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CM: October 23, 2024 Ward: City Wide
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Dated October 23, 2024

Bill No. 191

CITY OF HAMILTON
BY-LAW NO. 24-

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

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:

- (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.

PASSED this 23rd day of October, 2024.

A. Horwath
Mayor

M. Trennum
City Clerk