same

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	consultation is waived by the City , the City shall provide the applicant with a waiver letter from the formal consultation process that identifies any necessary <i>other information and materials</i> to be submitted with the application(s) to deem it complete. (OPA 175)		proposal has been completed so the requirements identified in the previous formal consultation still apply instead of Schedule I. The proposed policy provides discretion to staff when a waiver would be issued.
F.1.19.5	F.1.19.5 A Planning Act, R.S.O., 1990 c. P.13 application(s) shall be deemed complete provided that: a) it satisfies all applicable provincial requirements; b) it satisfies all requirements set out in this Plan; and, c) it shall be accompanied by all the relevant <i>other information and materials</i> listed in Schedule I Table 1.19.1 or as determined by the procedures of Policy F.1.19.1 or F.1.19.3. (OPA 175)	F.1.19.5 A Planning Act, R.S.O., 1990 c. P.13 application(s) shall be deemed complete provided that: a) it satisfies all applicable provincial requirements; b) it satisfies all requirements set out in this Plan; and, c) it shall be accompanied by all the relevant <i>other information and materials</i> listed in Schedule I or as determined by the procedures of Policy F.1.19.1. (OPA 175)	To update reference to revised table for other information and materials.
F.1.19.6	F.1.19.6 Schedule I Table F.1.19.1 identifies the <i>other information and materials</i> which are may be required to deem <u>Planning Act, R.S.O., 1990 c. P.13</u> applications for official plan amendment, Zoning By-law amendment, draft plan of subdivision, and site plan complete, unless otherwise determined through a formal consultation process. (OPA 175)	F.1.19.6 Schedule I identifies the <i>other information and materials</i> which are required to deem <u>Planning Act, R.S.O., 1990 c. P.13</u> applications for official plan amendment, Zoning By-law amendment, draft plan of subdivision, and site plan complete, unless otherwise determined through a formal consultation process. (OPA 175)	To update reference to other information and materials table and replace with Schedule I.
	Repeal Table F.1.19.1 (as part of Policy F.1.19.6) with the table contained at the end of Appendix “A” to the Amendment to be added as Schedule I to this Plan.	See new table at the end of Appendix “A”	To improve the readability of the table.

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F.1.19.7	<p>F.1.19.7 <i>Other information and materials</i> submitted in accordance with Policy F.1.19.5 shall be subject to the following requirements to be deemed complete: (OPA 175)</p> <p>a) The <i>other information and materials</i> submitted shall be prepared by a qualified professional, in accordance with applicable legislation, in accordance with Council endorsed Terms of Reference or Guideline material as amended, and/or to the satisfaction of the City, retained by and at the expense of the applicant. (OPA 175)</p> <p>b) The City may request or conduct a peer review of any other information and materials submitted where the City lacks the appropriate expertise to review such <i>other information and materials</i>. Such peer review shall be completed by an appropriate agency or professional consultant retained by the City, at the applicant's expense.</p> <p>c) The City may refuse any <i>other information and materials</i> submitted as part of a complete application(s) if it considers the quality of the submission unsatisfactory and is not considered to be in accordance with the applicable Terms of Reference or Guideline. (OPA 175)</p> <p>d) The City may shall require est electronic versions of all <i>other information and materials</i> submitted as part of a complete application and</p>	<p>F.1.19.7 <i>Other information and materials</i> submitted in accordance with Policy F.1.19.5 shall be subject to the following requirements to be deemed complete: (OPA 175)</p> <p>a) The <i>other information and materials</i> submitted shall be prepared by a qualified professional, in accordance with applicable legislation, in accordance with Council endorsed Terms of Reference or Guideline material as amended, and/or to the satisfaction of the City, retained by and at the expense of the applicant. (OPA 175)</p> <p>b) The City may request or conduct a peer review of any other information and materials submitted where the City lacks the appropriate expertise to review such <i>other information and materials</i>. Such peer review shall be completed by an appropriate agency or professional consultant retained by the City, at the applicant's expense.</p> <p>c) The City may refuse any <i>other information and materials</i> submitted as part of a complete application(s) if it considers the quality of the submission unsatisfactory and is not considered to be in accordance with the applicable Terms of Reference or Guideline. (OPA 175)</p> <p>d) The City shall require electronic versions of all <i>other information and materials</i> submitted as part of a complete application and stipulate the</p>	<p>To update reference to other information and materials table and replace with Schedule I.</p>

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
	stipulate the format of the digital submission. e) In addition to the <i>other information and materials</i> listed in Schedule I Table F.1.19.1 , the applicant may be required to submit any other supporting information and materials identified by the City during the formal consultation process with the applicant as being necessary for an application to be deemed complete.	format of the digital submission. e) In addition to the <i>other information and materials</i> listed in Schedule I , the applicant may be required to submit any other supporting information and materials identified by the City during the formal consultation process with the applicant as being necessary for an application to be deemed complete.	
F.1.19.8	F.1.19.8 The requirement for <i>other information and materials</i> submitted in accordance with Policies F.19.1, or F.19.3, or Schedule I is not intended to preclude Council and its delegated authorities from requiring additional reports, studies, maps, plans, calculations, information or materials, which are identified during the review process for an application(s) which has been deemed complete as being necessary for Council and its delegated authorities to make informed decisions.	F.1.19.8 The requirement for <i>other information and materials</i> submitted in accordance with Policies F.19.1, F.19.3, or Schedule I is not intended to preclude Council and its delegated authorities from requiring additional reports, studies, maps, plans, calculations, information or materials, which are identified during the review process for an application(s) which has been deemed complete as being necessary for Council and its delegated authorities to make informed decisions.	To add reference to new Schedule I – Other Information and Materials.
F.1.19.9	F.1.19.9 The City shall establish guidelines for the <i>other information and materials</i> identified in Policy F.19.4 Schedule I , to provide direction regarding the intended content and scope of such <i>other information and materials</i> .	F.1.19.9 The City shall establish guidelines for the <i>other information and materials</i> identified in Schedule I, to provide direction regarding the intended content and scope of such <i>other information and materials</i> .	To add reference to new Schedule I – Other Information and Materials.
F.1.19.10	F.1.19.10 Any <i>development or redevelopment</i> within 200 metres of any gas pipeline easement or facility shall require consultation with the	F.1.19.10 Any <i>development or redevelopment</i> within 200 metres of any gas pipeline easement or facility shall require consultation with the applicable	To add reference to new Schedule I – Other Information and Materials.

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
	applicable utility company. The City or utility company shall require a Land Use in the Vicinity of Existing Pipelines Study or other information and materials identified in Schedule I as part of a complete application, unless otherwise determined through the formal consultation process.	utility company. The City or utility company shall require a Land Use in the Vicinity of Existing Pipelines Study or <i>other information and materials</i> identified in Schedule I as part of a complete application, unless otherwise determined through the formal consultation process.	
F.1.19.11	F.1.19.11 Prior to the submission of a complete Planning Act application, where complete application requirements have been determined through formal consultation or a formal consultation waiver letter prior to January 1, 2023, the City may: a) amend the formal consultation or waiver letter; or b) require the complete application requirements to be determined through a new formal consultation or in accordance with Schedule I. (OPA 175)	F.1.19.11 Prior to the submission of a complete Planning Act application, where complete application requirements have been determined through formal consultation or a formal consultation waiver letter prior to January 1, 2023, the City may: a) amend the formal consultation or waiver letter; or b) require the complete application requirements to be determined through a new formal consultation or in accordance with Schedule I. (OPA 175)	In accordance with the Planning Act as amended through Bill 185, municipalities may no longer require a formal consultation prior to the submission of a Planning Act application.
F.1.19.12 (new)	F.1.19.12 Schedule I identifies four categories under which <i>other information and materials</i> shall be required for each Planning Act application. These categories are: a) minimum requirements for the submission of a complete application regardless of the context of the application; b) locational requirements for the submission of a complete application for all applications located within a specified area, as determined by the applicable policies of this Plan;	F.1.19.12 Schedule I identifies four categories under which <i>other information and materials</i> shall be required for each Planning Act application. These categories are: a) minimum requirements for the submission of a complete application regardless of the context of the application; b) locational requirements for the submission of a complete application for all applications located within a specified area, as determined by the applicable policies of this Plan;	Provides clarity on how Schedule I shall be applied in assessing whether an applicant may be deemed complete.

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	<p>c) proposal based requirements for the submission of a complete application for all applications of a specified use, form, character or scale, as determined by the applicable policies of this Plan; and,</p> <p>d) discretionary requirements being all other information and materials that may be requested by the City through the formal consultation process and/or the processing of a Planning Act application.</p>	<p>c) proposal based requirements for the submission of a complete application for all applications of a specified use, form, character or scale, as determined by the applicable policies of this Plan; and,</p> <p>d) discretionary requirements being all other information and materials that may be requested by the City through the formal consultation process and/or the processing of a Planning Act application.</p>	
F.1.19.13 (new)	<p>F.1.19.13 Other information and materials identified as locational, or proposal based requirements in Schedule I shall also be considered discretionary requirements that may be requested by the City through the formal consultation process and/or the processing of a Planning Act application.</p>	<p>F.1.19.13 <i>Other information and materials</i> identified as locational, or proposal based requirements in Schedule I shall also be considered discretionary.</p>	<p>Provides clarity on how Schedule I shall be applied in assessing whether an applicant may be deemed complete.</p>
F.1.19.14 (new)	<p>F.1.19.14 The City may establish application guidelines to provide guidance on the applicable policies of this Plan which apply to the locational and proposal based requirements as identified in Schedule I.</p>	<p>F.1.19.14 The City may establish application guidelines to provide guidance on the applicable policies of this Plan which apply to the locational and proposal based requirements as identified in Schedule I.</p>	<p>As part of the City's response to Bill 185, application forms and guides will need to be updated to reflect the current development review process. This will include additional guidance respecting the Formal Consultation process.</p>
F.1.19.15 (new)	<p>F.1.19.15 Where any policy of this Plan identifies a submission requirement the City shall require as part of a complete application and where it is identified as a locational or proposal based requirement in Schedule I, it shall be deemed to be a submission</p>	<p>F.1.19.15 Where any policy of this Plan identifies a submission requirement the City shall require as part of a complete application and where it is identified as a locational or proposal based requirement in Schedule I, it shall be deemed to be a submission</p>	<p>In accordance with the Planning Act as amended through Bill 185, municipalities may no longer require a formal consultation prior to the submission of a Planning Act application.</p>

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
	<p>requirement for a complete application unless otherwise determined through the formal consultation process.</p>	<p>requirement for a complete application unless otherwise determined through the formal consultation process.</p>	<p>To provide clarity that all policies identifying submission requirements that may apply, in the absence of a formal consultation the identified materials shall be submitted.</p>
F.1.19.16 (new)	<p>F.1.19.16 For any development on lands identified on Schedule A – Provincial Plans as Niagara Escarpment Plan Natural Area; or regulated by a Conservation Authority; or located within 120 metres of Hazardous Lands, Key Hydrologic Features, or Earth Science Area of Natural and Scientific Interest (ANSI), the City shall require the following other information and materials to be submitted as part of a complete application unless otherwise determined through the formal consultation process:</p> <p>a) Channel Design and Geofluvial Assessment; b) Erosion Hazard Assessment; c) Floodline Delineation Study/ Hydraulic Analysis; d) Karst Assessment / Karst Contingency Plan; e) Limit of Core Areas or Limit of Conservation Authority Regulated Area; f) Meander Belt Assessment; g) Shoreline Assessment Study/ Coastal Engineers Study; and, h) Slope Stability Study and Report.</p>	<p>F.1.19.16 For any <i>development</i> on lands identified on Schedule A – Provincial Plans as Niagara Escarpment Plan Natural Area; or regulated by a Conservation Authority; or located within 120 metres of <i>Hazardous Lands, Key Hydrologic Features, or Earth Science Area of Natural and Scientific Interest (ANSI)</i>, the City shall be requiring the following <i>other information and materials</i> to be submitted as part of a complete application unless otherwise determined through the formal consultation process:</p> <p>a) Channel Design and Geofluvial Assessment; b) Erosion Hazard Assessment; c) Floodline Delineation Study/ Hydraulic Analysis; d) Karst Assessment / Karst Contingency Plan; e) Limit of Core Areas or Limit of Conservation Authority Regulated Area; f) Meander Belt Assessment; g) Shoreline Assessment Study/ Coastal Engineers Study; and, h) Slope Stability Study and Report.</p>	<p>To establish locational criteria for the studies identified.</p> <p>This policy is required because in the absence of an applicant proceeding through a formal consultation process, the City cannot determine what technical submissions are required by the Niagara Escarpment Commission or Conservation Authority.</p>

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
F.1.19.17 (new)	F.1.19.17 Where there is a discrepancy between submission requirements identified in Volume 1 and the policies of Volume 2 and 3, the requirements identified in Volume 2 and 3 shall also apply.	F.1.19.17 Where there is a discrepancy between submission requirements identified in Volume 1 and the policies of Volume 2 and 3, the requirements identified in Volume 2 and 3 shall also apply.	Ensures that site specific submission requirements identified in Secondary Plans or Special Policy Areas also included prior to an application being deemed complete.
F.1.19.18 (new)	F.1.19.18 A Complete Application Compliance Summary shall be required as part of a complete application where no formal consultation has been completed which shall identify how each requirement on Schedule I has been addressed. Where a formal consultation has been completed, a Summary Response to Formal Consultation Comments shall be submitted as part of a complete application.	F.1.19.18 A Complete Application Compliance Summary shall be required as part of a complete application where no formal consultation has been completed which shall identify how each requirement on Schedule I has been addressed. Where a formal consultation has been completed, a Summary Response to Formal Consultation Comments shall be submitted as part of a complete application.	This requirement will assist applicants and staff review of Planning Act applications to ensure all submission requirements identified within Schedule I have been included or addressed.
F.3.2.2.2 (new)	F.3.2.2.2 The City shall require a Hydrogeological Study and Solis/Geotechnical Study as part of a complete application for any <i>site alteration</i> activities below grade, unless otherwise determined through the formal consultation process.	F.3.2.2.2 The City shall require a Hydrogeological Study and Solis/Geotechnical Study as part of a complete application for any <i>site alteration</i> below grade, unless otherwise determined through the formal consultation process.	To provide proposal based criteria for requiring a Hydrogeological Study.
F.3.2.6.2	Delete Policy F.3.2.6.2 in its entirety. F.3.2.6.2 The need and scope for the preparation of a Design Report shall be determined by the City during the formal consultation stage of the development review process and submitted as part of an application in accordance with Section F.1.19.5. The specific requirements of the Urban Design Report shall be reflective of		In accordance with the Planning Act as amended through Bill 185, municipalities may no longer require a formal consultation prior to the submission of a Planning Act application.

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
	individual applications and determined on a case by case basis.		
F.3.2.6.3	F.3.2.6.2 3 The City shall develop Terms of Reference for the preparation of Urban Design Reports.	F.3.2.6.2 The City shall develop Terms of Reference for the preparation of Urban Design Reports.	Renumbering policy.
F.3.2.9.2	F.3.2.9.2 The need and scope for the preparation of an Assessment Report shall be determined by the City in accordance with Schedule I or at the formal consultation stage of the development review process and submitted as part of the associated application. The specific requirements of the Assessment Report shall be reflective of individual applications and determined on a case by case basis.	F.3.2.9.2 The need and scope for the preparation of an Assessment Report shall be determined by the City in accordance with Schedule I or at the formal consultation stage of the development review process and submitted as part of the associated application. The specific requirements of the Assessment Report shall be reflective of individual applications and determined on a case by case basis.	To add reference to new Schedule I.
F.3.2.5.3 (new)	F.3.2.5.3 The City shall require Urban Design or Architectural Guidelines to be submitted as part of a complete application for Draft Plan of Subdivision Applications with a total area greater than two hectares and more than 150 units or 50,000 square metres of gross floor area, unless otherwise determined through the formal consultation process.	F.3.2.5.3 The City shall require Urban Design or Architectural Guidelines to be submitted as part of a complete application for Draft Plan of Subdivision Applications with a total area greater than two hectares and more than 150 units or 50,000 square metres of gross floor area, unless otherwise determined through the formal consultation process.	To provide proposal based criteria for requiring Urban Design or Architectural Guidelines with Control Architect.
F.3.2.11	F.3.2.11.1 Where a request is made by a proponent of a development application to reduce or waive requirements for conveyance of lands for right-of-way dedications, including daylight triangles, as set out in Section C.4.5.2, Schedule C-2 – Future Right-of-Way Dedications, or Section C.4.5.7, proponents may shall be required to	F.3.2.11.1 Where a request is made by a proponent of a development application to reduce or waive requirements for conveyance of lands for right-of-way dedications, including daylight triangles, as set out in Section C.4.5.2, Schedule C-2 – Future Right-of-Way Dedications, or Section C.4.5.7, proponents shall be required to prepare	To strengthen policy language to establish a submission requirement.

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
	prepare a Right of Way Impact Assessment to review potential impacts and provide a rationale for the alternative requirement in accordance with the criteria outlined in Policy C.4.5.6.5 a). (OPA 142)	a Right of Way Impact Assessment to review potential impacts and provide a rationale for the alternative requirement in accordance with the criteria outlined in Policy C.4.5.6.5 a). (OPA 142)	
F.3.2.12 (new)	F.3.2.12 Housing Reports The City shall require proponents of development or redevelopment applications which include residential uses to prepare a Housing Report, unless otherwise determined through the formal consultation process, to indicate how the proposal will provide for a mix of unit sizes to accommodate a range of household sizes and income levels in accordance with policies in Chapter B – Communities and Chapter E – Urban Systems and Designations.	F.3.2.12 Housing Reports The City shall require proponents of development or redevelopment applications which include residential uses to prepare a Housing Report, unless otherwise determined through the formal consultation process, to indicate how the proposal will provide for a mix of unit sizes to accommodate a range of household sizes and income levels in accordance with policies in Chapter B – Communities and Chapter E – Urban Systems and Designations.	To provide proposal based criteria for requiring a Housing Report.
F.3.2.13 (new)	F.3.2.13 Neighbourhood Traffic Calming Report The City shall require proponents of development or redevelopment applications to prepare a Neighbourhood Traffic Calming Report for lands located within 500 metres to an educational establishment (i.e., elementary school), unless otherwise determined through the formal consultation process.	F.3.2.13 Neighbourhood Traffic Calming Report The City shall require proponents of development or redevelopment applications to prepare a Neighbourhood Traffic Calming Report for lands located within 500 metres to an educational establishment (i.e., elementary school), unless otherwise determined through the formal consultation process.	To provide proposal based criteria for requiring a Neighbourhood Traffic Calming Report.
F.3.2.14 (new)	F.3.2.14 A Water Well Survey and Contingency Plans The City shall require a Water Well Survey and Contingency Plan as part of a complete application for development or redevelopment on	F.3.2.14 A Water Well Survey and Contingency Plans The City shall require a Water Well Survey and Contingency Plan as part of a complete application for development or redevelopment on	To provide locational criteria for requiring a Water Well Survey and Contingency Plan.

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
	lands within 500 metres of the urban boundary or any un-serviced lands within the urban area, unless otherwise determined through the formal consultation process.	lands within 500 metres of the urban boundary or any un-serviced lands within the urban area, unless otherwise determined through the formal consultation process.	
F.3.2.15 (new)	F.3.2.15 Vibration Study The City shall require a Vibration Study to be submitted as part of a Construction Management Plan prior to or at the time of application submission, unless otherwise determined through the formal consultation process.	F.3.2.15 Vibration Study The City shall require a Vibration Study to be submitted as part of a Construction Management Plan prior to or at the time of application submission, unless otherwise determined through the formal consultation process.	To provide proposal based criteria for requiring a Vibration Study.
F.3.2.16 (new)	F.3.2.16 Recreation Needs Assessment The City shall require a Recreation Needs Assessment to be submitted as part of a complete application where parkland is proposed on site, unless otherwise determined through the formal consultation process.	F.3.2.16 Recreation Needs Assessment The City shall require a Recreation Needs Assessment to be submitted as part of a complete application where parkland is proposed on site, unless otherwise determined through the formal consultation process.	To provide proposal based criteria for requiring a Recreation Needs Assessment.
F.3.2.17	F.3.2.17 Zoning Compliance Reviews	F.3.2.17 Zoning Compliance Reviews	To provide proposal based criteria for requiring a Zoning Compliance Review.
F.3.2.17.1	F.3.2.17.1 A Zoning Compliance Review shall be submitted as part a complete application for Site Plan and Draft Plan of Subdivision which contains no non-compliances with respect to the use of the lands, unless otherwise determined through the formal consultation process.	F.3.2.17.1 A Zoning Compliance Review shall be submitted as part a complete application for Site Plan and Draft Plan of Subdivision which contains no non-compliances with respect to the use of the lands, unless otherwise determined through the formal consultation process.	This requirement is required to ensure that the City does not deem complete Site Plan applications for proposals that do not conform to the uses permitted under the Zoning By-law.

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
F.3.2.17.2	F.3.2.17.2 A Zoning Compliance Review submitted as part of Site Plan shall be reviewed by City staff to confirm that the development conforms to the applicable height and density policies of Volume 1, Volume 2 and Volume 3 of the Official Plan prior to the application being deemed complete.	F.3.2.17.2 A Zoning Compliance Review submitted as part of Site Plan shall be reviewed by City staff to confirm that the development conforms to the applicable height and density policies of Volume 1, Volume 2 and Volume 3 of the Official Plan prior to the application being deemed complete.	This requirement is required to ensure that the City does not deem complete Site Plan applications that do not conform to the height and density policies of the Official Plan.
F.3.2.12.1	F.3.2.12.1 28 Other Technical Studies	F.3.2.18 Other Technical Studies	Renumbering
F.3.2.12.1	F.3.2.12.1 28 In addition to the studies identified in Section F.1.19 – Complete Application Requirements and Formal Consultation, and Sections F.3.2.1 to F.3.2.9, inclusive, the City may require technical studies to be submitted as part of the <u>Planning Act, R.S.O., 1990 c. P.13</u> process. Prior to submission of these technical studies, consultation shall be required with City staff to confirm the contents for and the criteria to be used in the technical studies.	F.3.2.18.1 In addition to the studies identified in Section F.1.19 – Complete Application Requirements and Formal Consultation, and Sections F.3.2.1 to F.3.2.9, inclusive, the City may require technical studies to be submitted as part of the <u>Planning Act, R.S.O., 1990 c. P.13</u> process. Prior to submission of these technical studies, consultation shall be required with City staff to confirm the contents for and the criteria to be used in the technical studies.	In accordance with the Planning Act as amended through Bill 185, municipalities may no longer require a formal consultation prior to the submission of a Planning Act application.

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Proposed Schedule “I”

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
1	Affordable Housing Report / Rental Conversion Assessment			✓			✓										✓
2	Aggregate Resource Assessment			✓													
3	Aggregate/Mineral Resource Analysis			✓													
4	Agricultural Impact Assessment		✓			✓				✓				✓			
5	Air Drainage Analysis Brief		✓			✓				✓				✓			
6	Air Quality Study		✓	✓		✓	✓			✓	✓						✓
7	Archaeological Assessment		✓			✓				✓				✓			
8	Channel Design and Geofluvial Assessment		✓			✓							✓				✓
9	Chloride Impact Study				✓			✓					✓				✓
10	Complete Application Compliance Summary / Summary Response to Formal Consultation Comments	✓				✓				✓				✓			
11	Concept Plan	✓				✓				✓							
12	Construction Management Plan												✓				✓
13	Contaminant Management Plan				✓			✓					✓				✓
14	Cost Recovery Agreement	✓				✓				✓							✓
15	Cultural Heritage Assessment – Documentation and Salvage Plan				✓			✓					✓				✓
16	Cultural Heritage Impact Assessment		✓			✓				✓				✓			

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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
17	Cut and Fill Analysis				✓				✓				✓				✓
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	✓				✓				✓				✓			

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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
35	General Vegetation Inventory	✓				✓				✓				✓			
36	Grading Plan	✓				✓				✓				✓			
37	Housing Report			✓				✓				✓					✓
38	Hydrogeological Study			✓				✓		✓				✓			
39	Impact Assessment for new Private Waste Disposal Sites			✓				✓								✓	
40	Karst Assessment/Karst Contingency Plan		✓				✓				✓				✓		
41	Land Use Compatibility Study			✓				✓							✓		
42	Land Use in the Vicinity of Existing Pipelines Study		✓				✓				✓				✓		
43	Land Use/ Commercial Needs and Impact Assessment			✓				✓									
44	Landfill Impact Assessment		✓	✓			✓	✓			✓	✓			✓	✓	
45	Landscape Plan								✓					✓			
46	Landscape Plan (Conceptual)	✓				✓											
47	Light Impact Assessment			✓				✓				✓				✓	
48	Limit of Core Areas or Limit of Conservation Authority Regulated Area		✓				✓				✓				✓		
49	Linkage Assessment		✓				✓				✓				✓		
50	Market Impact Study			✓				✓									
51	Master Drainage Plan				✓				✓				✓				✓
52	Materials Palette or Imagery												✓				✓
53	Meander Belt Assessment				✓				✓				✓				✓
54	Minimum Distance Separation Calculation				✓				✓				✓				✓

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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
55	Ministry of the Environment Conservation and Parks - Environmental Compliance Approval				✓				✓				✓				✓
56	Modern Roundabout and Neighbourhood Roundabout Analysis				✓				✓				✓				
57	Neighbourhood Traffic Calming Options Report		✓				✓				✓				✓		
58	Noise Impact Studies (Noise Feasibility and/or Detailed Noise Study)		✓	✓			✓	✓			✓	✓			✓	✓	
59	Nutrient Management Study				✓				✓				✓				✓
60	Odour Impact Assessment		✓	✓			✓	✓			✓	✓			✓	✓	
61	On-Street Parking Plan											✓					✓
62	Parking Analysis/Study			✓				✓				✓				✓	
63	Pedestrian Route and Sidewalk Analysis	✓				✓				✓							✓
64	Planning Justification Report	✓				✓				✓							✓
65	Planning Brief / Development Brief													✓			
66	Pre-Technical Conservation Authority Review				✓				✓				✓				✓
67	Public Consultation Summary and Comment Response Report	✓				✓				✓							
68	Recreation Feasibility Study				✓				✓								
69	Recreation Needs Assessment				✓				✓				✓				
71	Restoration Plan				✓				✓				✓				✓
72	Right of Way Impact Assessment			✓				✓				✓				✓	
73	Roadway/Development Safety Audit				✓				✓				✓				

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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
74	School Accommodation Issues Assessment				✓				✓								
75	School and City Recreation Facility and Outdoor Recreation/Parks Issues Assessment				✓				✓				✓				
76	Servicing Plan				✓				✓	✓					✓		
77	Shoreline Assessment Study/Coastal Engineers Study		✓				✓				✓				✓		
78	Site Lighting Plan												✓				✓
79	Site Plan and Floor Plans												✓				
81	Slope Stability Study and Report		✓				✓				✓			✓			
82	Soil Management Plan												✓				✓
83	Soils/Geotechnical Study			✓				✓		✓				✓			
84	Species Habitat Assessment		✓				✓				✓			✓			
85	Storm Water Management Report/Plan and/or update to an existing Storm Water Management Plan	✓				✓				✓				✓			
86	Sub-watershed Plan and/or update to an existing Sub-watershed Plan				✓				✓				✓				
87	Sun/Shadow Study			✓				✓				✓				✓	
88	Survey Plan (Real Property Report)	✓				✓				✓				✓			
89	Transit Assessment	✓				✓				✓							
90	Transportation Demand Management Options Report				✓			✓				✓				✓	
91	Transportation Impact Study	✓				✓						✓					✓
92	Tree Management Plan/Study (City-owned trees and / or within 3 metres of ROW)	✓				✓				✓				✓			

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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
94	Tree Protection Plan (Private trees)	✓				✓				✓				✓			
95	Urban Design or Architectural Guidelines and Architectural Control											✓					
96	Urban Design Report/ Brief			✓				✓				✓				✓	
97	Vibration Study		✓				✓				✓				✓		
98	Visual Impact Assessment		✓	✓			✓	✓			✓	✓			✓	✓	
99	Water and Wastewater Servicing Study	✓				✓				✓				✓			
100	Watermain Hydraulic Analysis							✓		✓				✓			
101	Water Well Survey and Contingency Plan		✓				✓				✓				✓		
102	Wildland Fire Assessment (OPA 167)											✓					✓
103	Wind Study			✓				✓				✓				✓	
104	Zoning Compliance Review					✓				✓				✓			
105	3D Model			✓				✓				✓				✓	

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Policy Number	Proposed Change		
Volume 2: Chapter B-4 – Flamborough Secondary Plans			
B.4.3.14.1	<p>B.4.3.14.1 Study Requirements The following studies may shall be required to be submitted or at the time of application for any plan of subdivision, official plan amendment, or zoning bylaw amendment, unless otherwise determined through the formal consultation process in accordance with Section F.1.19 – Complete Application Requirements and Formal Consultation, and the relevant section of Section F.3.0 – Other Implementation Tools of Volume 1:</p> <p>...</p>	<p>B.4.3.14.1 Study Requirements The following studies shall be required to be submitted or at the time of application for any plan of subdivision, official plan amendment, or zoning bylaw amendment, unless otherwise determined through the formal consultation process: ...</p>	<p>To strengthen policy language to establish a submission requirement.</p>
Volume 2: Chapter B-6 – Hamilton Secondary Plans			
B.6.1.4.16	<p>B.6.1.4.16 For lands identified as Low-rise 2 on Map B.6.1.2 – Downtown Hamilton Building Heights, increases in height to a maximum of 12 storeys (mid-rise), may be permitted without an amendment to this Plan, subject to the following: ... f) in order to demonstrate the considerations listed above, proponents may shall be required to submit all of the following studies, unless otherwise determined through the formal consultation process, in addition to any other studies identified as part of the Formal Consultation required under Section F – Implementation of Volume 1, as part of a development application: ...</p>	<p>B.6.1.4.16 For lands identified as Low-rise 2 on Map B.6.1.2 – Downtown Hamilton Building Heights, increases in height to a maximum of 12 storeys (mid-rise), may be permitted without an amendment to this Plan, subject to the following: ... f) in order to demonstrate the considerations listed above, proponents shall be required to submit all of the following studies, unless otherwise determined through the formal consultation process, as part of a development application: ...</p>	<p>To strengthen policy language to establish a submission requirement.</p>

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Policy Number	Proposed Change		
B.6.1.4.17	B.6.1.4.17 The following policies shall apply to mid-rise building forms: ... e) Shadow Impact Studies, Visual Impact Assessments, and Pedestrian Level Wind Studies may shall be required to determine potential impacts arising from mid-rise buildings.	B.6.1.4.17 The following policies shall apply to mid-rise building forms: ... e) Shadow Impact Studies, Visual Impact Assessments, and Pedestrian Level Wind Studies shall be required to determine potential impacts arising from mid-rise buildings.	To strengthen policy language to establish a submission requirement.
B.6.1.4.23	B.6.1.4.23 All tall buildings shall meet the following requirements: ... e) the following studies may shall be required, unless otherwise determined through the formal consultation process in addition to any other studies identified as part of the Formal Consultation required under Section F – Implementation of Volume 1, for tall building development to demonstrate that the proposal meets the applicable design criteria of the Downtown Hamilton Tall Building Guidelines: ...	B.6.1.4.23 All tall buildings shall meet the following requirements: ... e) the following studies shall be required, unless otherwise determined through the formal consultation process, for tall building development to demonstrate that the proposal meets the applicable design criteria of the Downtown Hamilton Tall Building Guidelines: ...	To strengthen policy language to establish a submission requirement.
B.6.1.10.6	B.6.1.10.6 A Visual Impact Assessment may shall be required for <i>development</i> located on streets identified as View Corridors to the Niagara Escarpment, and properties identified as Locations Where There May Be Impacts to Views, as shown on Appendix C – Downtown Hamilton Secondary Plan – Viewshed Analysis, unless otherwise determined through the formal consultation process.	B.6.1.10.6 A Visual Impact Assessment shall be required for <i>development</i> located on streets identified as View Corridors to the Niagara Escarpment, and properties identified as Locations Where There May Be Impacts to Views, as shown on Appendix C – Downtown Hamilton Secondary Plan – Viewshed Analysis, unless otherwise determined through the formal consultation process.	To strengthen policy language to establish a submission requirement.
B.6.1.10.10	B.6.1.10.10 A Visual Impact Assessment may shall be required for development	B.6.1.10.10 A Visual Impact Assessment shall be required for development	To strengthen policy language to establish a submission

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Policy Number	Proposed Change		
	that is adjacent to a cultural heritage resource, a cultural heritage landscape, a place of worship, or an existing landmark, that creates a distinct visual orientation point within the Downtown and that may be impacted by proposed development, unless otherwise determined through the formal consultation process.	that is adjacent to a cultural heritage resource, a cultural heritage landscape, a place of worship, or an existing landmark, that creates a distinct visual orientation point within the Downtown and that may be impacted by proposed development, unless otherwise determined through the formal consultation process.	requirement.
Volume 2: Chapter B-7 – Stoney Creek Secondary Plans			
B.7.4.17.6	B.7.4.17.6 In addition to Section F.1.19.6 – Complete Application Requirements and Formal Consultation, the following study may shall be required: a) An Air Drainage Analysis Brief, which has been prepared by a qualified environmental engineer with additional information being provided by a climatologist, and agrologist who are specialized in the field of tender fruit and grape production, to the satisfaction of the City. The Air Drainage Analysis Brief shall include the following: i) A review of the existing conditions, including air photos, topography, thermal conditions, climate and air movement down the Niagara Escarpment and towards Lake Ontario, to evaluate the effects of the proposed development on the existing microclimate and airflow.	B.7.4.17.6 In addition to Section F.1.19.6 – Complete Application Requirements and Formal Consultation, the following study shall be required: a) An Air Drainage Analysis Brief, which has been prepared by a qualified environmental engineer with additional information being provided by a climatologist, and agrologist who are specialized in the field of tender fruit and grape production, to the satisfaction of the City. The Air Drainage Analysis Brief shall include the following: i) A review of the existing conditions, including air photos, topography, thermal conditions, climate and air movement down the Niagara Escarpment and towards Lake Ontario, to evaluate the effects of the proposed development on the existing microclimate and airflow.	To strengthen policy language to establish a submission requirement.

Proposed Text Amendments the Rural Hamilton Official Plan – Implementation of Bill 185

Grey highlighted strikethrough text = text to be deleted

Bolded text = text to be added

Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
Volume 1, Chapter B – Communities			
B.3.4.4.3	B.3.4.4.3 In areas of archaeological potential identified on Appendix F-2 – Rural Archaeological Potential, an archaeological assessment: a) may shall be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act when they involve soil disturbance or site alteration: i) site plan applications; and, ii) plans of condominium. ...	B.3.4.4.3 In areas of archaeological potential identified on Appendix F-2 – Rural Archaeological Potential, an archaeological assessment: a) shall be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act when they involve soil disturbance or site alteration: i) site plan applications; and, ii) plans of condominium. ...	To strengthen policy language to establish a submission requirement.
B.3.6.3.9	B.3.6.3.9 A noise feasibility study, or and detailed noise study, or both , may shall be required as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:	B.3.6.3.9 A noise feasibility study and detailed noise study shall be required as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:	To strengthen policy language to establish a submission requirement.
B.3.6.3.12	B.3.6.3.12 A vibration study may shall be required to be submitted prior to or at the time	B.3.6.3.12 A vibration study shall be required to be submitted prior to or at the time of	To strengthen policy language to establish a submission requirement.

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
	of application submission for development on lands located within 75 metres of a railway line or railway yard, unless otherwise determined through the formal consultation process. Vibration studies may be reviewed by the appropriate railway company.	application submission for development on lands located within 75 metres of a railway line or railway yard, unless otherwise determined through the formal consultation process. Vibration studies may be reviewed by the appropriate railway company.	
B.3.6.3.19	B.3.6.3.19 The City shall ensure that all <i>development</i> or <i>redevelopment</i> with the potential to create conflicts between <i>sensitive land uses</i> and point source or fugitive air emissions such as noise, vibration, odour, dust, and other emissions complies with all applicable provincial legislation, provincial and municipal standards, and provincial guidelines and shall have regard to municipal guidelines. The City may shall require proponents of such proposals to submit studies prior to or at the time of application submission, unless otherwise determined through the formal consultation process , including the following: <i>noise feasibility study; detailed noise study; air quality study; odour impact assessment; dust impact analysis; and light impact assessment; and any other</i>	B.3.6.3.19 The City shall ensure that all <i>development</i> or <i>redevelopment</i> with the potential to create conflicts between <i>sensitive land uses</i> and point source or fugitive air emissions such as noise, vibration, odour, dust, and other emissions complies with all applicable provincial legislation, provincial and municipal standards, and provincial guidelines and shall have regard to municipal guidelines. The City shall require proponents of such proposals to submit studies prior to or at the time of application submission, unless otherwise determined through the formal consultation process, including the following: <i>noise feasibility study; detailed noise study; air quality study; odour impact assessment; dust impact analysis; light impact assessment; and any other information and materials</i>	To establish an odour impact assessment, dust impact analysis and light impact assessment as individual submission requirements.

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
	information and materials identified in Section F.1.9 – Complete Application Requirements and Formal Consultation.	identified in Section F.1.9 – Complete Application Requirements and Formal Consultation.	
Volume 1: Chapter C – City Wide Systems and Designations			
New C.1.4.5	C.1.4.5 Prior to submission of a <u>Planning Act</u> application for properties wholly or partially within a Wellhead Protection Area the proponent is required to provide a full disclosure report and receive approval of a Restricted Land Use Application (Section 59 Notice) from the City of Hamilton Risk Management Office.	C.1.4.5 Prior to submission of a <u>Planning Act</u> application for properties wholly or partially within a Wellhead Protection Area the proponent is required to provide a full disclosure report and receive approval of a Restricted Land Use Application (Section 59 Notice) from the City of Hamilton Risk Management Office.	To provide location based criteria for requiring an approved Restricted Land Use Application (Section 59 Notice) and full disclosure report.
New C.1.4.6	C.1.4.6 For any development or redevelopment within a Wellhead Protection Area, the City shall require the submission of a Chloride Impact Study as part of a complete application, unless otherwise determined through the formal consultation process.	C.1.4.6 For any development or redevelopment within a Wellhead Protection Area, the City shall require the submission of a Chloride Impact Study as part of a complete application, unless otherwise determined through the formal consultation process.	To establish locational criteria for the submission of a Chloride Impact Study.
C.4.5.17 (New)	C.4.5.17 Where a reduction in the minimum number of required parking spaces or an increase in the maximum number of permitted parking spaces is proposed, the City shall require a Parking Analysis / Study as part of a complete application, unless otherwise determined through the formal	C.4.5.17 Where a reduction in the minimum number of required parking spaces or an increase in the maximum number of permitted parking spaces is proposed, the City shall require a Parking Analysis / Study as part of a complete application, unless otherwise determined through the formal	To establish proposal-based criteria for requiring a Parking Study.

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
	consultation process.	consultation process.	
Volume 1: Chapter F – Implementation			
F.1.9.1	F.1.9.1 <i>Formal consultation</i> with the City shall be required encouraged prior to the submission of a <u>Planning Act</u> application(s) for an official plan amendment, zoning by-law amendment, draft plan of subdivision, or site plan.	F.1.9.1 <i>Formal consultation</i> with the City shall be encouraged prior to the submission of a <u>Planning Act</u> application(s) for an official plan amendment, zoning by-law amendment, draft plan of subdivision, or site plan.	In accordance with the Planning Act as amended through Bill 185, municipalities may no longer require a formal consultation prior to the submission of a Planning Act application.
F.1.9.2	F.1.9.2 The purpose of such <i>formal consultation</i> shall be to review a draft <i>development</i> proposal for the lands affected by the proposed application(s) and identify the need for, and the scope of <i>other information and materials</i> , and the scope of the other information and materials , considered necessary by the City and other affected agencies to allow comprehensive assessment of the <i>development</i> application(s).	F.1.9.2 The purpose of such <i>formal consultation</i> shall be to review a draft <i>development</i> proposal for the lands affected by the proposed application(s) and identify the need for, and the scope of <i>other information and materials</i> , considered necessary by the City and other affected agencies to allow comprehensive assessment of the <i>development</i> application(s).	To correct a duplication of text.
F.1.9.3	F.1.9.3 Notwithstanding Policy F.1.9.1, the City may waive the requirement for formal consultation, where the City has identified that, due to the nature of the proposal, the need for and scope of required other information and materials can be determined without a formal consultation. A waiver for	F.1.9.3 A waiver for formal consultation shall only be considered where a formal consultation process had been completed for the same proposal. If the formal consultation is waived by the City, the City shall provide the applicant with a waiver letter from the formal consultation	In accordance with the Planning Act as amended through Bill 185, municipalities may no longer require a formal consultation prior to the submission of a Planning Act application. The only time a formal consultation would need to be waived is for another formal consultation for the same proposal, so the requirements identified

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
	<p>formal consultation shall only be considered where a formal consultation process had been completed for the same proposal. If the requirement for formal consultation is waived by the City, the City shall provide the applicant with a waiver letter from the formal consultation process that identifies any necessary <i>other information and materials</i> to be submitted with the application(s) to deem it complete. (OPA 36)</p>	<p>process that identifies any necessary <i>other information and materials</i> to be submitted with the application(s) to deem it complete. (OPA 36)</p>	<p>in the previous formal consultation still apply instead of Schedule H.</p>
F.1.9.5	<p>F.1.9.5 A <u>Planning Act</u> application(s) shall be deemed complete provided: a) it satisfies all applicable provincial requirements; b) it satisfies all requirements set out in this Plan; and, c) it shall be accompanied by all the relevant other information and materials listed in Table 1.9.1 Schedule H, or as determined by the procedures in Policies F.1.9.1, F.1.9.2, and F.1.9.3.</p>	<p>F.1.9.5 A <u>Planning Act</u> application(s) shall be deemed complete provided: a) it satisfies all applicable provincial requirements; b) it satisfies all requirements set out in this Plan; and, c) it shall be accompanied by all the relevant <i>other information and materials</i> listed in Schedule H, or as determined by the procedures in Policies F.1.9.1, F.1.9.2, and F.1.9.3.</p>	<p>To update reference to revised table for other information and materials.</p>
F.1.9.6	<p>F.1.9.6 Notwithstanding Policies F.1.9.1 to F.1.9.3 inclusive, and F.1.9.5 c), for severance applications the City may determine the need and scope of required other information and materials without a formal</p>	<p>F.1.9.6 Notwithstanding Policy F.1.9.5 c), the City shall provide the applicant with a written list of <i>information and materials</i> required to be submitted with consent applications. Alternatively, applicants may</p>	<p>In accordance with the Planning Act as amended through Bill 185, municipalities may no longer require a formal consultation prior to the submission of a Planning Act application.</p>

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
	<p>consultation. The City shall provide the applicant with a written list of <i>information and materials</i> required to be submitted with the consent applications(s). Alternatively, applicants may request a formal consultation in which case F.1.9.2 shall apply.</p>	<p>request a formal consultation in which case F.1.9.2 shall apply.</p>	
F.1.9.7	<p>F.1.9.7 Schedule H identifies the <i>other information and materials</i> which are may be required, to deem <u>Planning Act</u> applications for official plan amendment, zoning by-law amendment, draft plan of subdivision, and site plan complete, unless otherwise determined through a formal consultation.</p>	<p>F.1.9.7 Schedule H identifies the <i>other information and materials</i> which are required, to deem <u>Planning Act</u> applications for official plan amendment, zoning by-law amendment, draft plan of subdivision, and site plan complete, unless otherwise determined through a formal consultation.</p>	<p>To update reference to other information and materials table and replace with Schedule H.</p>
	<p>Repeal and replace Table F.1.9.1 (as part of Policy F.1.9.7) with the table contained at the end of Appendix “A” to the Amendment to be added as Schedule H to this Plan.</p>	<p>See new table at the end of Appendix “A”</p>	<p>To improve the readability of the table.</p>
F.1.9.8	<p>F.1.9.8 <i>Other information and materials</i> submitted in accordance with Policy F.1.9.5 shall be subject to the following requirements to be deemed complete: a) The <i>other information and materials</i> submitted shall be prepared by a qualified professional, in accordance with applicable legislation, in</p>	<p>F.1.9.8 <i>Other information and materials</i> submitted in accordance with Policy F.1.9.5 shall be subject to the following requirements to be deemed complete: a) The <i>other information and materials</i> submitted shall be prepared by a qualified professional, in accordance with applicable legislation, in</p>	<p>To update reference to other information and materials table and replace with Schedule H.</p>

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
	<p>accordance with Council endorsed Terms of Reference or Guideline material as amended, and/or to the satisfaction of the City, retained by and at the expense of the applicant. (OPA 36)</p> <p>b) The City may request or conduct a peer review of any <i>other information and materials</i> submitted where the City lacks the appropriate expertise to review such other information and materials. Such peer review shall be completed by an appropriate agency or professional consultant retained by the City, at the applicant's expense.</p> <p>c) The City may refuse any other information and materials submitted as part of a complete application(s) if it considers the quality of the submission unsatisfactory and is not considered to be in accordance with the applicable Terms of Reference or Guideline. (OPA 36)</p> <p>d) The City may shall require est electronic versions of all <i>other information and materials</i> submitted as part of a complete application and stipulate the format of the digital submission.</p> <p>e) In addition to the other</p>	<p>accordance with Council endorsed Terms of Reference or Guideline material as amended, and/or to the satisfaction of the City, retained by and at the expense of the applicant. (OPA 36)</p> <p>b) The City may request or conduct a peer review of any <i>other information and materials</i> submitted where the City lacks the appropriate expertise to review such other information and materials. Such peer review shall be completed by an appropriate agency or professional consultant retained by the City, at the applicant's expense.</p> <p>c) The City may refuse any other information and materials submitted as part of a complete application(s) if it considers the quality of the submission unsatisfactory and is not considered to be in accordance with the applicable Terms of Reference or Guideline. (OPA 36)</p> <p>d) The City shall require electronic versions of all <i>other information and materials</i> submitted as part of a complete application and stipulate the format of the digital submission.</p>	

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
	information and materials listed in Schedule H Table F.1.9.1 , the applicant may be required to submit any other supporting information and materials identified by the City during the formal consultation process with the applicant as being necessary for an application to be deemed complete.	e) In addition to the other information and materials listed in Schedule H, the applicant may be required to submit any other supporting information and materials identified by the City during the formal consultation process with the applicant as being necessary for an application to be deemed complete.	
F.1.9.9	F.1.9.9 The requirement for other information and materials submitted in accordance with Policies F.1.9.1 through F.1.9.8 inclusive, or Schedule H is not intended to preclude Council and its delegated authorities from requiring additional reports, studies, maps, plans, calculations, information or materials, which are identified during the review process as necessary for Council and its delegated authorities to make informed decisions.	F.1.9.9 The requirement for other information and materials submitted in accordance with Policies F.1.9.1 through F.1.9.8 inclusive, or Schedule H is not intended to preclude Council and its delegated authorities from requiring additional reports, studies, maps, plans, calculations, information or materials, which are identified during the review process as necessary for Council and its delegated authorities to make informed decisions.	To add reference to new Schedule H – Other Information and Materials.
F.1.9.10	F.1.9.10 The City shall establish guidelines for the other information and materials identified in Policy F.1.9.7 Schedule H , to provide direction regarding the intended content and scope of such other information and materials.	The City shall establish guidelines for the other information and materials identified in Schedule H, to provide direction regarding the intended content and scope of such other information and materials.	To add reference to new Schedule H – Other Information and Materials.
F.1.9.11	F.1.9.11 Any <i>development</i> or <i>redevelopment</i> within 200	F.1.9.11 Any <i>development</i> or <i>redevelopment</i> within 200	To add reference to potential study requirements in addition to consultation

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
	metres of any gas pipeline easement or facility shall require consultation with the applicable utility company. The City or utility company shall require a Land Use in the Vicinity of Existing Pipelines Study or other information and materials identified in Schedule H as part of a complete application, unless otherwise determined through the formal consultation process.	metres of any gas pipeline easement or facility shall require consultation with the applicable utility company. The City or utility company shall require a Land Use in the Vicinity of Existing Pipelines Study or other information and materials identified in Schedule H as part of a complete application, unless otherwise determined through the formal consultation process.	with the applicable utility company.
F.1.9.12	F.1.9.12 Prior to the submission of a complete Planning Act application, where complete application requirements have been determined through formal consultation or a formal consultation waiver letter prior to January 1, 2023, the City may: a) amend the formal consultation or waiver letter; or b) require the complete application requirements to be determined through a new formal consultation or in accordance with Schedule H. (OPA 36)	F.1.9.12 Prior to the submission of a complete Planning Act application, where complete application requirements have been determined through formal consultation or a formal consultation waiver letter prior to January 1, 2023, the City may: a) amend the formal consultation or waiver letter; or b) require the complete application requirements to be determined through a new formal consultation or in accordance with Schedule H. (OPA 36)	In accordance with the Planning Act as amended through Bill 185, municipalities may no longer require a formal consultation prior to the submission of a Planning Act application.
F.1.9.13 (new)	F.1.9.13 Schedule H identifies four categories under which other information and materials shall be required for each Planning Act application. These categories are:	F.1.9.13 Schedule H identifies four categories under which other information and materials shall be required for each Planning Act application. These categories are:	Provides clarity on how Schedule H shall be applied in assessing whether an application may be deemed complete.

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
	<p>a) minimum requirements for the submission of a complete application regardless of the context of the application; b) locational requirements for the submission of a complete application for all applications located within a specified area, as determined by the applicable policies of this Plan; c) proposal based requirements for the submission of a complete application for all applications of a specified use, form, character, or scale, as determined by the applicable policies of this Plan; and, d) discretionary requirements being all <i>other information and materials</i> that may be requested by the City through the formal consultation process and/or the processing of a Planning Act application.</p>	<p>a) minimum requirements for the submission of a complete application regardless of the context of the application; b) locational requirements for the submission of a complete application for all applications located within a specified area, as determined by the applicable policies of this Plan. c) proposal based requirements for the submission of a complete application for all applications of a specified use, form, character, or scale, as determined by the applicable policies of this Plan; and, d) discretionary requirements being all <i>other information and materials</i> that may be requested by the City through the formal consultation process and/or the processing of a Planning Act application.</p>	
F.1.9.14 (new)	<p>F.1.19.14 <i>Other information and materials</i> identified as locational, or proposal based requirements in Schedule H shall also be considered discretionary requirements that may be requested by the City through the formal consultation process and/or the processing of a Planning Act application.</p>	<p>F.1.19.14 <i>Other information and materials</i> identified as locational, or proposal based requirements in Schedule H shall also be considered discretionary requirements that may be requested by the City through the formal consultation process and/or the processing of a Planning Act application.</p>	
F.1.9.15 (new)	<p>F.1.9.15 The City may establish application guidelines to</p>	<p>F.1.9.15 The City may establish application guidelines to</p>	<p>As part of the City's response to Bill 185, application forms and guides will need</p>

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
	provide guidance on the applicable policies of this Plan which apply to the locational and proposal based requirements as identified in Schedule H.	provide guidance on the applicable policies of this Plan which apply to the locational and proposal based requirements as identified in Schedule H.	to be updated to reflect the current development review process. This will include additional guidance respecting the for Formal Consultation process.
F.1.9.16 (new)	F.1.9.16 Where any policy of this Plan identifies a submission requirement the City may require as part of a complete application and where it is identified as a locational or proposal based requirement in Schedule H, it shall be deemed to be a submission requirement for a complete application unless otherwise determined through a formal consultation process.	F.1.9.16 Where any policy of this Plan identifies a submission requirement the City may require as part of a complete application and where it is identified as a locational or proposal based requirement in Schedule H, it shall be deemed to be a submission requirement for a complete application unless otherwise determined through a formal consultation process.	In accordance with the Planning Act as amended through Bill 185, municipalities may no longer require a formal consultation prior to the submission of a Planning Act application. To provide clarity that all policies identifying submission requirements that may apply, in the absence of a formal consultation the identified materials shall be submitted.
F.1.9.17 (new)	F.1.9.17 For any <i>development</i> on lands identified on Schedule A – Provincial Plans as Niagara Escarpment Plan Natural Area; or regulated by a Conservation Authority; or located within 120 metres of Hazardous Lands, Key Hydrologic Features, or Earth Science Area of Natural and Scientific Interest (ANSI), the City shall require the following <i>other information and materials</i> to be submitted as part of a complete application unless otherwise determined through the formal consultation process: a) Channel Design and	F.1.9.17 For any <i>development</i> on lands identified on Schedule A – Provincial Plans as Niagara Escarpment Plan Natural Area; or regulated by a Conservation Authority; or located within 120 metres of Hazardous Lands, Key Hydrologic Features, or Earth Science Area of Natural and Scientific Interest (ANSI), the City shall require the following <i>other information and materials</i> to be submitted as part of a complete application unless otherwise determined through the formal consultation process: a) Channel Design and	To establish locational criteria for requiring the following studies in the absence of a formal consultation: Channel Design and Geofluvial Assessment; Erosion Hazard Assessment Floodline Delineation Study/ Hydraulic Analysis; Karst Assessment / Karst Contingency Plan; Meander Belt Assessment; Shoreline Assessment Study/ Coastal Engineers Study; and, Slope Stability Study and Report.

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
	Geofluvial Assessment; b) Erosion Hazard Assessment; c) Floodline Delineation Study/ Hydraulic Analysis; d) Karst Assessment / Karst Contingency Plan; e) Limit of Core Areas or Limit of Conservation Authority Regulated Area; f) Meander Belt Assessment; g) Shoreline Assessment Study/ Coastal Engineers Study; and, h) Slope Stability Study and Report.	Geofluvial Assessment; b) Erosion Hazard Assessment; c) Floodline Delineation Study/ Hydraulic Analysis; d) Karst Assessment / Karst Contingency Plan; e) Limit of Core Areas or Limit of Conservation Authority Regulated Area; f) Meander Belt Assessment; g) Shoreline Assessment Study/ Coastal Engineers Study; and, h) Slope Stability Study and Report.	
F.1.9.18 (new)	F.1.9.18 Where there is a discrepancy between submission requirements identified in Volume 1 and the policies of Volume 2 and 3, the requirements identified in Volume 2 and 3 shall also apply.	F.1.9.18 Where there is a discrepancy between submission requirements identified in Volume 1 and the policies of Volume 2 and 3, the requirements identified in Volume 2 and 3 shall also apply.	Ensures that site specific submission requirements identified in Volume 2 and 3 are also included prior to an application being deemed complete.
F.1.9.19 (new)	F.1.9.19 A Complete Application Compliance Summary shall be required where no formal consultation has been completed which shall identify how each requirement on Schedule H has been addressed.	F.1.9.19 A Complete Application Compliance Summary shall be required where no formal consultation has been completed which shall identify how each requirement on Schedule H has been addressed.	This requirement will assist applicants and staff review Planning Act applications to ensure all submission requirements identified within Schedule H have been included or addressed.
F.3.2.5.5 (new)	F.3.2.5.5 The City shall require a Hydrogeological Study and Soils/Geotechnical Study as part of a complete application for any <i>site alteration</i> activities below grade, unless otherwise	F.3.2.5.5 The City shall require a Hydrogeological Study and Soils/Geotechnical Study as part of a complete application for any <i>site alteration</i> below grade, unless otherwise	To provide proposal based criteria for requiring a Hydrogeological Study.

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
	determined through the formal consultation process.	determined through the formal consultation process.	
F.3.2.5.6 (new)	F.3.2.5.6 Where a Hydrogeological Study is required as part of a complete application, a Water Well Survey and Contingency Plan shall also be required, unless otherwise determined through the formal consultation process.	F.3.2.5.6 Where a Hydrogeological Study is required as part of a complete application, a Water Well Survey and Contingency Plan shall also be required, unless otherwise determined through the formal consultation process.	To provide proposal based criteria for requiring a Water Well Survey.
F.3.2.10.2	F.3.2.10.2 The need and scope for the preparation of an Assessment Report shall be determined by the City in accordance with Schedule H at the formal consultation stage of the development review process and submitted as part of the associated application. The specific requirements of the Assessment Report shall be reflective of individual applications and determined on a case by case basis.	F.3.2.10.2 The need and scope for the preparation of an Assessment Report shall be determined by the City in accordance with Schedule H at the formal consultation stage of the development review process and submitted as part of the associated application. The specific requirements of the Assessment Report shall be reflective of individual applications and determined on a case by case basis.	To add reference to new Schedule H.
F.3.2.12.1	F.3.2.12.1 Where a request is made by a proponent of a development application to reduce or waive requirements for conveyance of lands for road widenings or daylight triangles as set out in Section C.4.5.2, Section C.4.5.6, Schedule C-1 – Future Right-of-Way Dedications (Rural), or Section C.4.5.7, proponents may shall be required to	F.3.2.12.1 Where a request is made by a proponent of a development application to reduce or waive requirements for conveyance of lands for road widenings or daylight triangles as set out in Section C.4.5.2, Section C.4.5.6, Schedule C-1 – Future Right-of-Way Dedications (Rural), or Section C.4.5.7, proponents shall be required to prepare a	To strengthen policy language to establish a submission requirement.

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
	prepare a Right of Way Impact Assessment to review potential impacts and provide a rationale for the alternative requirement, in accordance with the criteria outlined in Policy C.4.5.6.5 a). (OPA 26)	Right of Way Impact Assessment to review potential impacts and provide a rationale for the alternative requirement, in accordance with the criteria outlined in Policy C.4.5.6.5 a). (OPA 26)	
(New) F.3.2.13	F.3.2.13 Neighbourhood Traffic Calming Report The City shall require proponents of <i>development</i> or <i>redevelopment</i> applications to prepare a Neighbourhood Traffic Calming Report for lands located within 500 metres to an educational establishment (i.e., elementary school), unless otherwise determined through the formal consultation process.	F.3.2.13 Neighbourhood Traffic Calming Report The City shall require proponents of <i>development</i> or <i>redevelopment</i> applications to prepare a Neighbourhood Traffic Calming Report for lands located within 500 metres to an educational establishment (i.e., elementary school), unless otherwise determined through the formal consultation process.	To provide proposal based criteria for requiring a Neighbourhood Traffic Calming Report.
(New) F.3.2.14	F.3.2.14 Vibration Study The City shall require a Vibration Study to be submitted as part of a Construction Management Plan prior to or at the time of application submission, unless otherwise determined through the formal consultation process.	F.3.2.14 Vibration Study The City shall require a Vibration Study to be submitted as part of a Construction Management Plan prior to or at the time of application submission, unless otherwise determined through the formal consultation process.	To provide proposal based criteria for requiring a Vibration Study.
(New) F.3.2.15	F.3.2.15 Zoning Compliance Reviews	F.3.2.15 Zoning Compliance Reviews	To provide proposal based criteria for requiring a Zoning Compliance Review.

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
(New) F.3.2.15.1	F.3.2.15.1 A Zoning Compliance Review shall be submitted as part a complete application for Site Plan and Draft Plan of Subdivision which contains no non-compliances with respect to the use of the lands, unless otherwise determined through the formal consultation process.	F.3.2.15.1 A Zoning Compliance Review shall be submitted as part a complete application for Site Plan or Draft Plan of Subdivision which contains no non-compliances with respect to the use of the lands, unless otherwise determined through the formal consultation process.	This requirement is required to ensure that the City does not deem complete Site Plan applications for proposals that do not conform to the uses permitted under the Zoning By-law.
(New) F.3.2.15.2	F.3.2.15.2 A Zoning Compliance Review submitted as part of Site Plan shall be reviewed by City staff to confirm that the development conforms to the applicable height and density policies of Volume 1, Volume 2 and Volume 3 of the Official Plan prior to the application being deemed complete.	F.3.2.15.2 A Zoning Compliance Review submitted as part of Site Plan shall be reviewed by City staff to confirm that the development conforms to the applicable height and density policies of Volume 1, Volume 2 and Volume 3 of the Official Plan prior to the application being deemed complete.	This requirement is required to ensure that the City does not deem complete Site Plan applications that do not conform to the height and density policies of the Official Plan.
(New) F.3.2.16	F.3.2.16 For any development or redevelopment that is transformational for the surrounding area 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: a) Design Review Panel Summary of Advice Response; b) Urban Design Report / Brief; c) Pedestrian Level Wind Study; and, d) 3D Model.	F.3.2.16 For any development or redevelopment that is transformational for the surrounding area 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: a) Design Review Panel Summary of Advice Response; b) Urban Design Report / Brief; c) Pedestrian Level Wind Study; and, d) 3D Model.	To establish proposal based criteria for requiring the following materials in the absence of a formal consultation: Design Review Panel Summary of Advice Response; Urban Design Report / Brief. Pedestrian Level Wind Study; 3D Model.

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
(New) F.3.2.17	F.3.2.17 Where <i>non-agricultural uses</i> are proposed on lands designated Agriculture, Speciality Crop, Rural, Mineral Aggregate Resource Extraction Area, Open Space or Utility on Schedule D – Rural Land Use Designations, the City shall require an Agricultural Impact Assessment be submitted, unless otherwise determined through the formal consultation process, to evaluate potential impacts on existing agricultural operations and the agricultural system and recommend ways to avoid, or, if avoidance is not possible, minimize and mitigate adverse impacts.	F.3.2.17 Where <i>non-agricultural uses</i> are proposed on lands designated Agriculture, Speciality Crop, Rural, Mineral Aggregate Resource Extraction Area, Open Space or Utility on Schedule D – Rural Land Use Designations, the City shall require an Agricultural Impact Assessment be submitted, unless otherwise determined through the formal consultation process, to evaluate potential impacts on existing agricultural operations and the agricultural system and recommend ways to avoid, or, if avoidance is not possible, minimize and mitigate adverse impacts.	To provide proposal based criteria for requiring an Agricultural Impact Assessment.
(New) F.3.2.18	F.3.2.18 Recreation Needs Assessment The City shall require a Recreation Needs Assessment to be submitted as part of a complete application where parkland is proposed on site, unless otherwise determined through the formal consultation process.	F.3.2.18 Recreation Needs Assessment The City shall require a Recreation Needs Assessment to be submitted as part of a complete application where parkland is proposed on site, unless otherwise determined through the formal consultation process.	To provide proposal based criteria for requiring a Recreation Needs Assessment.
F.3.2.13	F.3.2.13 9 Other Technical Studies	F.3.2.19 Other Technical Studies	
F.3.2.13.1	F.3.2.13 9 .1 In addition to the studies identified in Sections F.3.2.1 to F.3.2.5, the City may require technical studies to be submitted as part of the	F.3.2.19.1 In addition to the studies identified in Sections F.3.2.1 to F.3.2.5, the City may require technical studies to be submitted as part of the	In accordance with the Planning Act as amended through Bill 185, municipalities may no longer require a formal consultation prior to the submission of a Planning Act application.

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Policy Number	Proposed Change	Proposed New / Revised Policy	Why Change is Required
	<p>Planning Act process. Prior to submission of these technical studies, consultation shall be required with City staff and/or Conservation Authorities shall be encouraged to confirm the contents for and the criteria to be used in the technical Studies.</p>	<p>Planning Act process. Prior to submission of these technical studies, consultation with City staff and/or Conservation Authorities shall be encouraged to confirm the contents for and the criteria to be used in the technical Studies.</p>	Renumbering.
F.3.2.13.2	<p>F.3.2.13.2 The recommendations from approved technical studies shall be implemented by future amendments to this Plan, including Secondary Plans and/or conditions or criteria identified through the review of <i>development</i> applications.</p>	<p>F.3.2.19.2 The recommendations from approved technical studies shall be implemented by future amendments to this Plan, including Secondary Plans and/or conditions or criteria identified through the review of <i>development</i> applications.</p>	Renumbering.

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Proposed Schedule “H”

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
1	Affordable Housing Report / Rental Conversion Assessment			✓			✓										✓
2	Aggregate Resource Assessment		✓	✓			✓	✓									
3	Aggregate/Mineral Resource Analysis		✓	✓			✓	✓									
4	Agricultural Impact Assessment			✓			✓				✓				✓		
5	Air Drainage Analysis Brief				✓			✓				✓					✓
6	Air Quality Study		✓	✓			✓	✓			✓	✓					✓
7	Archaeological Assessment		✓				✓				✓			✓			
8	Channel Design and Geofluvial Assessment		✓				✓					✓					✓
9	Chloride Impact Study		✓				✓				✓			✓			
10	Complete Application Compliance Summary / Summary Response to Formal Consultation Comments	✓				✓				✓			✓				
11	Concept Plan	✓				✓				✓							
12	Construction Management Plan												✓				✓
13	Contaminant Management Plan				✓				✓				✓				✓
14	Cost Recovery Agreement	✓				✓			✓								✓
15	Cultural Heritage Assessment – Documentation and Salvage Plan				✓				✓				✓				✓
16	Cultural Heritage Impact Assessment		✓				✓				✓			✓			
17	Cut and Fill Analysis				✓				✓				✓				✓
18	Cycling Route Analysis	✓				✓				✓							

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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
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	✓			✓				✓				✓				
36	Grading Plan	✓			✓				✓				✓				
37	Housing Report				✓			✓				✓				✓	

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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
38	Hydrogeological Study			✓			✓		✓				✓				
39	Impact Assessment for new Private Waste Disposal Sites				✓			✓				✓					✓
40	Karst Assessment/Karst Contingency Plan		✓			✓				✓				✓			
41	Land Use Compatibility Study			✓			✓								✓		
42	Land Use in the Vicinity of Existing Pipelines Study		✓			✓				✓				✓			
43	Land Use/ Commercial Needs and Impact Assessment				✓			✓									
44	Landfill Impact Assessment		✓	✓		✓	✓			✓	✓			✓	✓		
45	Landscape Plan								✓				✓				
46	Landscape Plan (Conceptual)	✓			✓												
47	Light Impact Assessment			✓			✓				✓				✓		
48	Limit of Core Areas or Limit of Conservation Authority Regulated Area		✓			✓				✓				✓			
49	Linkage Assessment		✓			✓				✓				✓			
50	Market Impact Study				✓			✓									
51	Master Drainage Plan				✓			✓				✓					✓
52	Materials Palette or Imagery											✓	✓				✓
53	Meander Belt Assessment				✓			✓				✓	✓				✓
54	Minimum Distance Separation Calculation			✓			✓				✓				✓		
55	Ministry of the Environment Conservation and Parks - Environmental Compliance Approval				✓			✓				✓					✓
56	Modern Roundabout and Neighbourhood Roundabout Analysis				✓			✓				✓					
57	Neighbourhood Traffic Calming Options Report		✓			✓				✓				✓			

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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
58	Noise Impact Studies (Noise Feasibility and/or Detailed Noise Study)		✓	✓			✓	✓			✓	✓			✓	✓	
59	Nutrient Management Study				✓				✓			✓					✓
60	Odour Impact Assessment		✓	✓			✓	✓			✓	✓			✓	✓	
61	On-Street Parking Plan											✓					✓
62	Parking Analysis/Study			✓				✓				✓				✓	
63	Pedestrian Route and Sidewalk Analysis	✓				✓				✓							✓
64	Planning Justification Report	✓				✓				✓							✓
65	Planning Brief / Development Brief												✓				
66	Pre-Technical Conservation Authority Review				✓				✓			✓					✓
67	Public Consultation Summary and Comment Response Report	✓				✓				✓							
68	Recreation Feasibility Study				✓				✓								
69	Recreation Needs Assessment				✓				✓			✓					
70	Restoration Plan				✓				✓			✓					✓
71	Right of Way Impact Assessment			✓				✓				✓				✓	
72	Roadway/Development Safety Audit				✓				✓			✓					
73	Approved Source Water Protection Restricted Land Use Application (Section 59 Notice)		✓				✓				✓				✓		
74	School Accommodation Issues Assessment				✓				✓								
75	School and City Recreation Facility and Outdoor Recreation/Parks Issues Assessment				✓				✓			✓					
76	Servicing Plan				✓				✓	✓				✓			

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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
77	Shoreline Assessment Study/Coastal Engineers Study		✓				✓				✓			✓			
78	Site Lighting Plan											✓					✓
79	Site Plan and Floor Plans												✓				
80	Slope Stability Study and Report		✓				✓				✓			✓			
81	Soil Management Plan											✓					✓
82	Soils/Geotechnical Study			✓			✓		✓				✓				
83	Species Habitat Assessment		✓				✓			✓				✓			
84	Storm Water Management Report/Plan and/or update to an existing Storm Water Management Plan	✓				✓			✓				✓				
85	Sub-watershed Plan and/or update to an existing Subwatershed Plan				✓			✓				✓					
86	Sun/Shadow Study				✓			✓				✓					✓
87	Survey Plan (Real Property Report)	✓				✓			✓				✓				
88	Transit Assessment				✓			✓				✓					
89	Transportation Demand Management Options Report				✓			✓				✓					✓
90	Transportation Impact Study	✓				✓						✓					✓
91	Tree Management Plan/Study (City-owned trees and / or within 3 metres of ROW)	✓				✓			✓				✓				
92	Tree Protection Plan (Private trees)	✓				✓			✓				✓				
93	Urban Design or Architectural Guidelines											✓					
94	Urban Design Report/ Brief				✓			✓				✓					✓
95	Vibration Study		✓				✓			✓				✓			
96	Visual Impact Assessment		✓	✓			✓	✓		✓	✓			✓	✓		

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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
97	Water and Wastewater Servicing Study	✓				✓				✓				✓			
98	Watermain Hydraulic Analysis							✓	✓					✓			
99	Water Well Survey and Contingency Plan			✓				✓				✓				✓	
100	Wildland Fire Assessment (OPA 167)											✓					✓
101	Wind Study			✓				✓				✓				✓	
102	Zoning Compliance Review					✓			✓				✓				
103	3D Model			✓				✓				✓				✓	



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

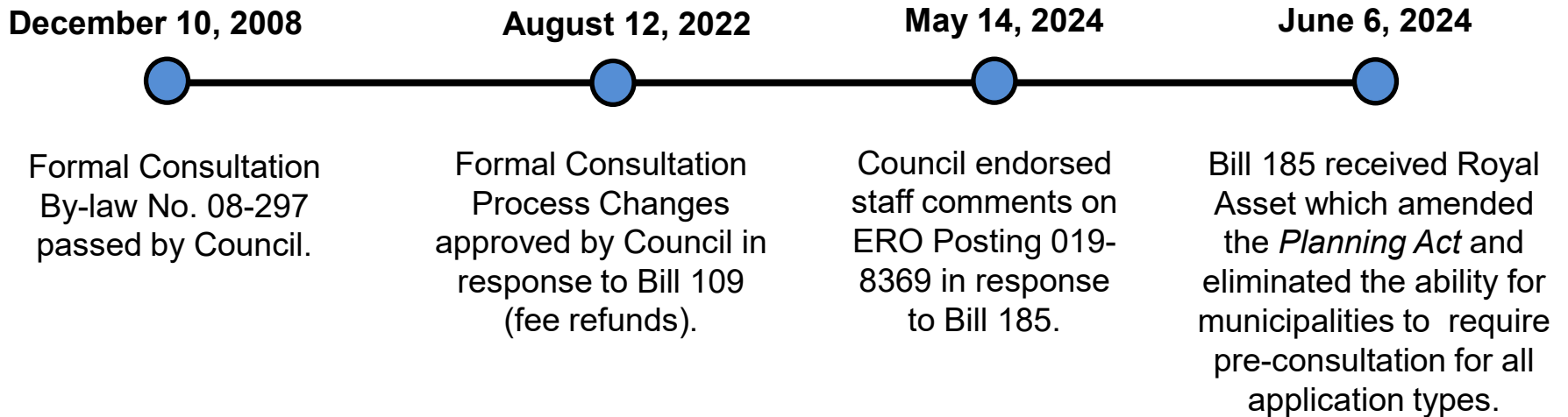
October 18, 2024

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.

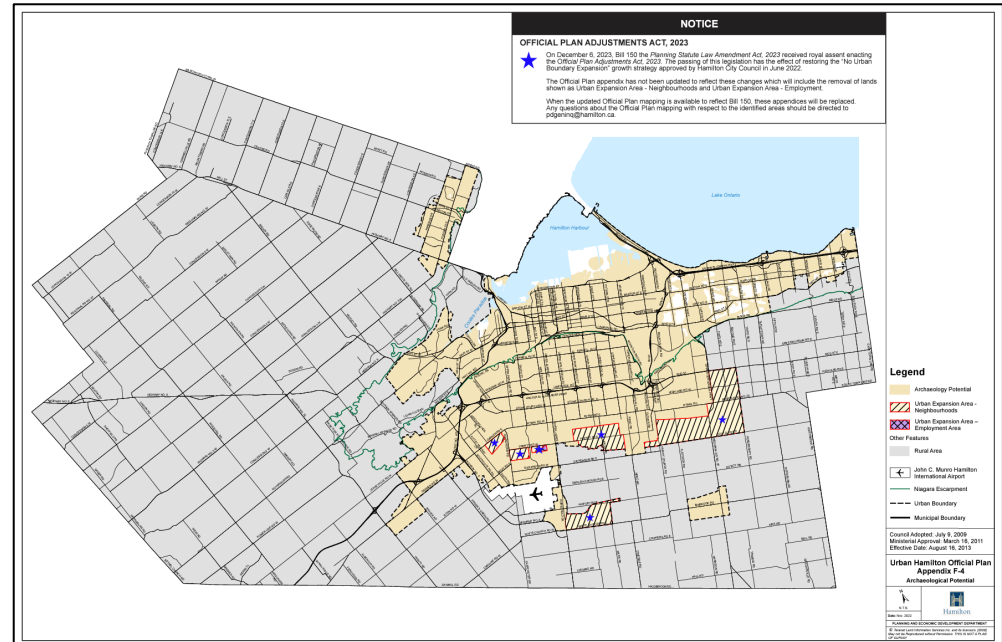
City Initiated Amendments

- 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	✓				✓				✓				✓			

City Initiated Official Plan Amendments

- **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.

City Initiated Official Plan Amendments

- **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
Grey highlighted strikethrough text = text to be deleted
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: <ul style="list-style-type: none">a) Design Review Panel Summary of Advice Response;b) Pedestrian Level Wind Study; and,c) 3D Model.

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



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 18, 2024
SUBJECT/REPORT NO:	Draft Framework for Processing and Evaluating Urban Boundary Expansions - Consultation and Engagement Plan (PED24109a) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Charlie Toman (905) 546-2424 Ext. 5863
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Planning and Economic Development Department staff be directed and authorized to commence public and stakeholder consultation and engage with Indigenous and Métis communities on the Draft Framework for Processing and Evaluating Urban Boundary Expansions in accordance the Consultation and Engagement Plan, attached as Appendix “A” to Report PED24109a.

EXECUTIVE SUMMARY

At the August 13, 2024, Planning Committee meeting, staff were directed to prepare a public consultation and engagement report for a future Planning Committee meeting on the Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications (Draft Framework).

The Consultation and Engagement Plan (see Appendix “A” attached to Report PED24109a) has been prepared in collaboration with the City’s Public Engagement team. A separate Indigenous engagement plan developed with the support of the City’s Indigenous Relations team is provided in the body of this report. Hamilton’s Public Engagement Policy provided the framework to develop the Consultation and Engagement Plan.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Draft Framework for Processing and Evaluating Urban Boundary Expansions - Consultation and Engagement Plan (PED24109a) (City Wide) - Page 2 of 9

The purpose of the Consultation and Engagement Plan is to outline the City's strategy for soliciting community input on the Draft Framework to process and evaluate urban boundary expansion applications. Using Hamilton's public engagement levels established under the City's approved Engagement Policy, the plan's two primary goals are:

- To inform the community about recent provincial changes that open the door for urban boundary expansions to be made outside of a Municipal Comprehensive Review and the denial of or non-decisions on these applications to be appealed to the Ontario Land Tribunal;
- To consult with the community on specific aspects of the Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications, including:
 - How and when the community wants to be notified when an application for urban boundary expansion is made;
 - How and when the community will provide their input, within the mandated decision timelines for Official Plan Amendments under the *Planning Act* on urban boundary expansion applications once received; and,
 - The information or additional studies that should be required as part of the urban boundary expansion applications.

With respect to Indigenous and Métis communities, the Consultation and Engagement Plan is focused on asking exactly how they want to participate in the City's processing of privately initiated urban boundary expansion applications.

Once approved, staff will begin to implement the Consultation and Engagement Plan. The input received through the implementation of the Consultation and Engagement Plan will be presented back to Planning Committee as part of the City initiated Urban Official Plan Amendment in Q1, 2025 to enshrine the City's final urban boundary expansion application framework into policy.

It is important to note that the Provincial Planning Statement was approved by the Province on August 20, 2024, and is scheduled to come into effect on October 20, 2024, meaning that the city may receive urban boundary expansion applications as early as October 21, 2024. Council provided direction to staff to apply the Draft Framework to any urban boundary expansion applications as an interim measure.

OUR Vision: To be the best place to raise a child and age successfully.

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Alternatives for Consideration – See Page 9

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Staff estimate that the cost of implementing the engagement plan will be approximately \$98,500. This includes retention of an external consultant to facilitate the open houses and provide engagement materials, facility rentals, notifications/advertising, refreshments for attendees as well as staff overtime and security to support the planned open houses. The existing Hamilton Growth Management Review capital budget (8141555600) will be used to cover the cost of implementing the plan.

Staffing: N/A

Legal: N/A

Historical Background

On August 16, 2024, Council approved the following motions:

- “(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;
 - (ii) consult on the Draft Framework for Processing and Evaluating Urban Boundary Expansions, attached in Appendix “A” to Report PED24109; and,
 - (iii) 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.”

Hamilton’s Public Engagement Policy (approved by Council in January 2024) was used to provide the framework for the public Consultation and Engagement Plan, implementing the core principles for meaningful engagement with the community.

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Statement (2024)

The Provincial Planning Statement was approved by an Order in Council on August 20, 2024, and will come into effect on October 20, 2024. The Provincial Planning Statement will replace both the Provincial Policy Statement, 2020 and A Place to Grow, Growth Plan for the Greater Golden Horseshoe (Growth Plan). Under Section 3 of the *Planning Act* all decisions affecting planning matters must be consistent with the Provincial Planning Statement.

Applicable policies of the Provincial Planning Statement with respect engagement with the public and Indigenous and Métis communities include:

“6.2.2 Planning authorities shall undertake early engagement with Indigenous communities and coordinate on land use planning matters to facilitate knowledge-sharing, support consideration of Indigenous interests in land use decision-making and support the identification of potential impacts of decisions on the exercise of Aboriginal or treaty rights.

6.2.3 Planning authorities are encouraged to engage the public and stakeholders early in local efforts to implement the Provincial Planning Statement, and to provide the necessary information to ensure the informed involvement of local citizens, including equity-deserving groups.”

Urban Hamilton Official Plan

Volume 1, Chapter F of the Urban Hamilton Official Plan provides policy direction with respect to both consultation with the public and First Nations, Indigenous and Métis communities. The following policies, amongst others, were considered by staff in the preparation of this report.

“F.17 Public Participation and Notification Policies

One of the principles of sustainability is transparent and participatory government. In recognition of this principle, the City shall involve the various people and organizations throughout the City, including residents, business, special interest groups, non-governmental organizations, and other levels of government.

F.1.17.1 The City may use a variety of communication methods to seek input on planning matters or to provide information to the general public.

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Depending on the issues and in accordance with the Planning Act, R.S.O., 1990 c. P.13, the City shall choose the most appropriate method of communication. Communication may be in the form of:

- a) direct mail outs;
- b) public notice signs;
- c) surveys, electronic or mail out;
- d) public information open houses held virtually or in person;
- e) public meetings held virtually or in person;
- f) City web site; and/or,
- g) workshops. (OPA 155)

F.17.2 Notification of public meeting(s) for the adoption of the Official Plan and amendments, changes to the Zoning By-law, plans of subdivision, draft plan of condominium as required by the Planning Act, and Community Improvement Plans shall be given to the public at least 7 days prior to the date of the meeting(s) and the notice shall be given in accordance with the applicable requirements of the Planning Act, R.S.O., 1990 c. P.13 regulations. (OPA 155) (OPA 175)

F.1.17.8 The City will inform, consult, and collaborate with local Indigenous communities and First Nations to empower their role in local land use planning matters. (OPA 167)

F.1.17.8.1 The City will respect the consultation protocols of Indigenous communities and First Nations whose traditional territories are located within the City of Hamilton municipal boundary when engaging on land use planning matters. (OPA 167)

F.1.17.8.2 To ensure meaningful engagement is realized with local Indigenous communities and First Nations, the City will initiate development of an Indigenous Engagement protocol for Land Use Planning. (OPA 167)”

Staff note that the Rural Hamilton Official Plan also contains similar public participation and notification policies and that the recommended The Consultation and Engagement Plan described below is consistent with the Provincial Planning Statement and complies with the Rural and Urban Hamilton Official Plan.

Public Engagement Policy

Hamilton’s first Public Engagement Policy was approved by Council in January 2024. Its purpose is to guide consistent, effective, and meaningful public engagement processes

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between the City of Hamilton, the public, and interested community partners to support decision-making of City Council and Administration. In it, three levels of public engagement are identified: Consult, Involve, and Collaborate. Each level outlines the City's responsibility within the engagement process and identifies the extent of the public's influence in shaping the final decision. The policy also describes the importance of informing the public (regardless of the selected level) throughout the process to ensure the public is:

- Aware of and knowledgeable about the application;
- Able to provide informed input; and,
- Aware that a decision on the application has been made by Council and/or the Ontario Land Tribunal.

The policy also outlines the requirement for public engagement plans to be developed for all projects and initiatives that will consult, involve, or collaborate with the community.

RELEVANT CONSULTATION

The Public Engagement Team from the Government Relations and Community Engagement Division developed the Consultation and Engagement Plan (attached as Appendix "A" to Report PED24109a), in collaboration with Planning staff.

Planning staff worked with the Indigenous Relations staff who provided input on the planned engagement steps with Indigenous and Métis communities provided in this report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Step 1 (Educate and Inform)

The role of public engagement is to inform a decision. In doing so, it also requires that participants have the necessary information required to provide meaningful input into a decision. With significant changes to provincial planning directions, it is vitally important that a significant focus of the public engagement involve informing the community of these approved provincial changes and their role in affecting local planning directions. The Consultation and Engagement Plan identifies this as a primary goal and the first step in the Plan. In addition, the public will be provided information to clearly outline decision making powers and authority at the municipal and provincial level as well as process steps for an application including timelines.

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This goal is critical for the public to understand the request for input on Step 2 below. It is important for the public to understand that Planning staff are required to review and process urban boundary expansion applications. A non-decision of Council within 120 days of an application deemed complete, can be appealed directly to the Ontario Land Tribunal.

Step 2 (Gather Input)

The second step of the Plan is to gather input into the Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications. The engagement is scoped to consider three primary areas:

- How and when the community wants to be notified when an application for urban boundary expansion is made and deemed complete;
- How and when the community will provide their input on urban boundary expansion applications once received and deemed complete; and,
- Identify what information or additional studies should be required as part of the urban boundary expansion applications.

Staff note that there are challenges in obtaining public and Indigenous feedback on what should be included as part of a Framework for processing and evaluating urban boundary expansion applications when there is significant interest and debate associated with the Provincial decisions that have led up to this point. Specifically, the proposed Provincial Planning Statement and adoption of Bill 185 enables urban boundary expansions to be decided on by the Ontario Land Tribunal once appealed, despite Council's approval of a no urban boundary expansion growth strategy.

In response, emphasis in the Consultation and Engagement Plan is on informing the public of these decisions; what the City's position has been with respect to urban boundary expansions; and what the city can and cannot control. At the conclusion of this step an engagement report summarizing what we heard will be shared back with consultation participants and submitted to Planning Committee as part of staff's recommendation report on the implementation of the framework into Official Plan policy.

Engagement Plan with Indigenous and Métis Communities

City staff will undertake separate engagement with First Nations, Indigenous and Métis communities that have traditional territories within Hamilton. The goals and objectives of this engagement will be similar to the Consultation and Engagement Plan in Appendix "A" attached to Report PED24109a in that staff will seek to inform these communities of Provincial decisions that have enabled privately initiated urban boundary expansion applications and what the City can and cannot control in how they

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are processed (i.e., the City cannot refuse to accept an application if it meets applicable *Planning Act* provisions).

Planning staff's approach to this engagement has been developed in collaboration with the City's Indigenous Relations Office and considered aspects of the Chiefs of Ontario Checklist for Consultation and Engagement.

Through this engagement, staff will seek feedback on if, how and when First Nations, Indigenous and Métis communities want to participate in this process so that the City can incorporate this input into the final Framework and Official Plan policy where possible. The feedback received will also help inform the City's approach towards future consultation on land use planning matters. Recognizing that each First Nations, Indigenous and Métis community is distinct and may have different perspectives and capacity to participate in the City's review of urban boundary expansion applications, the final Framework and Official Plan Amendment may provide specific guidance/direction for the engagement of each First Nations, Indigenous and Métis community that has provided input.

Staff understand First Nations, Indigenous and Métis communities can be inundated with requests to participate or provide comments on planning matters and City staff will make a concerted effort to ensure that First Nations, Indigenous and Métis communities are informed of the Draft Framework and have an opportunity to provide input. This includes:

- Providing written correspondence that is brief and clear and offering to meet if requested.
- Following up multiple times by e-mail, letter, and phone calls if no response is received to the City's initial request for feedback;
- Extending invitations to the planned public open houses; and,
- Being flexible in how much time the First Nations, Indigenous and Métis community needs to consider the request as well as being flexible in how that input is provided. This means accepting and considering feedback from First Nations, Indigenous and Métis communities after public consultation has occurred and, where appropriate, making subsequent adjustments to the City's framework for processing and evaluating urban boundary expansion applications to incorporate the feedback. It is important to note the importance of solidifying the framework in Official Plan policy so the City can review applications for completeness from a greater position of strength.

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Next Steps

Should the Consultation and Engagement Plan be approved by Council, staff will move to implement the engagement plan immediately. The tentative dates and locations of the two recommended Open Houses are:

- Tuesday, November 26, 2024, at the Hamilton Convention Centre; and,
- Thursday, November 28, 2024 (location to be determined).

The feedback received through the planned engagement will be presented back to Planning Committee as part of the City initiated Urban Official Plan Amendment in Q1, 2025 to enshrine the City's final urban boundary expansion application framework into policy.

ALTERNATIVES FOR CONSIDERATION

Council may direct staff to modify the recommended Consultation and Engagement Plan. Staff note that increasing the scope or methods of engagement may extend the engagement period on the Draft Framework, pushing back the date in which staff can present and submit a City initiated Urban Official Plan Amendment to enshrine the framework into policy. Solidifying the framework in Official Plan policy is important so the City can review applications for completeness from a greater position of strength.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24109a – Consultation and Engagement Plan

CT/mb

Urban Boundary Expansion Framework – Consultation & Engagement Plan



Background

The Province of Ontario approved the Provincial Planning Statement (PPS) on August 16, 2024, which comes into effect on October 20, 2024, replacing both the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe. The new PPS removes the requirement for a Municipal Comprehensive Review before a municipality or landowner can expand the urban boundary. These policy changes were accompanied with changes to the *Planning Act* (Bill 185). The impact to the City of Hamilton is that after October 20, 2024 a landowner able to apply to expand the urban boundary at any time and without a limitation on expansion size. Additional changes through provincial legislation, through Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* (Bill 185), that impact urban boundary expansions include:

- allowing landowners to appeal Council's decision on urban boundary expansion applications to the Ontario Land Tribunal; and,
- removing the requirement for applicants to consult with the municipality (previously referred to as Formal Consultation) which would determine application submission requirements.

These Provincial changes undermine Council's position of maintaining a firm urban boundary. In anticipation of the Provincial Planning Statement being approved by the Province and the City receiving private urban boundary expansion applications in the near future, staff developed the Draft Framework for Processing and Evaluating Urban Boundary Expansion applications which was approved by Council on August 16, 2024, and will soon be open to public engagement.



Context

The City of Hamilton has adopted a growth management strategy based on the principle of a firm urban boundary. Recent Provincial planning changes have undermined Hamilton's position to maintain this stance by allowing for new privately initiated urban boundary expansion applications and the City is proactively developing a strategy to respond to the potential scenario where one or more Official Plan amendment applications are proposed to expand the urban area.

To effectively plan for engagement on the Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications, it is important to consider the broader context in which this work is occurring.

- 2018-2021: The city undertakes extensive public engagement as part of the Municipal Comprehensive Review and Growth-Related Integrated Development Strategy workplan to allocate forecasted population and employment growth to 2051. This included a city-wide survey that received 18,387 responses. 90.4% of residents supported a no urban boundary expansion growth strategy.
- November 2021: Council votes to adopt a no urban boundary expansion growth strategy. The Official Plan Amendments are adopted by Council.
- November 2022: The province modifies the City's Official Plan Amendments, as part of its approval to remove Council's approval of a no urban boundary expansion growth strategy. Approximately 2,200 hectares of land are added to Hamilton's urban boundary. At the same time the province removes lands from the Greenbelt Plan area.
- 2023: In response to the Provincial decision to add lands to the urban boundary, Council approves Secondary Planning Guidelines for Urban Expansion Areas.
- September 2023: The city undertakes public engagement and holds a Special Meeting of Planning Committee to discuss lands removed from the Greenbelt Plan area. There is significant public interest/participation in this engagement. Majority of residents express opposition to the Greenbelt Plan area changes. Shortly after this meeting, the province reverses its changes to the Greenbelt Plan through Bill 136.
- Challenges to meaningful engagement experienced during the public consultation phase included: location of the meeting, size of venue (too small), transportation (requiring HSR shuttle bus), planning for safety and security of staff at the meeting, date, and time of meeting.

- October 2023: The province announces its intent to reverse the November 2022 decision to revise municipal Official Plans, including modifications expanding Hamilton’s urban boundary. City Council supports the reversal.
- December 2023: Bill 150 is passed and removed 2,200 hectares of land from Hamilton’s Urban Boundary.
- August 2023: The province approves the new Provincial Planning Statement (PPS). The PPS and Bill 185 (2024) opens the door for new privately initiated urban boundary expansion applications to be submitted. Local decisions can be appealed to the Ontario Land Tribunal for final decision. Council submits multiple comments to the province not supporting these changes.
- August 2024: In anticipation of receiving new privately initiated urban boundary expansion applications, Council approves the Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications.

These facts will be used to inform the Consultation and Engagement Plan for the Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications.



Purpose

The purpose of this plan is to outline the City’s strategy for soliciting community input on specific aspects of the Draft Framework and to better inform the community and interested participants on both the recent provincial planning decisions and their impacts to local decision-making authority.

Goals	Objectives
<p>INFORM the community about recent provincial changes that impact Hamilton.</p>	<ul style="list-style-type: none"> • Clearly outline recent Provincial changes that impact planning decisions in Hamilton. • Clearly outline decision making powers/authority at the municipal and provincial levels. • Using the INFORM process (outlined in Hamilton’s Public Engagement Policy), ensure the community has the appropriate information and knowledge in order to provide meaningful input into the Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications.

	<ul style="list-style-type: none"> Clearly outline the process for an application, including timelines and reinforcing that third party appeal processes are not permitted by Provincial legislation.
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Goals	Objectives
<p>CONSULT with the community on specific aspects of the Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications.</p> <hr/> <p>Consult Level: staff will get your feedback on a project or initiative.</p> <p>We promise to:</p> <ul style="list-style-type: none"> keep you informed, including decisions by Council or the Ontario Land Tribunal on an application; listen to and acknowledge your concerns or hopes for the project; provide feedback to you on how the input received was used to inform the project. Document and report back on what we heard. 	<ul style="list-style-type: none"> Clearly outline what the Draft Framework is, how it will be used and why it is important. Using the CONSULT level, seek input from the community on three main aspects in the Framework: <ul style="list-style-type: none"> How and when the community wants to be notified when an application for urban boundary expansion is made and determined complete; How and when the community will provide their input on urban boundary expansion applications once received; and, Identify submission requirements (studies) required as part of the urban boundary expansion applications and reason for applications.



Scope

The Consultation and Engagement Plan is focused on gathering input on three specific components of the Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications. A separate engagement plan will be developed for specialized engagement with the Indigenous Community, supported by Hamilton’s Indigenous Relations Team.

IN SCOPE

Input on the Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications related to:

- **Notice:** how and when the community will be notified when an application for urban boundary expansion is made;
- **Public Notice Signs:** Identify what information should be included on any [public notice signs and/or application webpage](#) posted on the proposed UBE lands and/or application webpage in addition to the legislative requirements under the *Planning Act*;
- **Public Engagement:** how and when the community will provide their input on urban boundary expansion applications once deemed complete;
- **Required Studies/Other Information**
 - General Community: In addition to the proposed study requirements, what other studies or information should a proponent be required to submit as part of the application process;
 - External Review Agencies: Identification of the minimum submission requirements for urban boundary expansion applications and what is in scope/out of scope as part of required technical plans and studies.

OUT OF SCOPE

- **Requests to outright prohibit applications for urban boundary expansions.**
 - This would involve a reversal of Provincial decision relative to the Provincial Policy Statement and Bill 185. Comments related to decisions made by the Provincial Government can be directed to: City Council, Mayor, Member of Provincial Parliament, and/or Minister of Municipal Affairs and Housing.
- **Requirement for the City to review, assess and make a decision on complete applications within 120 days, after which an appeal to the Ontario Land Tribunal can be made.**

- Amending the legislative requirements under the *Planning Act* with respect to giving notice of development applications (note the city may exceed these requirements).

Engagement Methods & Audiences

Note: Indigenous Engagement will be defined and planned as a separate engagement plan and may consider a level of engagement that differs from those outlined below.

Consult Level Engagement: Audiences and Tools

Decision: What will the community influence through participation?	Target Audience: Who will influence the decision?	Engagement Level	Engagement Method(s) and Tool(s)
How and when the community wants to be notified when an application for urban boundary expansion is made.	General Public: Landowners within and near lands that may be subject to Urban Boundary Expansions.	Consult	Engage Hamilton IDEAS tool: Allows the community to post their ideas in a creative way. In-person open house: Set-up will allow community to:
How and when the community will provide their input on urban boundary expansion applications once received.	Individuals on the enhanced GRIDS2 email list. Individuals who are interested in advocacy related to Urban Boundary	Consult	Understand the background. Rotate to the areas within the Draft Framework that the public can provide input to (e.g. when, how the public is notified).

Decision: What will the community influence through participation?	Target Audience: Who will influence the decision?	Engagement Level	Engagement Method(s) and Tool(s)
	<p>Expansion and urban intensification.</p> <p>Specialized Committees:</p> <p>Agricultural and Rural Affairs Sub-Committee</p>		<p>Focus Discussions: Scoped to specialized committees.</p> <p>Individual Agency Outreach: Input requested through direct contact.</p>
<p>Identify what information or additional studies should be required as part of the urban boundary expansion applications.</p>	<p>Community Climate Change Advisory Committee</p> <p>Development Industry Liaison Group</p> <p>External Review Agencies and Government Agencies:</p> <p>Niagara Escarpment Commission</p> <p>Conservation Authorities</p> <p>School Boards</p> <p>Hamilton International Airport</p> <p>Provincial Ministries</p> <p>Public Utilities</p> <p>Community Groups and Non-Government Organizations:</p>	<p>Consult</p>	<p>Engage Hamilton FORUM tool - Engage on controversial issues through (moderated) open discussion. Invites two-way communication (public shares input and staff offer visible comment).</p> <p>In-person open house: Set-up will allow community to:</p> <p>Understand the background.</p> <p>Rotate to the areas within the Draft Framework that the public can provide input to (e.g. when, how the public is notified).</p> <p>Focus Discussions: scoped to specialized committees.</p> <p>Individual Agency Outreach: input requested through direct contact</p>

Decision: What will the community influence through participation?	Target Audience: Who will influence the decision?	Engagement Level	Engagement Method(s) and Tool(s)
	Environment Hamilton Ontario Federation of Agriculture Other organizations that have an expressed interest in urban expansions		

Inform Activity: Audiences and Tools

Decision: What will the community influence through participation?	Target Audience: Who will influence the decision?	Engagement Method(s) and Tool(s)
INFORM the community about recent provincial changes that impact Hamilton	<p>General Public: Same as audience identified above.</p> <p>Specialized Committees: Same as audience identified above.</p> <p>External Review Agencies and Government Agencies: Same as audience identified above.</p>	<p>Engage Hamilton QUESTIONS tool: offers space for the public to ask questions and get answers publicly. Project lead can provide answers and provide additional resources in a moderated process. Contributes to project FAQ page.</p> <p>Engage Hamilton FAQ Ensures the public has the right information to be able to participate in a meaningful way to the engagement.</p> <p>In-person open house: Set-up will allow the community to understand the background and scope of engagement.</p>

Public Engagement Deliverables

- Promotion of public engagement opportunities via direct and indirect communication channels.
- Improved understanding and awareness of recent provincial changes that impact Hamilton's firm urban boundary position and other local planning decisions.
- Implementation of multiple engagement methods that supports meaningful engagement opportunities:
 - Engage Hamilton project page, incorporating multiple EngagementHQ Tools;
 - In-person open house-style public meetings.
- Reduced barriers to community participation, supporting an engagement process that incorporates the principles of IDEA (Inclusion, Diversity, Equity and Accessibility) and results in meaningful engagement on the Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications.
- Engagement of the Indigenous Community that is specifically designed to better meet the needs of the Indigenous Community in contributing to the Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications and to foster and build improved relationships for ongoing and future projects.
- Report back to the community by developing and sharing a "What We Heard Summary Report" that outlines the engagement process, the input received and how the engagement contributed to an updated Draft Framework.
- Updated Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications that has been informed by meaningful public engagement.
- Meaningful engagement results that will inform City-initiated amendments to the Urban and Rural Hamilton Official Plans.



Risks and Alternatives

Risks	Alternatives
<p>Participants wanting to express their opposition to decisions that are made by the province.</p>	<p>Provide clear and proactive communications in advance of the planned engagement.</p> <p>Retain a consultant to support and facilitate the in-person engagement activities.</p> <p>Provide community members with a list of contacts with whom to direct their concerns about the impacts from recent provincial decisions.</p> <p>Leverage Engage Hamilton tools that allow for interactive questions and answers prior to attending in-person engagement event(s).</p>
<p>Lack of trust by the community related to urban boundary decisions.</p>	<p>Increase transparency and accessibility by:</p> <p>Establishing a Communication Strategy using a variety of communications channels / methods, dedicated staff who can respond to inquiries in a timely manner, information that is clear and easy to understand, sustained communication, multiple methods to communicate and inform the community.</p> <p>Ensuring adequate staff are available to support in-person engagement.</p> <p>Ensuring City of Hamilton' Corporate Security team is involved in the planning of any events.</p> <p>Closing the loop and reporting back on how participation and input informed the Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications.</p>

Risks	Alternatives
Community perception that their participation will not be used to inform the Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications.	<p>Report back on how input was used to inform the Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications and why specific input was not/ could not be incorporated.</p> <p>Outlining the scope in a clear manner through proactive communication and timely communication throughout the project.</p>

Timeline

Action	Status	Timeline
Present Public Engagement Plan to Planning Committee	On track	October 14, 2024
Activate the Engage Hamilton Page and allow for on-line engagement	In progress	October 15 - November 15 2024
Host in-person open houses (minimum 2)	In progress	November 2024
Revise the Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications, based on input received through the public participation process		December 2024
Report Back to community through a "What We Heard Summary Report" on the engagement findings and next steps		February 2025
Bring Recommendation Report to Planning Committee		February 2025

Engagement Resourcing

Cost Description	Cost Estimate
Venue A and Venue B Rental	\$6,000
Rental Items for in-person open houses	\$500
Staff Costs: Planning	\$6,000
Staff Costs: Security	\$3,000
Costs to support reducing barriers to meaningful participation	\$1,000
Newspaper notices and social media advertising	\$1,000
Direct mail notices	\$2,000
Additional printing and incidentals	\$1,000
Dillon Consulting and open house facilitation	\$78,000
Total	\$98,500

Who's Listening

Planning and Economic Development Staff

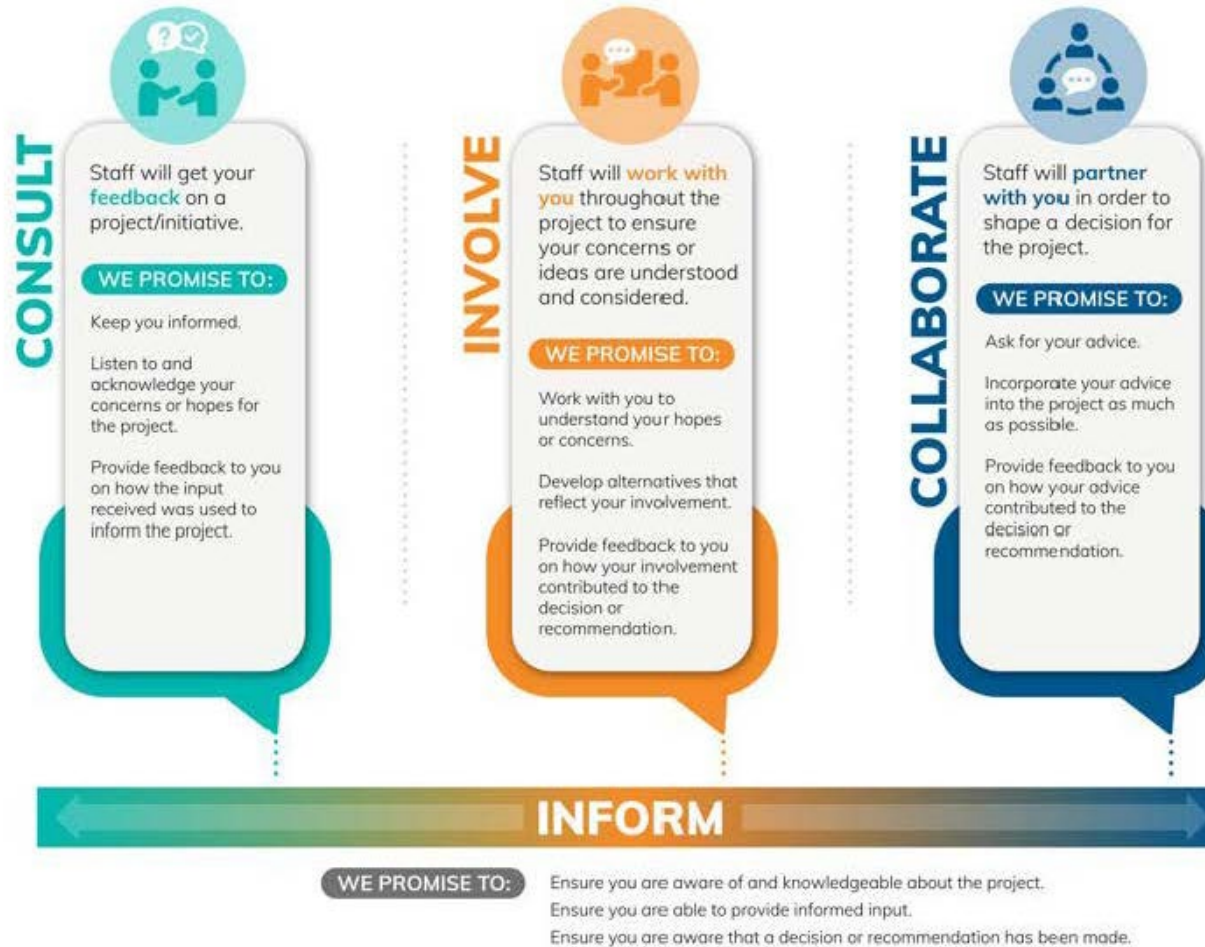
Charlie Toman	Dave Heyworth
Program Lead - Policy Planning & Municipal Comprehensive Review	Manager, Sustainable Communities
Charlie.Toman@hamilton.ca	Dave.Heyworth@hamilton.ca



Attachments

- City of Hamilton Public Engagement Levels
- City of Hamilton Public Engagement Principles

HAMILTON'S PUBLIC ENGAGEMENT LEVELS



Adapted from IAP2 Spectrum of Public Participation. Used with permission from IAP2.

HAMILTON'S PRINCIPLES FOR PUBLIC ENGAGEMENT

The City of Hamilton's strategic approach to public engagement will align with the following principles:





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)

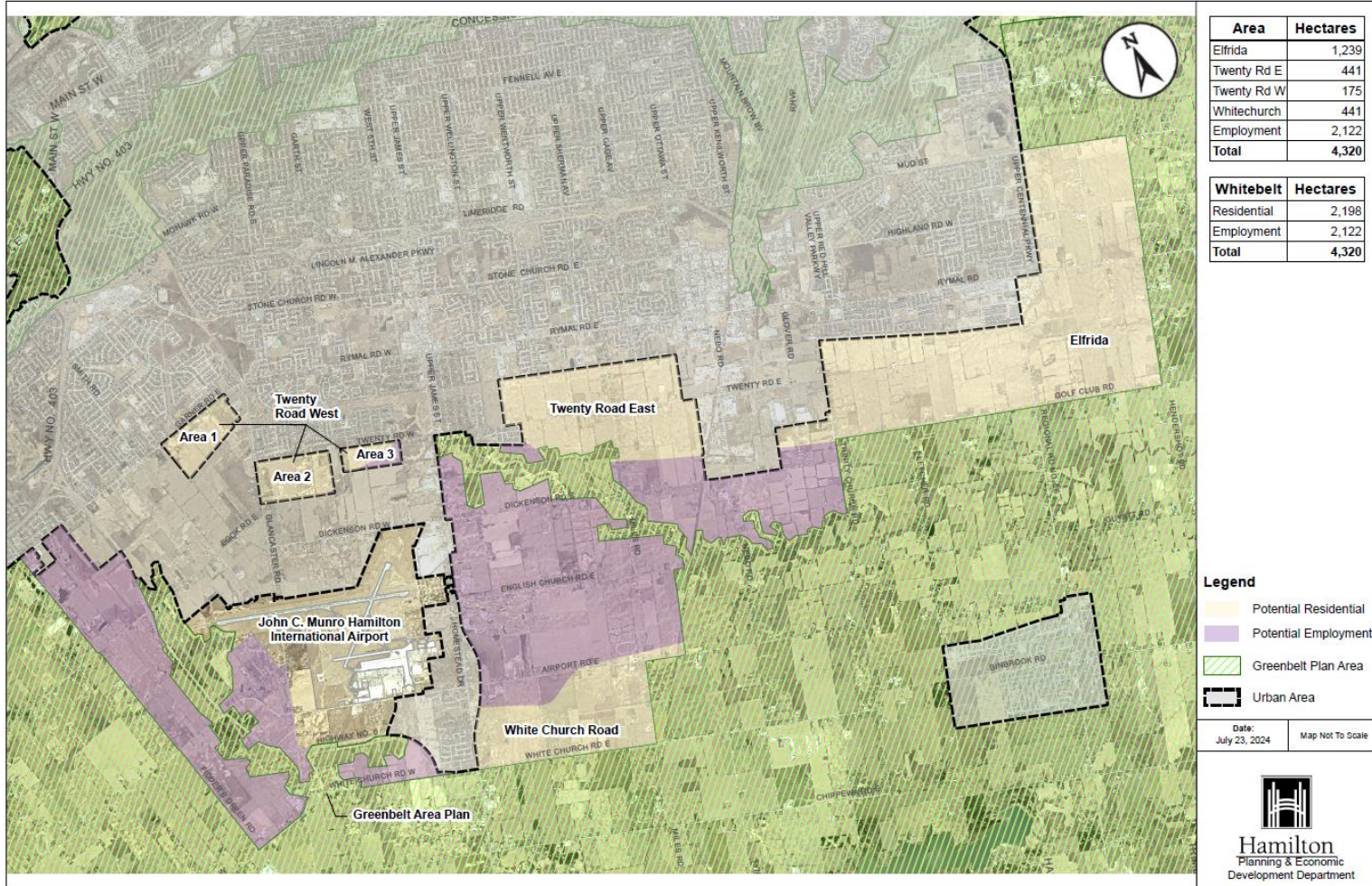
Presented by:

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

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

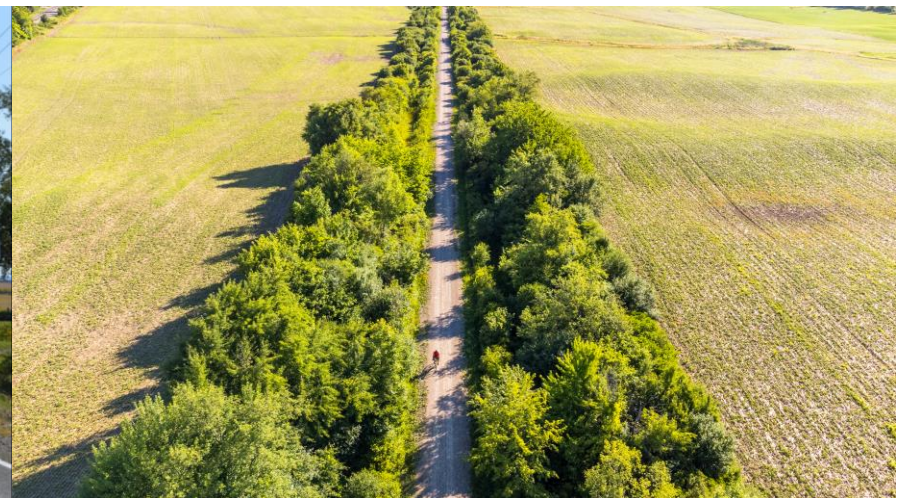
- Climate Change (October 29, 2024)
- Development Industry Liaison Group (November 18, 2024)
- Rural and Agricultural Affairs (November 21, 2024)

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 28th 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



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 18, 2024
SUBJECT/REPORT NO:	Implementation of Changes to Section 41 of the <i>Planning Act</i> - Site Plan Approval, in Response to Provincial Bill 185 (PED24175) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Sean Kenney (905) 546-2424 Ext. 5998 Mark Kehler (905) 546-2424 Ext. 4148
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Draft By-law, attached as Appendix “A” to Report PED24175 to repeal and replace the Consolidated Site Plan Control By-laws for the City of Hamilton to allow for housekeeping and technical amendments and to implement other changes as required and allowed for by Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
- (b) That Council authorize the Mayor and the Clerk, or delegate, to authorize and execute any agreement or undertaking pursuant to Section 4.0 of the Site Plan Control By-law and signed by the owner or developer of the affected land, provided that persons with delegated authority have approved the plans and drawings required to be submitted under Section 3.0 of the Site Plan Control By-law.

EXECUTIVE SUMMARY

On June 6, 2024, Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*,

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Implementation of Changes to Section 41 of the *Planning Act* - Site Plan Approval, in Response to Provincial Bill 185 (PED24175) (City Wide) - Page 2 of 9

received Royal Assent, thereby becoming law. The Province's legislative changes are focused on streamlining planning approvals and increasing housing supply and infrastructure to support the goal of building 1.5 million homes over the next 10 years. Bill 185 amended the *Planning Act*, *Municipal Act* and *Development Charges Act*, among others. A detailed summary of the changes precipitated by Bill 185 was provided to Planning Committee on May 14, 2024 in Report PED24097 (*Planning Act* matters) and Audit, Finance and Administration Committee on May 2, 2024 in Report FC24034 (*Development Charges Act* matters).

The purpose of this report is to recommend approval of a new Site Plan Control By-law that implements the legislative changes made by Bill 185 to Section 41 of the *Planning Act*. In addition, the proposed new Site Plan Control By-law includes housekeeping and technical changes to keep the by-law up-to-date and easier to understand and use.

Site Plan Approval is a legislated process under Section 41 of the *Planning Act* required for multi-residential, commercial, industrial, and mixed-use development. It is a coordinated review process to address matters of site design including site layout, site access and parking, grading, drainage, and landscaping. The entire City of Hamilton is designated as a Site Plan Control area. The Site Plan Control By-law regulates the type of development subject to Site Plan Approval and the requirements of the approval process.

Staff recommend that the existing Site Plan Control By-law No. 15-176, as Amended by By-laws Nos. 18-104, 19-026 and 21-069 be repealed and replaced with a new by-law (attached as Appendix "A" to Report PED24175). The proposed new Site Plan Control By-law includes the following changes to implement Bill 185:

- Exempting publicly funded colleges and universities from Site Plan Control;
- Introducing "use it or lose it" lapsing provisions for Site Plan approvals; and,
- Removing the requirement for formal consultation prior to submission of a Site Plan Control application, replacing it with an optional formal consultation process.

In addition, the new Site Plan Control By-law introduces housekeeping and technical changes to ensure consistency with the *Planning Act* and provide criteria for minor changes to approved plans.

As staff continue to respond to the Bill 185 and other legislative changes, future reports to Council will address other policy and process changes and the financial impact and staffing implications of the legislation.

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Alternatives for Consideration – See Page 8

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Bill 185 removed the refund of fees for any site plan application not approved within 60 days of an application being deemed complete. To date, no fee refunds have been issued as staff have met the required timelines for every Site Plan Control application received since July 1, 2023.

Staff are still assessing process and programme changes that Bill 185 and previous legislative changes have made to the Site Plan Control process. Measures may need to be implemented to address matters no longer captured by Site Plan Control (for example the coordination of development on lands owned by publicly funded colleges and universities). The financial implications of these changes will be discussed as part of future reports to Council.

For developments subject to Site Plan Control, the *Development Charges Act, 1997* 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. Bill 185 has introduced a new “use it or lose it” tool for municipalities to use for site plan approvals. This tool ensures that the “locked-in” development charge rates expire if construction does not occur in a reasonable amount of time. Previously, there was not any timeline for an owner to construct the building once site plan approvals were granted.

The introduction of lapsing provisions to the Site Plan Control By-law will result in a new Site Plan Control application being required after a Conditional Site Plan Control approval lapses. This will reset the lock-in date for development charges which will then be determined based on the date that the new Site Plan Control application is submitted. The *Development Charges Act, 1997*, requires that a building permit be issued within 18 months of Final Site Approval for the lock-in date to apply.

Staffing: There are no direct staffing impacts arising out of Bill 185.

Other recent legislative changes now allow Site Plan Control for residential developments with less than 10 units where properties are adjacent to a shoreline or near rail lines. Staff are studying the implications of implementing this change. Should further changes to the Site Plan Control

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By-law be recommended, any staff impacts would be managed through delegated authority as outlined in Report PED22112(c).

Legal: Legal Services and the Planning Division staff will report back where necessary with recommendations for the implementation of Bill 185. Council's approval of a Site Plan Control By-law cannot be appealed to the Ontario Land Tribunal.

HISTORICAL BACKGROUND

Council has approved updates to the City of Hamilton Site Plan Control By-law to address legislative changes impacting Site Plan Control under Section 41 of the *Planning Act*. These legislative changes have included Bill 108 – *More Homes, More Choice Act, 2019*, Bill 109 – *More Homes for Everyone Act, 2022*, Bill 23, *More Homes Built Faster Act, 2022*, Bill 97, *the Helping Homebuyers, Protecting Tenants Act, 2023* and now Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*. The Provincial Government introduced these legislative changes with the intent to streamline approvals for housing and reduce barriers and costs to development.

Staff have brought forward changes to the City's Site Plan Control By-law as necessary to ensure that the City of Hamilton Site Plan Process and By-law are up to date with legislation.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Planning Statement, 2024 (PPS). It provides municipal governments with the direction and authority to guide development and land use planning through official plans, secondary plans, and zoning by-laws. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with policy statements and plans issued by the province. The proposed Site Plan Control By-law implements recent legislative changes to Section 41 the *Planning Act* (Site Plan Control) and is consistent with the Provincial Planning Policy framework.

Urban and Rural Hamilton Official Plans

The Urban and Rural Hamilton Official Plans identify the entire area within the City of Hamilton Planning Area as a proposed Site Plan Control Area, with the Site Plan Control By-law establishing criteria for the application of Site Plan Control in accordance with the *Planning Act*. The Official Plans also identify the planning

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objectives that are to be achieved through Site Plan Control, and in the Urban Hamilton Official Plan, the components of a development that shall be considered to achieve the planning objectives identified. For the West Harbour (Setting Sail) Secondary Plan area that has not been brought into the Urban Hamilton Official Plan, Site Plan Control is identified as an implementation tool for achieving the objectives of the Secondary Plan.

While the Official Plans provide policy direction on Site Plan Control scope, objectives, and matters for review, it is Section 41 of the *Planning Act* that gives effect to the Site Plan Control By-law. Proposed amendments to the Urban and Rural Hamilton Official Plans, and the former Hamilton-Wentworth Official Plan that address Bill 185 are outlined in Report No. PED24134. These amendments are not required to implement a new Site Plan Control By-law.

RELEVANT CONSULTATION

Staff from the Legal Services Division, Planning and Economic Development Department and Public Works Department were consulted in the drafting of the by-law.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Bill 185 made changes to Site Plan Control under Section 41 of the *Planning Act*. These changes directly impact the City of Hamilton Site Plan Control process by:

- Removing the requirement for undertakings of publicly funded Universities and Colleges to obtain Site Plan Control approval as they are no longer subject to the *Planning Act*,
- Removing mandatory pre-consultation prior to submission of a Site Plan Control application; and,
- Allowing for lapsing of Site Plan Control approvals under a new “use it or lose it” provision.

Additional housekeeping changes to support the Bill 185 changes and previous legislative changes are also proposed to ensure the by-law remains up-to-date, relevant and is easier to understand. Report PED24097 provided a detailed analysis of the implications of the recent legislative changes in Bill 185. With Bill 185 now in effect, the City is required to amend the Site Plan Control By-law to implement these amendments.

Appendix “A” attached to Report PED24175 contains the Draft By-law to repeal Site Plan Control By-law No. 15-176, as Amended by By-law Nos. 18-104, 19-026, and 21-069 and replace it with a new Site Plan Control By-law. The changes included in the new Site Plan Control By-law can be summarized as follows:

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Section 1.0: Definitions

Section 41 of the *Planning Act* allows municipalities to require Site Plan Control approval within a Site Plan Control area and Bill 185 introduces new provisions that allow site plan approvals to lapse if a building permit is not issued within a specified time. The City of Hamilton has a two stage Site Plan Control 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; and,
- A “Final Approval” stage that occurs after all the 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.

To provide for greater clarity on how Site Plan Control approval is structured in the City of Hamilton, definitions of “Conditional Site Plan Approval” and “Final Site Plan Approval” have been added to the By-law to reflect the two-stage approval process.

Section 3.0: Submission Requirements

Subsection 3.2 of the existing Site Plan Control By-law requires mandatory consultation with the City prior to submission of a Site Plan Control application through a process called Formal Consultation. Bill 185 has removed mandatory consultation for Site Plan Control applications. Therefore, Subsection 3.2 has been revised to reflect that the Formal Consultation process for Site Plan Control applications is now optional. Further discussion of the City’s response to the removal of mandatory consultation is provided in Report PED24134.

Section 8.0: Site Plan Control Exemptions

Section 8.0 identifies the types of development (buildings, structures and / or uses) that are exempt from Site Plan Control in the City of Hamilton.

A new Subsection 8.3 has been added to exempt undertakings of a Post Secondary Institution from Site Plan Control. This change is required because Bill 185 has added a new Section 62.0.2 to the *Planning Act* that exempts publicly funded Post Secondary Institutions on lands outside the Greenbelt from any requirements of the *Planning Act*. In addition, in accordance with the existing definition of “Development” in the *Planning Act*, Subsection 8.2 has been added to exempt the placement of a portable classrooms

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on a school site of a district school board if the school site was in existence on January 1, 2007.

Section 9.0: Types of development, built form or areas of the City where Site Plan Approval is required (Notwithstands Section 8.0)

The Site Plan Control By-law applies to the entire City (Section 2.0), with Section 8.0 identifying the types of development that are exempt from Site Plan Control. Section 9.0 further identifies a series of uses or circumstances where the exemptions of Section 8.0 do not apply and Site Plan approval is required.

The existing subsection 9.2 related to Site Plan approval for the use of a septic tank in vulnerable source protection areas has been amended to clarify that Site Plan cannot be required where the proposal does not meet the definition of “Development” in the *Planning Act* and Site Plan Control By-law.

New Section 11.0: Minor changes to approved plans

The City of Hamilton Site Plan approval process allows for minor changes to approved plans without the need for a new Site Plan application. This includes Conditionally Approved plans and plans that require minor changes after Final Site Plan Approval is issued. The approval of minor changes is at the discretion of the Chief Planner or designate (typically the Manager of Site Planning).

A new Section 11.0 has been added to outline criteria for what is determined to be a minor change to an approved plan. This sets a clear and transparent process for the evaluation of minor changes to approved plans requested through the Site Plan Approval process. When a minor change is considered, a recirculation to staff is often required and a resubmission fee is collected per the Planning and Economic Development Department’s Fee Structure. Where a change is not considered minor, a new Site Plan Amendment application and Conditional Site Plan Approval is required.

New Section 12.0: Lapsing of Site Plan Approvals

Currently, Site Plan Approval in the City of Hamilton (Conditional Site Plan Approval and Final Site Plan Approval) never expires. The City had previously provided for the lapsing of Site Plan approvals (see Report FCS20028 / PED20105), but this was challenged at the Ontario Land Tribunal (OLT) on the basis that it resulted in higher Development Charges being collected upon submission of a new Site Plan Control application and was not provided for in the *Planning Act*.

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Bill 185 now allows municipalities to lapse/expire Site Plan approvals as a tool to address “stalled” developments that can limit progress on provincial housing targets. Unless set by regulation, a municipality may lapse a Site Plan approval after three years. Staff recommend that Council implement a three-year lapsing on Conditional Site Plan Approvals plus a one-time, one-year extension subject to criteria. The proposed three-year period is the shortest provided for in the *Planning Act*, and the discretionary one-year extension will provide flexibility in cases where unforeseen challenges result in additional time being required to clear conditions.

For the purposes of calculating development charges, development charge rates are locked in at the later of the date of Site Plan Control Application or a site specific Zoning By-law Amendment application, whichever is the later. This generally means that rates will be locked-in to the submission date of a Site Plan Control application as long as the Conditional Site Plan Approval remains in effect. Once a Conditional Site Plan Approval lapses, a new Site Plan Control Application is required, and the development charges lock-in date will reset to the submission date of the new application. For Final Site Plan Approval, the *Development Charges Act, 2017* requires that a building permit be issued within 18 months of the final approval date for the lock-in date to apply.

Staff are also recommending the inclusion of criteria by which the one time one-year extension to Conditional Site Plan will be evaluated against. This sets a clear and transparent process for how extension requests will be evaluated.

New Section 13.0 Transition Clause for Existing Site Plan Approvals

The Provincial amendments to the *Planning Act* allow for the new lapsing provisions to apply to existing Site Plan Approvals issued prior to the passing of Bill 185. Should Council approve the proposed lapsing provisions, Planning Division staff will notify existing applicants and the Registered Owner(s) listed on the most recent Assessment Roll of the changes to their approval requiring them to clear conditions and obtain Final Site Plan Approval within the mandated timelines. To provide for transition to the new lapsing provisions for applications that are nearing or have passed their lapsing date, existing applications that received Conditional Site Plan Approval prior to December 31, 2021, will be granted a one-time, one-year extension to obtain Final Site Plan Approval before the Conditional Site Plan Approval lapses. For Conditional Site Plan Approvals issued after December 31, 2021, staff will have ample time to inform applicants of their option to request a one-time, one-year extension prior to their three-year lapsing date as provided for in Section 12.1 of the By-law.

ALTERNATIVES FOR CONSIDERATION

Council is required to prepare the necessary amendments to the Site Plan Control

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By-law to bring it into conformity with the amendments to Section 41 of the *Planning Act*. Therefore, the Site Plan Control By-law changes that exempt Public Colleges and Universities from Site Plan approval and eliminate mandatory consultation are required.

It is not mandatory that municipalities implement the “use it or lose it” lapsing provisions introduced by Bill 185. However, in the City’s submission to the Province on Bill 185, Council supported the “use it or lose it’ concept. Should Council decide not to approve the recommended Site Plan lapsing provisions, Conditional Site Plan approvals in the City of Hamilton will continue to not expire. Council may also approve a longer time period before Conditional Site Plan Approval will lapse but cannot implement a time period that is shorter than three years. A longer time period is not recommended by staff because the minimum three-year time period will provide for the greatest incentive to developers to implement their approvals in a timely manner and only lock in development charge rates for applications that have not lapsed.

Should Council decide not to approve the recommended housekeeping items to establish criteria for minor changes to approved plans, this matter will continue to be addressed by staff on a case-by-case basis.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED24175 – Draft Site Plan Control By-law

SK/MK:sd

**Appendix “A” to Report PED24175
Page 1 of 7**

Authority: Item ,
Report (PED24175)
CM:
Ward: City Wide

Bill No.

**CITY OF HAMILTON
BY-LAW NO.****To Repeal and Replace By-law No. 15-176, as amended by By-law Nos. 18-104, 19-026, 21-069 and 23-030, being the Consolidated Site Plan Control By-laws for the City of Hamilton**

WHEREAS, under the provisions of Section 41 of the *Planning Act*, a Council of a Municipality may by by-law designate the whole or any part of the Municipality as a Site Plan Control Area;

AND WHEREAS the Rural and Urban Hamilton Official Plans establish the entire area within the City of Hamilton Planning Area as a proposed Site Plan Control Area, and contain policies related to Site Plan Control;

AND WHEREAS it is desirable that the policies of the Official Plans be applied to the proposed site plan control area by way of a designation and implementation By-law;

AND WHEREAS the purpose of this by-law is to repeal and replace the Consolidated Site Plan Control By-laws for the City of Hamilton to allow for minor housekeeping and technical amendments and to implement other changes as required and allowed for by Bill 185, *Cutting Red Tape to Build More Homes Act*, 2024.

NOW THEREFORE the Council of the City of Hamilton repeals By-law No. 15-176, as amended by By-law Nos. 18-104, 19-026, 21-069 and 23-030 and enacts as follows:

1.0 In this section:

- 1.1 “Abattoir” as defined in Zoning By-law No. 05-200;
- 1.2 “Adjacent” means development located within 120 metres of a Core Area, except where bisected by a municipal road, or active rail corridor;
- 1.3 “Agricultural Brewery/Cidery/Winery” as defined in Zoning By-law No. 05-200;
- 1.4 “Agricultural Processing Establishment – Stand Alone” as defined in Zoning By-law No. 05-200;
- 1.5 “Agricultural Storage Establishment” as defined in Zoning By-law No. 05-200;

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- 1.6 “Agri-tourism” as defined in Zoning By-law No. 05-200;
- 1.7 “Cannabis Growing and Harvesting Facility” as defined in Zoning By-law No. 05-200;
- 1.8 "City" means City of Hamilton;
- 1.9 “Conditional Site Plan Approval” means approval of a Site Plan Control Application subject to conditions that must be addressed to the satisfaction of the Chief Planner or their designate by way of a formal Conditional Approval Letter being issued. This approval may be structured to allow site works and/or Conditional Building Permits and/or partial building permits (e.g. Foundation Permit) to commence once certain conditions are cleared and a letter is issued, and it includes the approval of drawings, plans and studies that form the basis of the approval.
- 1.10 “Core Area” means key natural features, as identified on Schedule “B” – Natural Heritage System of the Rural Hamilton Official Plan and Schedule “B” – Natural Heritage System of the Urban Hamilton Official Plan;
- 1.11 "Development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in subsection 164(4) of the *Municipal Act* or of sites for the location of three or more mobile homes as defined in subsection 46(1) of the *Planning Act*.
- 1.12 “Dwelling Unit” as defined in Zoning By-law No. 05-200;
- 1.13 “Farm Product Supply Establishment” as defined in Zoning By-law No.05-200;
- 1.14 “Final Site Plan Approval” means all conditions of the “Conditional Site Plan Approval” required prior to the issuance of all building permits have been satisfied. It includes approval of any drawings, plans and studies required to be updated and/or provided as a condition of approval. Final Site Plan Approval is subject to a letter being issued by the Chief Planner or their designate.
- 1.15 “Kennel” as defined in Zoning By-law No.05-200;
- 1.16 “Land Titles Act” means the *Land Titles Act*, R.S.O. 1990, c. L. 5, as amended;
- 1.17 “Livestock Assembly Point” as defined in Zoning By-law No.05-200;
- 1.18 “Lot” Shall means a parcel of land which can be legally conveyed

Appendix “A” to Report PED24175**Page 3 of 7**

pursuant to the provisions of the *Planning Act*;

- 1.19 “Municipal Act” means the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended;
 - 1.20 “Ontario Heritage Act” means the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended;
 - 1.21 “owner” means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the Registry or Land Titles Office;
 - 1.22 “person” includes an owner;
 - 1.23 “Planning Act” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended;
 - 1.24 “Registry Act” means the *Registry Act*, R.S.O. 1990, c. R.20, as amended;
 - 1.25 “Street Townhouse” means a building divided vertically into three or more dwelling units, by common walls which prevent internal access between units, with each townhouse designed to be on a separate lot having access to and frontage on a public street.
- 2.0 The whole of the area within the corporate limits of the City of Hamilton is hereby designated as a Site Plan Control Area;
 - 3.0 No person shall undertake any development in the site plan control area unless:
 - 3.1 Persons to whom authority has been delegated has approved of the following:
 - 3.1.1 plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith, and of all facilities and works required as a condition of approval under Section 41 of the *Planning Act*, including commercial parking lots and sites for the location of three or more trailers and/or mobile homes, and facilities designated to have regard for accessibility for persons with disabilities, and showing the location of any *Core Area(s)*;
 - 3.1.2 drawings showing plan, elevation, and cross-section views for each building to be erected, which are sufficient to display:
 - 3.1.2.1 the massing and conceptual design of the proposed building;
 - 3.1.2.2 the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of

Appendix “A” to Report PED24175**Page 4 of 7**

- the public have access;
- 3.1.2.3 the provision of interior walkways, stairs, elevators, and escalators to which members of the public have access from streets, open spaces, and interior walkways in adjacent buildings;
 - 3.1.2.4 matters relating to the appearance of the elements, facilities, and works on the land to the extent that the appearance impacts matters of health, safety, accessibility sustainable design or the protection of adjoining lands;
 - 3.1.2.5 the sustainable design elements on any adjoining highway under the City’s jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and,
 - 3.1.2.6 facilities designed to have regard for accessibility for persons with disabilities, but which exclude matters relating to interior design, the layout of interior areas, other than the interior walkways, stairs, elevators, and escalators referred to in Clause 3.1.2.3, and the manner of construction and standards for construction.
- 3.2 Prior to the submission of any application for approval of development within the Site Plan Control area, the owner may formally consult with the Chief Planner or designate, for the purpose of identifying the need for and scope of any other information and materials considered necessary by the City and other affected agencies to allow full consideration of the Site Plan Control application.
- 4.0 As a condition of approval of the plans and drawings referred to in Subsection 3.1, the City may require the owner to enter into an agreement or undertaking with the City imposing any conditions permitted by Section 41 of the Planning Act.
- 5.0 Notice of any agreement or undertaking entered into under clause 4.0 above may be registered against the land to which it applies, and the municipality may enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.
- 6.0 Where the owner is required by this by-law or by any agreement or undertaking entered into pursuant hereto to do or ensure that any matter or thing be done and such person defaults in doing such matter or thing, the same may be done by the City and the expense of so doing may be recovered by action or in like manner as municipal taxes.

Appendix “A” to Report PED24175
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- 7.0 No building permit or permits shall be issued that meets the definition of development until the Owner has received Final Site Plan Approval from the City pursuant to Section 41 of the *Planning Act* and this By-law.
- 8.0 Subject to Section 9.0 below, the provisions of this by-law do not apply to:
- 8.1 any residential development of a lot which contains no more than ten residential units, and any buildings accessory thereto;
 - 8.2 the placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007;
 - 8.3 any undertaking of a publicly funded Post Secondary Institution as per Section 62.0.2 (1), (2) and (3) of the *Planning Act* for lands that are not located in the Greenbelt;
 - 8.4 any street townhouse building within a registered plan of subdivision for which the subdivision agreement is in full force and effect;
 - 8.5 any agricultural building or structure;
- 9.0 Notwithstanding Sections 8.4 and 8.5 above, the provisions of this by-law shall apply to the following:
- 9.1 any buildings or structures, including accessory buildings and structures, decks, and additions to existing buildings, situated Adjacent to or within a Core Area(s), except for a street townhouse development consisting of more than ten street townhouse dwellings on a lot within a plan of subdivision or plan of condominium draft approved after January 1, 2013,
 - 9.2 any building or structure that meets the definition of development and requires the use of a septic tank and is located in Vulnerable Area 1 for Source Protection, as described in the City’s Official Plans and Zoning By-law No. 05-200.
 - 9.3 commercial and agricultural greenhouses, including structures used for aquaponics or hydroponics or similar buildings and structures;
 - 9.4 aquaponics facility and cannabis growing and harvesting facility buildings and structures;
 - 9.5 mushroom operation buildings and structures;
 - 9.6 kennel buildings and structures;
 - 9.7 agri-tourism buildings and structures with a gross floor area greater than 500 square metres;
 - 9.8 Agricultural Brewery/Cidery/Winery buildings and structures; and,

Appendix “A” to Report PED24175
Page 6 of 7

- 9.9 the following Agricultural-Related commercial or industrial uses, and buildings and structures, provided they are not located on the same lot as an agricultural use: Abattoir; Agricultural Processing Establishment – Stand Alone; Agricultural Storage Establishment; Farm Product Supply Establishment; and Livestock Assembly Point.
- 10.0 The Mayor and the Clerk, or delegate, as the case may be, are hereby authorized to execute any agreement or undertaking prepared pursuant to Section 4.0 of this by-law and signed by the owner or developer of the affected land, provided that persons with delegated authority have approved the plans and drawings required to be submitted under Section 3.0 of this by-law.
- 11.0 The Conditional Site Plan Approval allows for minor changes to the approved site plan without requiring a new application to be filed.
- 11.1 Changes may be considered minor provided:
- 11.1.1 All service and/or driveway connection(s) to the municipal road/right-of-way remain the same;
 - 11.1.2 The layout of internal driveways/private roads do not change;
 - 11.1.3 The size and configuration of the property/lot does not change; and,
 - 11.1.4 The new development does not increase the overall building area by more than 5%.
- 11.2 The minor changes outlined in Section 11.1 are at the discretion of the Chief Planner or designate.
- 12.0 Conditional Site Plan Approval shall lapse if Final Site Plan Approval is not issued within three years of the date of the issuance of the Conditional Site Plan approval.
- 12.1 The owner may apply to the Chief Planner or designate for a one time, one year extension of the Conditional Site Plan Approval. If an extension to the Conditional Site Plan Approval is granted, the period shall commence from the original expiry date and payment of the Site Plan Extension Fee shall be required.
- 12.2 Applications for an extension must be received prior to the expiry of the Conditional Site Plan Approval.
- 12.3 Applicants for extension of Conditional Site Plan Approval shall demonstrate that:
- 12.3.1 The Owner has demonstrated good faith intentions to clear conditions in the preceding 18 months;

**Appendix "A" to Report PED24175
Page 7 of 7**

12.3.2 An Interim Control By-law has not been enacted that impacts the proposed development;

12.3.3 The same Official Plan and Zoning by-law the application was approved under remain in effect; and,

12.3.4 The owner has paid the required Site Plan Extension fee.

13.0 Notwithstanding Section 12.0 above, any Conditional Site Plan Approval issued prior to December 31, 2021, shall be granted a one time, one year extension commencing on the later of:

13.1 the date of the passing of this By-law; or,

13.2 three years from the date of the issuance of the Conditional Site Plan Approval letter.

PASSED this _____ , _____

A. Horwath
Mayor

M. Trennum
City Clerk

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes
Committee: Planning Committee Report No.: PED24175 Date: 10/18/2024
Ward: City-wide

Prepared by: Mark Kehler Phone No: ext. 4148
For Office Use Only, this does not appear in the by-law



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

October 18, 2024

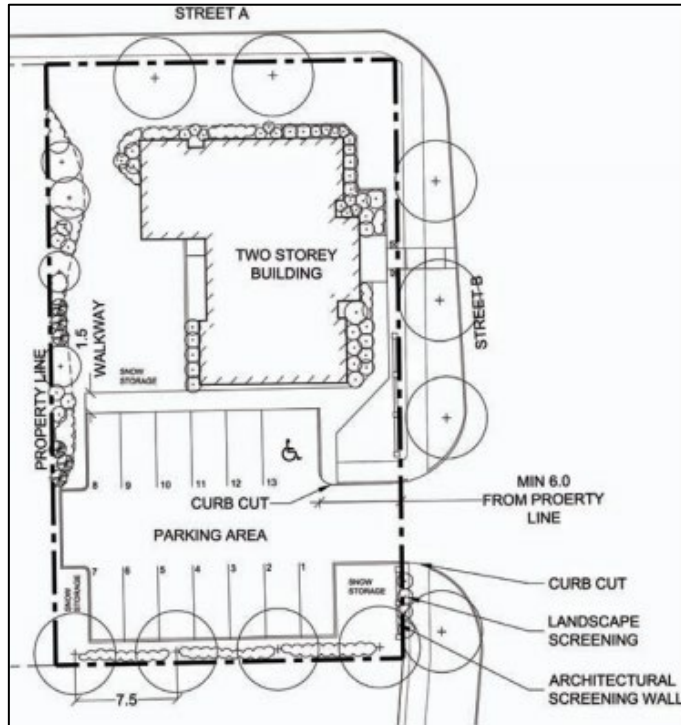
Implementation of Changes to Section 41 of the Planning Act – Site Plan Approval, in Response to Provincial Bill 185 (PED24175) (City Wide)

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



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 18, 2024
SUBJECT/REPORT NO:	Demolition Permit – 639 Rymal Road West (PED24186) (Ward 14)
WARD(S) AFFECTED:	Ward 14
PREPARED BY:	Jorge M. Caetano (905) 546-2424 Ext. 3931
SUBMITTED BY:	Jorge Caetano Acting Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the request to issue a demolition permit prior to the owner obtaining final Site Plan Approval for redevelopment of 639 Rymal Road West be **DENIED** for the reasons noted in this Report;
- (b) That the Chief Building Official be authorized to issue a demolition permit for 639 Rymal Road West in accordance with the Delegated Authority contained in section 6(b) of the Demolition Control Area By-law 22-101, pursuant to Section 33 of *The Planning Act* once final Site Plan Control approval has been granted for redevelopment of the property.

EXECUTIVE SUMMARY

On May 8, 2024, Council directed staff that reports were to be prepared and submitted to the Planning Committee with a recommendation for the issuance/refusal of demolition permits where the proposed demolition did not fall under one of the exemptions, or delegated authority, contained in the Demolition Control Area By-law 22-101.

The intent of demolition control is to retain housing stock, maintain the integrity of neighbourhoods, prevent the premature loss of dwelling units and the creation of vacant land, retain existing dwelling units until new uses have been considered, and prevent the premature loss of municipal assessment.

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**SUBJECT: Demolition Permit – 639 Rymal Road West (PED24186) (Ward 12) -
Page 2 of 4**

The owner of 639 Rymal Road West has submitted the required demolition permit application and is proposing to demolish the existing house prior to receiving final Site Plan Approval for the redevelopment of the property. Demolition of a house is subject to the Demolition Control Area By-law 22-101. Under By-law 22-101, in certain scenarios, Council delegates demolition approval of a Residential Property to the Chief Building Official.

The most common and applicable scenario for delegated approval is where the erection of a new building is proposed on the site of a Residential Property to be demolished and the required standard conditions are registered on title. The standard conditions require, prior to issuance of the demolition permit, that a building permit for the new building be issued in conjunction with the demolition permit and that the new building be erected within two years of the date of the demolition; otherwise, \$20,000 shall be added to the tax roll. The Chief Building Official also has delegated authority to issue the demolition permit where a final Site Plan approval has been granted which would eliminate the requirement that a new dwelling be authorized through the issuance of a building permit.

Where the owner of the property does not agree with the required standard conditions, or where the Chief Building Official refuses to issue demolition control approval, the Demolition Control Area By-law requires the Chief Building Official to advise Council. Council then retains all power to issue or refuse to issue Demolition Control Approval.

This Report is presented to Council as the owner would like to demolish the existing house prior to receiving final Site Plan approval.

Since the house is in fair condition, boarded up and secure, staff consider the application to be premature and are recommending that Council deny the demolition permit and that the owner comply with the Demolition Control Area by-law and wait for final Site Plan approval in accordance with section 6(b) of Demolition Control Area By-law 22-101.

Alternately, if Council feels the request is reasonable, Council could approve the alternative recommendation on page 4 of this report and approve the demolition without the owner obtaining final site plan approval for redevelopment of the property.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

**SUBJECT: Demolition Permit – 639 Rymal Road West (PED24186) (Ward 12) -
Page 3 of 4**

Legal: N/A

HISTORICAL BACKGROUND

Under the Demolition Control Area By-law, Council delegates the Chief Building Official authority to issue Demolition Control Approval to demolish Residential Property under certain scenarios. The most common scenario, which is applicable in this situation, is where the erection of a new building is proposed on the site of the Residential Property to be demolished and where the standard conditions, which are required to be registered on title, apply. Another scenario is where final Site Plan approval has been granted.

The owner has submitted the required demolition building permit application; however, they do not wish to wait for final Site Plan approval which the owner is stating will likely take at least two years to obtain due to a pending resolution of a significant issue regarding capacity of sanitary sewers. The owner is also stating that the house has been uninhabitable for several years and is beyond repair at this point. They have also stated that they are constantly dealing with people breaking into the dwelling notwithstanding their ongoing efforts to keep the buildings properly boarded up. Additionally, according to the owner, there have been several fires at the house started by persons getting into the building and the owner feels this is only causing ongoing safety and other concerns to the neighbourhood. However, these issues may be related to the current vacant status of the dwelling.

PRESENT ZONING: Transit Oriented Corridor Multiple Residential (TOC3) zone (Zoning By-law 05-200). Holding Provision: H157, By-law 23-153.

PRESENT USE: Single Detached Dwelling.

PROPOSED USE: Vacant Land.

BRIEF DESCRIPTION: This is a one storey brick bungalow with an attached garage. House is vacant, boarded up and secure. Hydro is disconnected. Overall condition is fair, and solid. Roof is secure but could use some repair. See photos in Appendix “A” to report PED24186. This property is not on the City’s Heritage inventory list.

This land is in Ward 14.

Since the house is in fair condition, boarded up and secure, staff are of the opinion that the request to demolish the dwelling is premature and therefore staff are recommending that Council deny the demolition permit and that the owner comply with the Demolition

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**SUBJECT: Demolition Permit – 639 Rymal Road West (PED24186) (Ward 12) -
Page 4 of 4**

Control Area by-law and wait for final Site Plan approval in accordance with section 6(b) of Demolition Control Area By-law 22-101.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not Applicable.

RELEVANT CONSULTATION

Cultural Heritage Planning has been consulted and there are no Heritage or Archaeological concerns.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Not Applicable.

ALTERNATIVES FOR CONSIDERATION

Should the Committee wish to approve the demolition of the house at 639 Rymal Road West the following recommendation would be appropriate:

That the Chief Building Official be authorized to issue a demolition permit for 639 Rymal Road West in accordance with the Demolition Control Area By-law 22-101, pursuant to Section 33 of *The Planning Act* as amended, without having final Site Plan approval for the redevelopment of the property, and without having to comply with section 6(b) of the Demolition Control Area By-law 22-101.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED24186 – Photos of House


JMC:ll

PHOTOS OF 639 RYMAL ROAD WEST TAKEN ON SEPTEMBER 11, 2024





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 18, 2024
SUBJECT/REPORT NO:	Demolition Permit - 3033 and 3047 Binbrook Road (PED24138) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Jorge M. Caetano (905) 546-2424 Ext. 3931
SUBMITTED BY:	Jorge M. Caetano Acting Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That request to issue a demolition permit prior to the owner obtaining final Site Plan Approval for redevelopment of 3033 and 3047 Binbrook Road be **DENIED** since the houses are in fair condition, boarded up and secure, and staff consider the application to be premature;
- (b) That the Chief Building Official be authorized to issue a demolition permit for 3033 and 3047 Binbrook Road in accordance with By-law 22-101, pursuant to Section 33 of *The Planning Act* once final Site Plan Control approval has been granted for redevelopment of the property in accordance with section 6(b) of the Demolition Control Area By-law 22-101.

EXECUTIVE SUMMARY

On May 8, 2024, Council directed staff that reports were to be prepared and submitted to the Planning Committee with a recommendation for the issuance/refusal of demolition permits where the proposed demolition did not fall under one of the exemptions, or delegated authority, contained in the Demolition Control Area By-law 22-101.

The intent of demolition control is to retain housing stock, maintain the integrity of neighbourhoods, prevent the premature loss of dwelling units and the creation of vacant

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SUBJECT: Demolition Permit – 3033 and 3047 Binbrook Road (PED24138) (Ward 11) - Page 2 of 4

land, retain existing dwelling units until new uses have been considered, and prevent the premature loss of municipal assessment.

The owner of 3033 and 3047 Binbrook Road has submitted the required demolition permit application and is proposing to demolish the two existing houses prior to receiving final Site Plan Approval for the redevelopment of the property. Demolition of a house is subject to the Demolition Control Area By-law 22-101. Under By-law 22-101, in certain scenarios, Council delegates demolition approval of a Residential Property to the Chief Building Official.

The most common and applicable scenario for delegated approval is where the erection of a new building is proposed on the site of a Residential Property to be demolished and the required standard conditions are registered on title. The standard conditions require, prior to issuance of the demolition permit, that a building permit for the new building be issued in conjunction with the demolition permit and that the new building be erected within two (2) years of the date of the demolition; otherwise, \$20,000 shall be added to the tax roll. The Chief Building Official also has delegated authority to issue the demolition permit where a final Site Plan approval has been granted which would eliminate the requirement that a new dwelling be authorized through the issuance of a building permit.

Where the owner of the property does not agree with the required standard conditions, or where the Chief Building Official refuses to issue demolition control approval, the Demolition Control Area By-law requires the Chief Building Official to advise Council. Council then retains all power to issue or refuse to issue Demolition Control Approval.

This Report is presented to Council as the owner would like to demolish the existing houses prior to receiving final Site Plan approval.

Since the houses are in fair condition, boarded up and secure, staff consider the application to be premature and are recommending that Council deny the demolition permit and that the owner comply with the Demolition Control Area by-law and wait for final Site Plan approval in accordance with section 6(b) of By-law 22-101.

Alternately, if Council feels the request is reasonable, Council could approve the alternative recommendation on page 4 of this report and approve the demolitions without the owner obtaining final site plan approval for redevelopment of the property.

Alternatives for Consideration – See Page 4**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

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SUBJECT: Demolition Permit – 3033 and 3047 Binbrook Road (PED24138) (Ward 11) - Page 3 of 4

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

Under the Demolition Control Area By-law, Council delegates the Chief Building Official it's authority to issue Demolition Control Approval to demolish Residential Property under certain scenarios. The most common scenario, which is applicable in this situation, is where the erection of a new building is proposed on the site of the Residential Property to be demolished and where the standard conditions, which are required to be registered on title, apply. Another scenario is where final Site Plan approval has been granted.

The owner has submitted the required demolition building permit applications; however, they do not wish to wait for final Site Plan approval of DA-17-107. The owner is also stating that the houses have been vacant for an extended period of time and are beyond repair at this point. They have also stated that they are constantly dealing with vandalism and people breaking into the dwelling notwithstanding their ongoing efforts to keep the buildings properly boarded up. The break-ins and vandalism have also caused distress to neighbours and, in the owner's opinion, poses significant safety concerns. However, these issues may be related to the current vacant status of the dwellings.

PRESENT ZONING: C3-317, Glanbrook Zoning By-law.

PRESENT USE: Two Single Detached Dwellings.

PROPOSED USE: Vacant Land.

BRIEF DESCRIPTION: 3033 Binbrook Road is a 2-storey vinyl/metal sided dwelling. House is vacant with all openings boarded up. Appears to be in fair condition. This property is not on the City's Heritage inventory list. See Appendix "A" to report PED24138 for photo.

3047 Binbrook Road is a 2-storey brick and siding dwelling. House is vacant and all openings boarded up. Appears to have not been maintained for several years. This property is on the City's Heritage inventory list, owner is to retain the brick carriage house on the site but demolish the house. See Appendix "A" to report PED24138 for photo.

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SUBJECT: Demolition Permit – 3033 and 3047 Binbrook Road (PED24138) (Ward 11) - Page 4 of 4

This land is located in Ward 11. Please see Appendix “B” to report PED24138 for a location map.

Since the houses are in fair condition, boarded up and secure, staff are of the opinion that the request to demolish the dwelling is premature and therefore staff are recommending that Council deny the demolition permits and that the owner comply with the Demolition Control Area by-law and wait for final Site Plan approval in accordance with section 6(b) of Demolition Control Area By-law 22-101.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not Applicable.

RELEVANT CONSULTATION

Cultural Heritage Planning has been consulted and there are no Heritage or Archaeological concerns, provided the historic structure (carriage house) on the site is retained and integrated into the new development.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Not Applicable.

ALTERNATIVES FOR CONSIDERATION

Should the Committee wish to approve the demolition of the houses at 3033 and 3047 Binbrook road the following recommendation would be appropriate:

That the Chief Building Official be authorized to issue demolition permits for 3033 and for 3047 Binbrook Road in accordance with By-law 22-101, pursuant to Section 33 of *The Planning Act* as amended, without having final Site Plan approval for the redevelopment of the property, and without having to comply with section 6(b) of the Demolition Control Area By-law 22-101.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED24138 – Photos of Houses

Appendix “B” to Report PED24138 – Location Map

JMC:ll

Photos of 3033 and 3047 Binbrook Road Taken on September 25, 2024

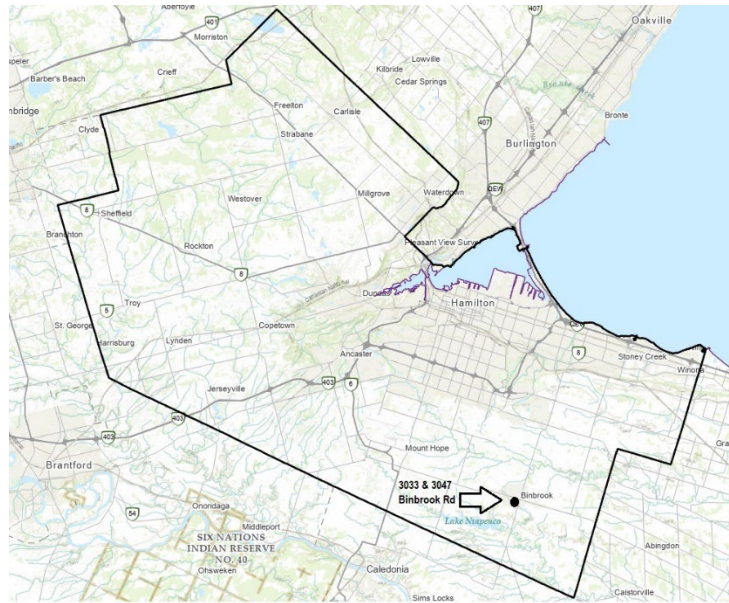


3033 Binbrook Road



3047 Binbrook Road

LOCATION MAP



3033 and 3047 Binbrook Road



HAMILTON MUNICIPAL HERITAGE COMMITTEE REPORT 24-008

12:00 p.m.

September 27, 2024

Room 264, City Hall, 2nd Floor
71 Main Street West, Hamilton, Ontario

Present: Councillor C. Kroetsch
A. Denham-Robinson (Chair), G. Carroll (Vice-Chair) (virtual), K. Burke, A. Douglas, L. Lunsted, A. MacLaren (virtual) and S. Spolnik (virtual)

THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 24-008 AND RESPECTFULLY RECOMMENDS:

1. **Recommendation to Designate 265 Mill Street South, Flamborough (Braebourne), under Part IV of the *Ontario Heritage Act* (PED24169) (Ward 15) (Item 8.1)**
 - (a) That the City Clerk be directed to give notice of Council's intention to designate 265 Mill Street South, Flamborough (Braebourne), shown in Appendix "A" attached to Report PED24169, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the *Ontario Heritage Act*, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED24169, subject to the following:
 - (i) If no objections are received to the notice of intention to designate in accordance with the *Ontario Heritage Act*, City Council directs staff to introduce the necessary by-law to designate the property to be of cultural heritage value or interest to City Council;
 - (ii) If an objection to the notice of intention to designate is received in accordance with the *Ontario Heritage Act*, City Council directs staff to report back to Planning Committee to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property

2. Recommendation to Designate 24 Blake Street, Hamilton, (Eastcourt Carriage House) under Part IV of the *Ontario Heritage Act* (PED24171) (Ward 3) (Item 8.2)

- (a) That the City Clerk be directed to give notice of Council's intention to designate 24 Blake Street, Hamilton (Eastcourt Carriage House), shown in Appendix "A" attached to Report PED24171, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the *Ontario Heritage Act*, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED24171, subject to the following:
- (i) If no objections are received to the notice of intention to designate in accordance with the *Ontario Heritage Act*, City Council directs staff to introduce the necessary by-law to designate the property to be of cultural heritage value or interest to City Council;
 - (ii) If an objection to the notice of intention to designate is received in accordance with the *Ontario Heritage Act*, City Council directs staff to report back to Planning Committee to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.

3. Recommendation to Designate 311 Wilson Street East, Ancaster, (Orton House) under Part IV of the *Ontario Heritage Act* (PED24170) (Ward 12) (Item 8.3)

- (a) That the City Clerk be directed to give notice of Council's intention to designate 311 Wilson Street East, Ancaster, (Orton House) shown in Appendix "A" attached to Report PED24170, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the *Ontario Heritage Act*, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED24170, subject to the following:
- (i) If no objections are received to the notice of intention to designate in accordance with the *Ontario Heritage Act*, City Council directs staff to introduce the necessary by-law to designate the property to be of cultural heritage value or interest to City Council;
 - (ii) If an objection to the notice of intention to designate is received in accordance with the *Ontario Heritage Act*, City Council directs staff to report back to Planning Committee to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.

4. Provincial Planning Statement, 2024, and its Cultural Heritage Resource Policies (PED23113(a)) (City Wide) (Item 10.1)

That Report PED23113(a) respecting Provincial Planning Statement, 2024, and its Cultural Heritage Resource Policies, be received.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

The Committee Clerk advised the Committee of the following changes to the agenda:

8. STAFF PRESENTATIONS

- 8.4 Recommendation to Designate 134 Cannon Street East, Hamilton (Former Cannon Knitting Mills), under Part IV of the Ontario Heritage Act (PED24136) (Ward 2) - WITHDRAWN

9. CONSENT ITEMS

- 9.1 Delegated Authority - Heritage Permit Applications

- (e) Heritage Permit Application HP2024-025 - Exterior Repairs at 34-36 Hess Street South, Hamilton (Ward 2) (By-law No. 03-211) - Extension of Previously Approved Heritage Permit HP2023-035

The agenda for the September 27, 2024, Hamilton Municipal Heritage Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

- (i) August 19, 2024 (Item 4.1)**

That the Minutes of the August 19, 2024, meeting of the Hamilton Municipal Heritage Committee, were approved, as presented.

(d) STAFF PRESENTATIONS (Item 8)

- (i) Recommendation to Designate 265 Mill Street South, Flamborough (Braebourne), under Part IV of the *Ontario Heritage Act* (PED24169) (Ward 15) (Item 8.1)**

Scott Dickinson, Cultural Heritage Planning Technician, addressed Committee respecting Report PED24169, Recommendation to Designate 265 Mill Street South, Flamborough (Braebourne), under Part IV of the *Ontario Heritage Act*, with the aid of a PowerPoint presentation.

The presentation from Scott Dickinson, Cultural Heritage Planning Technician, respecting Report PED24169, Recommendation to Designate 265 Mill Street South, Flamborough (Braebourne), under Part IV of the *Ontario Heritage Act*, was received.

For disposition of this matter, refer to Item 1.

(ii) Recommendation to Designate 24 Blake Street, Hamilton under Part IV of the *Ontario Heritage Act* (PED24171) (Ward 4) (Item 8.2)

Maryssa Barras, Cultural Heritage Planning Technician, addressed Committee respecting Report PED24171, Recommendation to Designate 24 Blake Street, Hamilton under Part IV of the *Ontario Heritage Act*, with the aid of a PowerPoint presentation.

The presentation from Maryssa Barras, Cultural Heritage Planning Technician, respecting Report PED24171, Recommendation to Designate 24 Blake Street, Hamilton under Part IV of the *Ontario Heritage Act*, was received.

For disposition of this matter, refer to Item 2.

(iii) Recommendation to Designate 311 Wilson Street East, Ancaster (Orton House), under Part IV of the *Ontario Heritage Act* (PED24170) (Ward 12) (Item 8.3)

Scott Dickinson, Cultural Heritage Planning Technician, addressed Committee respecting Report PED24170, Recommendation to Designate 311 Wilson Street East, Ancaster (Orton House), under Part IV of the *Ontario Heritage Act*, with the aid of a PowerPoint presentation.

The presentation from Scott Dickinson, Cultural Heritage Planning Technician, respecting Report PED24170, Recommendation to Designate 311 Wilson Street East, Ancaster (Orton House), under Part IV of the *Ontario Heritage Act*, was received.

For disposition of this matter, refer to Item 3.

(e) CONSENT ITEMS (Item 9)

(i) The following Consent Items were received:

(a) Delegated Approval: Heritage Permit Applications (Item 9.1)

- (i) Heritage Permit Application HP2024-019: Removal and Replacement of Roof Shingles at 107 Mill Street North, Flamborough (Ward 15) (Mill Street HCD, By-law No. 96-34-H) (Item 9.1(a))
- (ii) Heritage Permit Application HP2024-020: Replacement of Roof at 250 James Street South, Hamilton (Ward 2) (Balfour House, By-law No. 85-174) (Item 9.1(b))
- (iii) Heritage Permit Application HP2024-021: Removal and Replacement of Windows at 99 Mountsberg Road, Flamborough (Ward 15) (Kerr-Woolsey House, By-law No. 2000-95-H) (Item 9.1(c))
- (iv) Heritage Permit Application HP2024-022: Removal of Dead Trees at 600 York Boulevard, Hamilton (Ward 1) (Dundurn Castle, By-law No. 77-239) (Item 9.1(d))
- (v) Heritage Permit Application HP2024-025 - Exterior Repairs at 34-36 Hess Street South, Hamilton (Ward 2) (By-law No. 03-211) - Extension of Previously Approved Heritage Permit HP2023-035 (Added Item 9.1(e))
- (b) Policy and Design Working Group Meeting Notes - July 8, 2024 (Item 9.2)
- (c) Heritage Permit Review Sub-Committee Minutes - August 20, 2024 (Item 9.3)

(f) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) Buildings and Landscapes (Item 13.1)

Committee members provided brief updates on properties of interest.

The following updates were received:

- (a) Endangered Buildings and Landscapes (RED):
(Red = Properties where there is a perceived immediate threat to heritage resources through: demolition; neglect; vacancy; alterations, and/or, redevelopment)
Ancaster
 - (1) 372 Butter Road West, Andrew Sloss House (D) – S. Spolnik
 - (2) 1021 Garner Road East, Lampman House (D) – S. Spolnik
 - (3) 398 Wilson Street East, Marr House (D) – S. Spolnik

Dundas

- (4) 2 Hatt Street (R) – K. Burke
- (5) 216 Hatt Street (I) – K. Burke
- (6) 215 King Street West (R) – K. Burke
- (7) 219 King Street West (R) – K. Burke

Glanbrook

- (8) 2235 Upper James Street (R) – G. Carroll

Hamilton

- (9) 80-92 Barton Street East, Former Hanrahan Hotel (R) – S. Spolnik
- (10) 1155-1157 Beach Boulevard, Beach Canal Lighthouse and Cottage (D) – A. Denham-Robinson
- (11) 66-68 Charlton Avenue West (D) – C. Kroetsch
- (12) 71 Claremont Drive, Auchmar Gate House / Claremont Lodge (R) – G. Carroll
- (13) 711 Concession Street, Former Mount Hamilton Hospital, 1932 Wing (R) – G. Carroll
- (14) 127 Hughson Street North, Firth Brothers Building (D) – C. Kroetsch
- (15) 163 Jackson Street West, Pinehurst / Television City (D) – C. Kroetsch
- (16) 108 James Street North, Tivoli (D) – C. Kroetsch
- (17) 98 James Street South, Former James Street Baptist Church (D) – C. Kroetsch
- (18) 18-22 King Street East, Gore Buildings (D) – C. Kroetsch
- (19) 24-28 King Street East, Gore Buildings (D) – C. Kroetsch
- (20) 537 King Street East, Rebel's Rock (R) – G. Carroll
- (21) 378 Main Street East, Cathedral Boys School (R) – S. Spolnik
- (22) 679 Main Street East / 85 Holton Street South, Former St. Giles Church (I) – G. Carroll
- (23) 120 Park Street North (R) – C. Kroetsch
- (24) 828 Sanatorium Road, Long and Bisby Building (D) – G. Carroll
- (25) 100 West 5th Street, Century Manor (D) – G. Carroll

- (b) Buildings and Landscapes of Interest (YELLOW):
(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)

Dundas

- (1) 64 Hatt Street, Former Valley City Manufacturing (D) – K. Burke
- (2) 24 King Street West, Former Majestic Theatre (I) – K. Burke
- (3) 3 Main Street, Former Masonic Lodge (D) – K. Burke
- (4) 23 Melville Street, Knox Presbyterian Church (D) – K. Burke
- (5) 574 Northcliffe Avenue, St. Joseph's Motherhouse (R) – L. Lunsted

Flamborough

- (6) 283 Brock Road, WF Township Hall (D) – L. Lunsted
- (7) 62 6th Concession East, Hewick House (I) – L. Lunsted

Hamilton

- (8) 1 Balfour Drive, Chedoke Estate / Balfour House, (R) – G. Carroll
- (9) 134 Cannon Street East, Cannon Knitting Mill (R) – C. Kroetsch
- (10) 52 Charlton Avenue West, Former Charlton Hall (D) – C. Kroetsch
- (11) 2 Dartnall Road, Rymal Road Station Silos (R) – G. Carroll
- (12) 54-56 Hess Street South (D) – C. Kroetsch
- (13) 1284 Main Street East, Delta High School (D) – G. Carroll
- (14) 311 Rymal Road East (R) – G. Carroll
- (15) St. Clair Boulevard Heritage Conservation District (D) – G. Carroll
- (16) 56 York Boulevard / 63-76 MacNab Street North, Copley Building (D) – G. Carroll
- (17) 84 York Boulevard, Philpott Church (NOID) – G. Carroll
- (18) 175 Lawrence Road, Hamilton Pressed / Century Brick (R) – G. Carroll
- (19) 65 Charlton Avenue East, Church of Ascension (D, NHS), Hamilton – G. Carroll
- (20) 4 Turner Avenue, Hamilton (R) – C. Kroetsch
- (21) 420 King St E, St. Patrick Roman Catholic Church (I) – S. Spolnik
- (22) 206-210 King Street East, Former Bremner Grocery (I) – G. Carroll
- (23) 1269 Mohawk Road, Ancaster (I) – G. Carroll
- (24) 657 King Street East, Hamilton (R) – G. Carroll
- (25) 665-667 King Street East, Hamilton (R) – G. Carroll
- (26) 90 Markland, Hamilton (D) – C. Kroetsch
- (27) 231 Bay St. N. (Gallery on the Bay/Hamilton Bridge Works Company Office) (I) – C. Kroetsch
- (28) 29 Harriet Street (Felton Brush Company) (I) – C. Kroetsch

Stoney Creek

(29) 2251 Rymal Road East, Former Elfrida Church (R) – G. Carroll

(c) Heritage Properties Update (GREEN):
(Green = Properties whose status is stable)

Dundas

(1) 104 King Street West, Former Post Office (R) – K. Burke

Hamilton

- (2) 46 Forest Avenue, Rastrick House (D) – G. Carroll
- (3) 88 Fennell Avenue West, Auchmar (D) – A. Douglas
- (4) 125 King Street East, Norwich Apartments (R) – C. Kroetsch
- (5) 206 Main Street West, Arlo House (R) – C. Kroetsch
- (6) 50-54 Sanders Boulevard, Binkley Property (R) – K. Burke

(d) Heritage Properties Update (BLACK):
(Black = Properties that HMHC have no control over and may be demolished)

Ancaster

(1) 442, 450 and 452 Wilson Street East (R) – S. Spolnik

Heritage Status: (I) Inventoried, (R) Registered, (D) Designated,
(NHS) National Historic Site

(i) ADJOURNMENT (Item 15)

There being no further business, the Hamilton Municipal Heritage Committee, was adjourned, at 12:54 p.m.

Respectfully submitted,

Alissa Denham-Robinson
Chair, Hamilton Municipal
Heritage Committee

Matt Gauthier
Legislative Coordinator
Office of the City Clerk

STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND DESCRIPTION OF HERITAGE ATTRIBUTES

Description of Property

The 2.0-hectare property municipally addressed as 265 Mill Street South is comprised of a two-storey stone dwelling constructed in 1846, historically known as Braebourne and the Cummer House. It is located on the northeast corner of the intersection of Mill Street South and Mountain Brow Road, in the former Township of East Flamborough, in the Village of Waterdown in the City of Hamilton.

Statement of Cultural Heritage Value or Interest

The cultural heritage value of the property lies in its design value as a representative example of the residential Neoclassical architectural style, as demonstrated by the symmetrical front elevation, hip roof with projecting eaves, second storey Venetian window and central entrance with sidelights and wooden surround. The property also displays a high degree of artistry through the wooden surrounds with pilasters, paneling and carved brackets on the Venetian window and central entrance, and the interior staircase.

The historical value of the property lies in its association with several prominent industrialists and businesspeople, including mill-owner John Cummer (1797-1868) and his son Lockman (1827-1907); wealthy banker and politician Lieutenant-Governor Sir William Pearce Howland (1811-1907); Hamilton industrialist Robert Livingston Innes (1872-1935); and bus-line owner Francis Farwell (1894-1966).

Contextually, this property is important in defining the historic former industrial character of the surrounding area, known as Smokey Hollow. This mill-owner's house acts as a physical reminder of the many mills and industries which once lined Grindstone Creek and Smokey Hollow. It is visually, historically, and physically linked to its surroundings, being on its original location overlooking Smokey Hollow and close to the location of the Waterdown Flouring Mill.

Description of Heritage Attributes

Key attributes that embody the physical value of the property as being a representative example of residential Neoclassical architecture and in demonstrating a high degree of artisanship, and the historical value for its association with John Cummer and other prominent former owners, include the:

- Front (south) and side (west) elevations and roofline of the two-storey 1846 stone building, including its:
 - Brick chimney;
 - Hip roof with projecting eaves and moulded cornice and brick chimney to the west;

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- Symmetrical three-bay front elevation;
 - Rough cut, rubble-stone walls;
 - Venetian window with wooden surround with pilasters and brackets supporting moulded cornice;
 - Six-over-six hung windows with working shutters;
 - Stone voussoirs and tooled stone lug sills on window and door openings;
 - Paneled wooden front door flanked by sidelights and wooden surround with wooden paneling, pilasters and brackets supporting moulded cornice; and,
 - Stone foundation.
- One-storey sunroom side wing to the west, including its:
 - Flat roof;
 - Six-over-nine hung wood windows; and,
 - Wooden shingle siding.
 - Front (south) elevation of the stone first storey side wing to the east, including its six-over-six hung wood windows with stone voussoirs and lug sills.
 - Interior features of the centre hallways to the first and second floor, including:
 - Wooden baseboards; and,
 - Central Quarter-sawn American white oak staircase.

The detached accessory structures and the modern covered driveway and glass-in addition are not considered to be heritage attributes.

Key attributes that embody the contextual value of the property as a defining feature of the historical character of Waterdown and the nearby Smokey Hollow include its:

- Location on raised topography at the top of Mill Street South overlooking Smokey Hollow; and,
- Deep setback from Mountain Brow Road with lawns sweeping down to public right-of-way.

STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND DESCRIPTION OF HERITAGE ATTRIBUTES

Description of Property

The 0.1-hectare property municipally addressed as 24 Blake Street, Hamilton, is comprised of a one-and-one-half-storey detached brick carriage house built circa 1875 located the rear of the property and is also comprised of a circa 1910 century two-and-a-half-storey brick dwelling. The property is located on the west side of Blake Street between Main Street East and Maplewood Avenue, in the Blakeley Neighborhood, in the City of Hamilton.

Statement of Cultural Heritage Value or Interest

The one-and-one-half-storey brick accessory building located at 24 Blake Street was originally constructed circa 1875 to match the intricate design of the historic Eastcourt residence (now demolished). The property has physical value as a representative and unique example of a nineteenth-century brick carriage house influenced by the Second Empire style of architecture and displays a high degree of craftsmanship in the form of its cast iron detailing, the use of which is also considered to be rare.

The property has historical value for its associations with the prominent Hoodless family. In 1893, Joseph Hoodless (1824-1895) and son John Hoodless (1854-1923), the owners of the prosperous furniture making business J. Hoodless & Son, purchased the Eastcourt Estate. By 1894, John and his family, including Adelaide Hoodless (nee Hunter) (1857-1910) were living on the property. Adelaide Hoodless was an important political player and champion for Canadian women's education in the late-nineteenth and early-twentieth centuries on a national scale. Locally, Adelaide participated in the founding of Hamilton's Young Women's Christian Association and opened the Young Women's Christian Association School of Domestic Science before establishing the Ontario Normal School of Domestic Science and Art in 1900. Beyond Hamilton, Adelaide also played an instrumental role in Ontario's adoption of domestic science into its public education, in the forming of the Young Women's Christian Association of Canada in 1895, the Women's Institute in 1897, and presiding over the creation of the Macdonald Institute of Home Economics in Guelph in 1903. Through its affiliations with Adelaide, Eastcourt became a frequented gathering place for women's organizing in the nineteenth century.

The property is historically and physically linked to its surroundings, as the last remaining building connected to the Eastcourt Estate; the Eastcourt Carriage House stands as a testament to the design and detail of the historically significant property. Its presence is also a tangible reminder of the historic evolution of the Blakeley Neighbourhood, including the evolution of the Eastcourt Estate into apartments. The Carriage House has also played an important role in shaping local urban development, with the 1910 plan for the area showing plans for the present-day public laneway to accommodate and wrap around the building. It is further linked to nearby properties

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including: 770 Main Street East (the lot on which the Eastcourt Estate was historically located), 7 Blake Street, formerly Linden Place and now known as Adelaide Residence, which was also constructed in the Second Empire style in 1875, and the Adelaide Hoodless Elementary School at 71 Maplewood Avenue which was constructed and named in honour of Adelaide Hoodless.

Description of Heritage Attributes

Key attributes that embody the physical value of the property as being a representative and unique example of a nineteenth-century Second Empire brick carriage house, displaying a high degree of craftsmanship and a rare example of cast-iron ornamentation and its long-standing association with prominent Hamiltonians, including Adelaide Hoodless, include:

- All four elevations and the east and south rooflines of the circa 1875 brick carriage house, including its:
 - Square plan;
 - One-and-one-half storey massing;
 - Mansard roof with projecting eaves with half-round dormers to the east;
 - Common-bond coursed brick walls;
 - Projecting gable-roofed frontispiece in the south elevation with returning eaves and half-round window opening below the gable;
 - Segmentally-arched window and door openings in the first storey elevations with brick voussoirs and stone lug sills with drips;
 - Cast-iron ornaments over keystones and at either end of the brick voussoirs on the south, east and west elevations;
 - Carriage door opening with brick voussoir on the eastern elevation; and
 - Stone foundation.

Key attributes that embody the contextual value of the property as a supporting feature of the historical character of the Blakeley Neighborhood include its:

- Location fronting onto, and bound by, the public alley surveyed in 1910 which borders the rear proximity of the lot;
- Location on what was originally part of the Eastcourt Estate's property; and
- Proximity to the Adelaide House at 7 Blake Street and Adelaide Hoodless Elementary School at 71 Maplewood Avenue.

STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND DESCRIPTION OF HERITAGE ATTRIBUTES

Description of Property

The 0.16 hectare property municipally addressed as 311 Wilson Street East is comprised of a single-detached brick building, known as the Orton House, originally constructed as a one-storey dwelling circa 1850 and significantly modified into a two-storey building by the late-nineteenth century. The property is also comprised of a modern three car garage constructed in 1997. The property is located on the southwest corner of Wilson Street East and Sulphur Springs Road in Ancaster Village, in the City of Hamilton.

Statement of Cultural Heritage Value or Interest

The two-storey brick building located at 311 Wilson Street East has physical value as a unique example of a former dwelling influenced by the Italianate style of architecture. The unique features of this property are the modifications undertaken to the original single-storey vernacular structure to convert it to a two-storey Italianate dwelling, as evidenced by the contrasting brick bonds and uneven placement and size of windows. The property also displays a high degree of craftsmanship as demonstrated by the turned and carved wooden brackets supporting the projecting eaves and the decorative belvedere which tops the truncated hip roof.

The property has historical value due to its direct association with several prominent Ancasterians. It is believed that the Italianate-influenced additions were constructed between 1869 and 1882, when the property was owned by either Thomas McMurray (1835-1875), a lawyer, or Doctor Henry Orton (1832-1882), who had a large medical practice in Ancaster and who is commemorated in a stain glass window in St. John's Anglican Church. McMurray had his law office in the house before selling to Doctor Orton. Other prominent Ancaster residents to occupy the building included: Doctor George Devy Farmer (1866-1928); Charles Stuart (1868-1937), school principal and bank manager; and Charles Reinke (1871-1929), long-serving clerk of Ancaster Township.

The property at 311 Wilson Street East helps define the historic character of Ancaster Village. Located on the southwest corner of Wilson Street East and Sulphur Springs Road in the core of the nineteenth-century village, the property holds a prominent location in proximity to the Township Hall. It is visually, historically and functionally linked to its surroundings with its principal entrance fronting onto Wilson Street and the historic "office" entrance fronting onto Sulphur Springs Road. The size of the building and its unique style and setback at the corner help make it a local landmark, known by name as the Orton House.

Description of Heritage Attributes:

Key attributes that embody the physical value of the property as being a unique example of the Italianate style of architecture, in demonstrating a high degree of craftsmanship and its association with prominent Ancasterians, such as Doctor Henry Orton, include:

- All elevations and the roofline of the two-storey brick building including its:
 - Truncated hip roof with its central belvedere, wide projecting eaves with ornate paired wooden brackets and flanking brick chimneys;
 - Front gable dormer and oculus window that may remain intact behind contemporary front covered portico;
 - Three-bay front (east) elevation including its:
 - Brick laid in Flemish bond in the first storey;
 - Round-headed window with stone hood in the second storey;
 - Flat-headed openings throughout the first storey with alternating brick voussoirs;
 - Segmentally-arched window openings in the second storey with brick voussoirs and stone lug sills;
 - Contrasting brickwork between the first and second storeys;
 - Two-storey rear brick wing with its:
 - Gable roof with projecting eaves and paired wood brackets;
 - Segmentally-arched window openings with brick voussoirs and stone lug sills;
 - Projecting one-storey 'office entrance' on the north side elevation with gable roof and round window in gable; and,
 - Stone foundation.

The contemporary two-storey covered portico, constructed in 2014, and the detached three-car garage, constructed in 1997, are not considered to be heritage attributes.

Key attributes that embody the contextual value of the property as a defining feature of the historical character Ancaster Village and as a local landmark include its:

- Location at the corner of Wilson Street East and Sulphur Springs Road, with a moderate setbacks from the public rights-of-way; and,
- Distinctive features, including its belvedere and projecting side entrance.