



WELCOME TO THE CITY OF HAMILTON

Development Industry Liaison Group

January 20, 2025

Changes to the Site Plan Control By-law Lapsing Provisions UPDATE

Presented by: Mark Kehler

Background – Bill 185

- The Province introduced “**use it or lose it**” **lapsing provisions** for Site Plan approvals through Bill 185 (received Royal Assent on June 6, 2024).
- Council supported the introduction of site plan lapsing in a response to the Province adopted on May 22, 2024.
- Planning staff brought forward a new Site Plan Control By-law to Planning Committee on October 18, 2024 that included lapsing provisions.
- Planning Committee deferred consideration of the new lapsing provisions pending further consultation with the Development Industry. A Special DILG Meeting was held on November 8, 2024.

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.
- The DC lock-in is only applicable to Site Plan applications submitted on or after January 1, 2020.

Initial Recommended 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.

Special DILG Meeting - What We Heard

- Exempting applications from lapsing that were submitted under the previous Site Plan Control By-law and are benefitting from the DC lock-in.
- Discretion to allow extensions for applicants that have not obtained final site plan approval due to requirements that are outside of their control.
- Longer lapsing timelines for more complex applications.
- Allowing phasing of conditional site plan approvals.

Recommended Changes (Preliminary)

- Two one-year extensions to Conditional Site Plan Approval instead of one, subject to criteria.
- Extension criteria for cases where the applicant is unable to get clearance on a condition needed to be cleared by an outside agency.
- Extension criteria for cases where the applicant is unable to clear a condition due to delays in the completion of City infrastructure projects.
- For site plan applications submitted between January 1, 2020 and the date of the passing of the new Site Plan Control By-law, Conditional Site Plan Approval will lapse **six years** from the date of the issuance of the Conditional Approval Letter.
- Staff to recommend re-introducing phasing of Conditional Site Plan approvals.



Hamilton

THANK YOU FOR ATTENDING