



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 18, 2018
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED18192) (City Wide)
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 statutory timeframe provisions of the *Planning Act* for non-decision appeals.

Background:

On April 19, 2016, Information Report (PED16096) was forwarded to the Planning Committee, which provided a status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision applications relative to the 120 or the 180 statutory timeframe provisions of the *Planning Act* for non-decision appeals and outlined a process for future reporting to the Planning Committee. The Report included a table outlining the active applications, sorted by Ward, from oldest application to newest. In addition, the Report summarized OMB appeals over the previous five years.

Commencing February 28, 2017, similar Information Reports were forwarded to the Planning Committee on a monthly basis in accordance with the process outlined in Information Report (PED16096). An analysis of the information was also included in the year-end report of December 5, 2017 (PED17208), which included tables that

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summarized the number of active projects by application type and the number of public meetings by application type.

Policy Implications and Legislative Requirements

In accordance with the *Planning Act*, an applicant may appeal an Official Plan Amendment application after 210 days (17 (40)), Zoning By-law Amendment application after 150 days (34 (11)) and a Plan of Subdivision after 180 days (51 (34)).

In accordance with subsection 17(40.1) of the *Planning Act*, the City of Hamilton extends the approval period of Official Plan Amendment applications from 180 days to 270 days for applications received after July 1, 2016 as prescribed in Bill 73 and from 210 to 300 days for applications received after December 12, 2017 as prescribed in Bill 139. It should be noted that applicants can terminate the 90-day extension period if written notice to the municipality is received prior to the expiration of the 180 day or 210 day statutory timeframes.

In addition, Zoning By-law Amendment applications that are submitted together with a required Official Plan Amendment application are also subject to the statutory timeframe of 210 days.

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.

For the purposes of this Report, the status of all 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*, prior to December 12, 2017 and after December 12, 2017.

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

Attached as Appendix "A" to Report PED18192 is a table outlining the active applications received prior to December 12, 2107 sorted by Ward, from oldest application to newest. As of August 16, 2018 there were:

- 23 active Official Plan Amendment Applications (including 19 applications submitted after July 1, 2016);
- 40 active Zoning By-law Amendment Applications; and,

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- 11 active Plan of Subdivision Applications.

Within 60 to 90 days of September 18, 2018, all 40 development proposals have passed the 120 or 180 day statutory timeframe, including 19 Official Plan Amendment Applications received after July 1, 2016 that are subject to the 270 statutory timeframe. These applications are marked with an asterisk on Appendix “A” to Report PED18192.

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

Attached as Appendix “B” to Report PED18192 is a table outlining the active applications received after December 12, 2017 sorted by Ward, from oldest application to newest. As of August 16, 2018 there were:

- 14 active Official Plan Amendment Applications, all of which were submitted after December 12, 2017, and therefore subject to the 90 extension to the statutory timeframe from 210 days to 300 days;
- 27 active Zoning By-law Amendment Applications; and,
- 3 active Plan of Subdivision Applications.

Within 60 to 90 days of September 18, 2018, 16 applications will be approaching the 150 or the 300 day statutory timeframe and will be eligible for appeal. Eleven applications have passed the 150 or 300 day statutory timeframe.

Combined to reflect property addresses, this results in 67 active development proposals. Twenty-five proposals are 2018 files, while 30 proposals are 2017 files and 12 proposals are pre-2017 files.

A table comparing the number of projects by application type by month for February to December 2017 (Figure 1) and for January to September 2018 (Figure 2) is attached as Appendix “C” to Report PED18192. This demonstrates that the number of active projects has remained relatively constant with an average of 74 both in 2017 and to date in 2018. However, 12 of the active projects are pre-2017 files which have had limited activity in the past 18 months. Accordingly, a more accurate number of active projects by application type by month is closer to 55.

Attached as Appendix “D” to Report PED18192, is a table comparing the number public meetings by application type by month for January to December 2017 (Figure 1) and for January to September 2018 (Figure 2). In total, 49 applications have had a public meeting in 2017 compared to 47 applications to date in 2018. It is projected that a total of 50 applications will have had a public meeting by the end of 2018 despite the fact that

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no public meetings will be held in October or November. This represents an average of 5 public meetings per month in 2018 compared to 4 per month in 2017.

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 a qualitative analysis of the status of active applications. It is anticipated that these enhancements will be available in Q4 of 2018. In addition, for the January, 2019 Planning Committee meeting, the appendices will be revised to reflect the new ward boundaries.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – List of Active Development Applications (Prior to December 12, 2017)

Appendix "B" – List of Active Development Applications (After December 12, 2017)

Appendix "C" – Number of Active Projects by Application Type by Month
(February to December, 2017 and January to September, 2018)

Appendix "D" – Number of Public Meetings by Application Type by Month
(January to December, 2017 and January to September, 2018)

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