



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

October 18, 2024

Implementation of Changes to Section 41 of the Planning Act – Site Plan Approval, in Response to Provincial Bill 185 (PED24175) (City Wide)

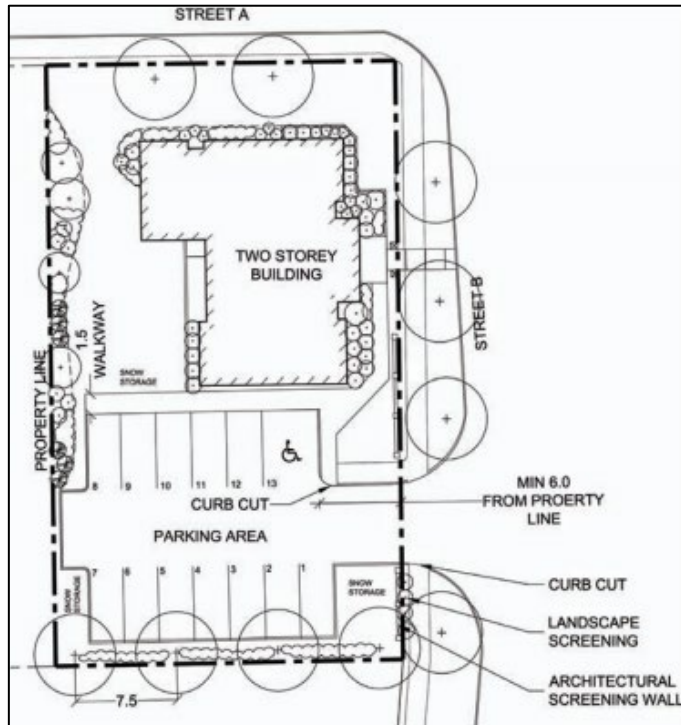
Presented by: Mark Kehler

Bill 185 - Cutting Red Tape to Build More Homes Act, 2024

- Bill 185 made amendments to the **Planning Act**, among other statutes.
- Report PED24097 described the legislative changes and staff's position, which were formally submitted to the Province and subsequently adopted by Council on May 22, 2024.
- Bill 185 received Royal Assent on June 6, 2024

Planning Act, Section 41

Site Plan Control



- **Site Plan Approval** is a legislated process under Section 41 of the *Planning Act*.
- Coordinated review to address matters of site design.
- Required for multi-residential, commercial, institutional, industrial and mixed-use development.
- The entire City of Hamilton is designated as a Site Plan Control area.

Site Plan Approval Process

The City of Hamilton has a two stage Site Plan approval process that includes:

- A **Conditional Approval** stage during which redlined plans are approved and conditions are imposed that must be addressed to the City's satisfaction before a building permit is issued.
- A **Final Approval** stage that occurs after all conditions required prior to issuance of a building permit are satisfied and final plans are approved to be implemented through construction and completion of on-site works.

Bill 185 - Summary of Changes Related to Site Plan Control

- Removal of fee refunds for applications not approved within 60 days.
- Exempting publicly funded colleges and universities from Site Plan Control.
- Removing the requirement for Formal Consultation prior to submission of a complete application.
- Introducing “use it or lose it” lapsing provisions for Site Plan approvals.

Development Charge Implications

- The *Development Charges Act* requires that development charges be “locked-in” based on the development charge rates applicable on the date that a complete Site Plan Control application is submitted.
- When a **Conditional Site Plan Approval** lapses, the development charge “lock-in” date will reset to the submission date of the new application.
- A building permit must be issued within 18 months of **Final Site Plan Approval** for the lock-in date to apply.

Mandatory Changes to the Site Plan Control By-law

- Exempting undertakings of publicly funded universities and colleges from Site Plan Control.
- Revisions to the Formal Consultation section of the By-law to reflect that Formal Consultation is now an optional instead of a mandatory process.

Recommended Changes to the Site Plan Control By-law

- **New lapsing provisions:**
 - Three year lapsing of **Conditional Site Plan Approval** plus a one-time, one year extension subject to criteria.
 - No lapsing of **Final Site Plan Approval**.
 - Automatic one year extension for existing Conditional Site Plan Approvals that have passed or are nearing their lapsing date.

Recommended Changes to the Site Plan Control By-law

- New criteria for **minor changes** to approved plans:
 - The City's Site Plan Approval process allows for minor changes to approved plans without the need for a new application.
 - Currently there is no definition of a minor change and changes are evaluated on a case-by-case basis by the Manager of Site Planning.
 - For greater clarity / transparency, staff are recommending criteria for the approval of minor changes to approved plans.



Hamilton

THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE