

**ERO Posting 019-6822  
City of Hamilton Comments  
May 19, 2023**

**Regulation for Site Plan for Residential Developments of 10 or Fewer Units**

If proposed changes to the *Planning Act* through Bill 97 is passed, it would provide the Minister of Municipal Affairs and Housing with regulation-making authority to permit municipalities to use site plan control for residential developments of 10 or fewer units on a single lot in specific circumstances, specifically for parcels of land:

- Any part of which is located within 120 metres of a shoreline; and
- Any part of which is located within 300 metres of a railway line

Staff provided comments in response to Bill 23 related to the concerns with removing the requirement for Site Plan Control for parcels of land that will contain no more than 10 residential units.

As these changes have been implemented, staff comments are limited to adding a new regulation to allow municipalities to use site plan control for residential developments of 10 or fewer units within 120 metres of a shoreline and within 300 metres of a railway.

Staff are looking for clarification for the rational for these specific circumstances.

Generally, City of Hamilton staff are supportive of site plan control being applied to residential developments of 10 units or less on a single lot in the identified circumstances. Site plan control is an effective tool to manage and review development to ensure development is designed to minimize negative impacts.

The proposed prescribed areas apply to a very large area in City of Hamilton. Approximately 17,059 properties zoned residential in the City of Hamilton are located either 120m from the shoreline or 300m from a railway line. A full site plan control may not be warranted and a scoped, minor process dealing with only specific issues relating to impacts on the shoreline and noise from the railway should be enacted.

If the City of Hamilton decides to use site plan control for residential developments of 10 or fewer units on a single lot in the noted specific circumstances, a new Site Plan By-law must be prepared and approved, as well as a new process for a Minor Site Plan to deal with the specific issues relating to shoreline and railway lines.

It is unclear if the regulation as it relates to Shorelines is to reflect a natural hazard situation or to address natural heritage considerations. If the later, consideration should be given to other natural heritage features to protect features and functions within local natural heritage systems through the design process. In Hamilton, the permission should be extended to development that is located within or adjacent to Core Areas within the City’s NHS to ensure the development aligns with the existing PPS and City Official Plans related to site alterations within or adjacent to the natural heritage system. This evaluation is often through the submission of an Environmental Impact Statement (EIS). Site Plan provides the mechanism to implement these policies and evaluate proposed developments to determine if an EIS is required.

Processes, based on best management practices, could be put in place to ensure that this was not overly onerous to the homeowner (e.g., Site Plan would not be required if the work was already in a disturbed area, or it was a substantial distance from a Core Area).