



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 5, 2017
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED17208)
WARD(S) AFFECTED:	City Wide
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SIGNATURE:	

Council Direction:

At the June 16, 2015 Planning Committee, staff were “directed to report back to the Planning Committee with a reporting tool that seeks to monitor applications where the 120 or the 180 day statutory timeframe applies”.

This report provides a status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision applications relative to the 120 or the 180 day statutory timeframe provisions of the *Planning Act* for non-decision appeals.

Policy Implications and Legislative Requirements

Land use planning is guided by the *Planning Act*, which sets out how land use decisions are made and how and when they can be appealed to the Ontario Municipal Board (OMB). The *Planning Act* prescribes the situations in which an applicant may file an appeal for Official Plan Amendments, Zoning By-law Amendments and Plans of Subdivision for lack of a decision by Council.

For Zoning By-law Amendments, Section 34 (11) of the *Planning Act* states that:

“Where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section is refused or the council refuses or neglects to make a decision on it within 120 days after the receipt by the clerk of the application, any of the following may appeal to the Municipal Board by filing

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with the clerk of the municipality a notice of appeal, accompanied by the fee prescribed under the *Ontario Municipal Board Act*.

1. The applicant.”

For Official Plan Amendments, Section 17(40) of the *Planning Act* states that:

“If the approval authority fails to give notice of a decision in respect of all or part of a plan within 180 days after the day the plan is received by the approval authority, or within the longer period determined under subsection (40.1), any person or public body may appeal to the Municipal Board with respect to all or any part of the plan in respect of which no notice of a decision was given by filing a notice of appeal with the approval authority, subject to subsection (41.1).”

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 from 180 days to 270 days.

For Plans of Subdivision, Section 51(34) of the *Planning Act* states that:

“If an application is made for approval of a plan of subdivision and the approval authority fails to make a decision under subsection (31) on it within 180 days after the day the application is received by the approval authority, the applicant may appeal to the Municipal Board with respect to the proposed subdivision by filing a notice with the approval authority, accompanied by the fee prescribed under the *Ontario Municipal Board Act*.”

Information:

Staff were directed to report back to Planning Committee with a reporting tool that seeks to monitor applications where the applicable 120 day and 180 day statutory timeframe applies. 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. Staff are currently working with the AMANDA Implementation Team to add enhancements that will allow for the creation of more detailed reporting. As a result, future tables will include the extended statutory 270 day timeframe for Official Plan Amendments and a qualitative analysis of the status of active applications. It is anticipated that these enhancements will be available in Q2 of 2018.

Attached as Appendix “A” to Report PED17208 is a table outlining the active applications, sorted by Ward, from oldest application to newest. As of October 23, 2017 there were:

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- 37 active Official Plan Amendment Applications (including 24 applications submitted after July 1, 2016);
- 70 active Zoning By-law Amendment Applications; and,
- 16 active Plan of Subdivision Applications.

Combined to reflect property addresses, this results in 70 active development proposals. Forty proposals are 2017 files, while 16 proposals are 2016 files and 14 proposals are pre-2016 files.

Within 60 to 90 days of December 5, 2017, 12 applications will be approaching the 120 or the 180 day statutory timeframe and will be eligible for appeal. Fifty-eight applications have passed the 120 or 180 day statutory timeframe. However, for those twenty-four (24) Official Plan Amendment Applications received after July 1, 2016, a non-decision appeal cannot be made until 270 days have lapsed (these applications are marked with an asterisk on Appendix "A" to Report PED17208).

A table outlining the number of development proposals by application type by month (Figure 1) for 2017 and a table showing the number of public meetings by application type by month (Figure 2) for 2017 is attached as Appendix "B". The table in Figure 1 demonstrates that the number of active projects has remained relatively constant with an average of 74 since reporting started in February of this year. However, 14 of the 70 development proposals from the table shown on Appendix "A" that are pre-2016 files have had limited activity in the past 18 months and staff will be contacting the applicants to determine if the applicant wishes to proceed with the file or if the file should be closed. Accordingly, a more accurate number of active projects is therefore closer to 55. The table in Figure 2 shows the number of public meetings by application type by month, which represents an average of 4 public meetings per month to consider an application for an Official Plan Amendment, Zoning By-law Amendment and/or Plan of Subdivision. This does not include Applications for City initiated zoning changes or draft plan of condominium in this total. In total, 48 applications were brought forward to a public meeting in 2017.

Attached as Appendix "C" is an update that shows that as of October 23, 2017, a total of 7 projects have been appealed to the OMB for non-decision.

Appendices and Schedules Attached:

Appendix "A": List of Active Development Applications

Appendix "B": Number of Active Projects by Application Type by Month and
Number of Public Meetings by Application Type by Month

Appendix "C": List of Projects Appeal to the Ontario Municipal Board for Non-Decision

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