



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 5, 2022
SUBJECT/REPORT NO:	Draft Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan to Implement Bill 13 and Bill 109 (PED22112(b)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Tiffany Singh (905) 546-2424 Ext. 1221 Anita Fabac (905) 546-2424 Ext. 1258
SUBMITTED BY: SIGNATURE:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department

RECOMMENDATION

- (a) That staff be directed and authorized to undertake public and stakeholder consultation on the proposed amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan to implement Bill 13 and Bill 109;
- (b) That staff report back to Planning Committee summarizing input received from the public and stakeholder consultation with recommended amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan in August 2022.

EXECUTIVE SUMMARY

The purpose of this report is to inform City Council of proposed Official Plan amendments intended to address some of the legislative *Planning Act* changes made by Bill 13 and Bill 109 and to receive authorization to undertake public and stakeholder consultation on the proposed amendments. The proposed amendments to implement Bill 13 include delegating authority to the Director of Planning and Chief Planner to pass a holding by-law, temporary use by-law or other minor zoning by-law amendment. The proposed amendments relating to Bill 109 include updates to the other information and

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materials required to deem a *Planning Act* Application complete, and notification requirements outlined in the Official Plans to address the legislative changes relating to required application refunds as a result of Bill 109.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

On December 2, 2021, Bill 13 received Royal Assent. The Bill amended the *Planning Act* to allow councils to delegate the authority to pass zoning by-laws that are of a minor nature to a committee of council or staff. This could include temporary use by-laws, the lifting of holding provisions and other minor zoning by-law amendments.

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 legislative timelines and require complete applications for Site Plan Control applications. These changes come into effect January 1, 2023.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (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. Bill 13 and Bill 109 have made amendments to *Planning Act* application(s) processes which requires municipalities to respond to these changes.

The proposed amendments to the Urban and Rural Hamilton Official Plans seek to streamline Application processes by providing greater clarity on submission requirements and deeming a complete or incomplete Application, and reducing time to pass holding by-laws, temporary use by-laws and some minor zoning by-law amendments by delegating this authority to a committee of council or staff. The

proposed policy amendments ensure that the delivery of planning services and decisions continues to respond to the needs of the City's customers and stakeholders in addition to responding to legislative changes as a result of Bill 13 and Bill 109.

RELEVANT CONSULTATION

Staff within the Planning Division, Growth Management Division and Transportation Planning and Parking Division, and Legal Services were consulted in the drafting of the proposed Draft Official Plan Amendments.

Further consultation will be held with the development industry and other interested stakeholders. The following methods of engagement will be utilized:

Newspaper

Preliminary notice of the proposed Official Plan Amendments will be advertised in the Hamilton Spectator following receipt of Report PED22112(b) by Planning Committee. Notice will also be circulated by email to various community groups and development industry stakeholders.

Engage Hamilton

The proposed Official Plan Amendments will be posted publicly for commenting through the City's online engagement platform – Engage HQ (<https://engage.hamilton.ca/>).

Stakeholder Meetings

The proposed Official Plan Amendments will be presented to the Development Industry Liaison Group (DILG) at a special meeting in July 2022.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Bill 13

Bill 13, *Supporting People and Businesses Act, 2021*, amended the *Planning Act* to add a new permission allowing councils to delegate the authority to pass zoning by-laws that are of a minor nature, including lifting a holding provision or passing a temporary use by-law.

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As such, amendments are proposed for both the Urban and Rural Hamilton Official Plans as noted in Appendix “A” attached to Report PED22112(b) as follows:

- Delegate the lifting of a Holding Provision which was applied by the City as part of an applicant-initiated Site Specific Zoning By-law amendment or applies to lands within the Downtown Hamilton Secondary Plan;
- Grant an extension to an existing Temporary Use By-law in accordance with the *Planning Act* which permits an extension of not more than three years;
- Minor Zoning By-law Amendments including the following:
 - To prohibit development of a single detached dwelling and a residential care facility on a retained agricultural parcel of land as a result of a surplus farm dwelling identified through a condition of Consent;
 - To recognize a reduced lot area as part of a surplus farm dwelling approved through a Consent Application;
 - To amend an existing Holding Provision;
 - To establish a new Holding Provision;
 - To add a use permitted by the Official Plans;
 - To remove an existing Site Specific Zoning By-law where the effect would be to revert to the parent zoning in force and effect; and,
 - To fix an administrative error (typographical or mapping error) however this is to be exempt from public meeting requirements.

The statutory requirements for notification will not be impacted by these changes.

The proposed changes are for consultation purposes and have been identified as possible process changes that will assist in streamlining the administrative aspects related to the passing of a by-law and create some additional capacity amongst staff to assist the City in responding to the legislative changes relating to Bill 13.

Bill 109

Bill 109, *More Homes for Everyone Act, 2022*, amended the *Planning Act* as it relates to the processing of development Applications, to require refunds if a decision is not made within the legislated timelines of receiving a complete Application and to require a complete Application process for site plan Applications.

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As such, amendments are proposed for both the Urban and Rural Hamilton Official Plans as noted in Appendix “A” attached to Report PED22112(b) as follows:

- Amend the public participation policies to reduce the number of days to give notice of a public meeting under the *Planning Act*;
- Updates the list of potential “Other Information and Materials” that may be requested to reflect the types of studies, plans, and documents that may be required as part of a complete Application for an Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision and Site Plan Control Application;
- Include a new Table F.1.19.1 to replace the existing table to improve the format, and clarity of what studies, reports or plans may be required based on the type of *Planning Act* Application(s); and,
- Reference to other information and materials submitted which shall be prepared in accordance with Council endorsed Terms of Reference or Guideline materials.

The proposed changes will assist staff in responding to the legislative changes relating to Bill 109 that will come into force and effect on January 1, 2023 which require decisions to be made on Zoning By-law Amendment, joint Official Plan Amendment and Zoning By-law Amendment and approval of Site Plan Control applications within the following legislated timeframes or refund up to 100% of the Application fees:

	No Refund	50% Refund	75% refund	100% Refund
Zoning By-law Amendment Application	Decision made within 90 days	Decision made within 91 and 149 days	Decision made within 150 and 209 days	Decision made 210 days or later
Combined Official Plan Amendment and Zoning By-law Amendment Application	Decision made within 120 days	Decision made within 121 and 179 days	Decision made within 180 and 239 days	Decision made 240 days or later
Site Plan Control Application	Approval within 60 days	Approval within 61 and 89 days	Approval within 90 and 119 days	Approval 120 days or later

In addition to the existing requirements for reports, plans, and studies to be submitted as part of a complete Application, and in response to the reduced processing timeframes for development Applications, it is proposed to require a public consultation summary and comment response report as a requirement of any future complete application.

It is noted that this Report PED22112(b) is the second of a series of forthcoming Reports intended to address the other legislative *Planning Act* changes made by Bill 109. Forthcoming reports will address staff recommended official plan amendments after consultation as noted in Report PED22112(b); and other matters which have broader implications for the Planning and Economic Development Department, other City departments, and partner agencies on the process of *Planning Act* Applications. The intent is to provide staff recommendations to Council on these additional matters prior to the legislated requirements slated to come into force and effect on January 1, 2023.

ALTERNATIVES FOR CONSIDERATION

An alternative to the recommendations provided in Report PED22112(b) relating to consultation would be that Council direct staff to not consult and to proceed directly with implementing the drafted Urban and Rural Hamilton Official Plan Amendments as outlined in Appendix “A” attached to Report PED22112(b).

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Built Environment and Infrastructure

Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

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APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED22112(b) – Proposed Text Amendments to the Urban and
Rural Hamilton Official Plans

TS/AF:sd