



Official Plan in the City of Hamilton

What is an Official Plan?

The Official Plan is a document containing policies and maps that are used to guide development by identifying where and under what circumstances certain types of lands uses can be located. It is used to ensure future planning and development is managed in a way that appropriately balances the social, economic, and environmental interests of the community. In particular, the Official Plan contains:

- objectives and policies to manage future growth;
- prescribes how land can be used;
- measures to protect the natural environment; and,
- provisions to ensures the timely provision and adequacy of services.

Implementation

The policies found in the Official Plan are implemented by:

- The Zoning By-law;
- Secondary Plans and Neighbourhood Plans;
- Site Plan Control; and,
- Special Studies as may be requested by Council.

What is an Official Plan Amendment?

If a proposal to develop land does not conform to the Official Plan policies and/or land use designation applied to those lands, an Official Plan Amendment is required.

The following are examples of when an Official Plan Amendment is required:

- Proposals for medium or high density residential development on lands that are designated low density residential on the Official Plan's land use map;
- Proposals for a land use change from residential to commercial.

A Zoning By-law amendment may also be required to reflect the intended land use and to apply appropriate By-law standards. All relevant provincial legislation, as well as municipal policy documents and guidelines will also be taken into consideration during the approval process. The City Council (the Ontario Municipal Board in some cases) is responsible for the approval of any amendments to the Official Plan.

What is an Official Plan Amendment?

(Continued)

From time to time amendments to the Official Plan are also made due to changing needs of the City that were not anticipated at the time of its preparation. Instances which may trigger an official plan amendment include:

- Newly adopted Provincial Policy Statements;
- Special Studies; and,
- Newly adopted Secondary Plans.

Official Plan Review

In accordance with The Planning Act, 1990, a review of the Official Plan must be undertaken at least every five years.

How to apply for an Official Plan Amendment

Before making an application, formal consultation with the Planning Division is required, unless the Director of Planning has waived this requirement.

Application forms and fee information is available at the:

Planning and Economic Development Department

City Hall

71 Main Street West, 5th Floor
Hamilton, Ontario, L8P 4Y5

or from the City's Web Site:

www.hamilton.ca/planningfeesapplications

Appeals

When Council refuses an application to amend the Official Plan, or when Council neglects to make a decision on the application within 180 days of receipt by the Clerk of the application, the applicant may appeal to the Ontario Municipal Board (OMB) for a hearing. The appeal of a refusal must be filed with the City Clerk no later than 20 days after the Notice of Refusal is given.

Should an application be deemed incomplete, the applicant may make a motion within 30 days after a negative notice is received to have the OMB determine whether the information and material submitted/requested are adequate/reasonable.

If Council passes a By-law to implement an Official Plan Amendment, the applicant, or any person or public body, who before the By-law was passed, made oral submissions at the public meeting or filed written submissions to Council, may appeal the decision of Council no later than 20 days after the notice of passing of the By-law.

To file and appeal, the applicant must submit a written notice to the Clerk of the City of Hamilton, within the legislated time frame.

Address Appeals To:

City Clerk

Corporate Services Department
City Hall
71 Main Street West, 1st Floor
Hamilton, Ontario, L8P 4Y5

The Ontario Municipal Board

665 Bay Street, Suite 1500
Toronto, Ontario, M5G 1E5
Telephone: 416.326.6800

Finding Out More...

This pamphlet is intended to give the public a general description of the Official Plan Amendment process.

Further details or clarification, please refer to the most recent version of Section 21 of The Planning Act, 1990 available online at www.e-laws.gov.on.ca.

You can also check out the Ontario Municipal Board's website at www.omb.gov.on.ca.

THE OFFICIAL PLAN AMENDMENT PROCESS

1 Formal Consultation Meeting

Before submitting an application, a Formal Consultation with the Planning Division is required, unless the Director of Planning has waived this requirement.

The purpose of a Formal Consultation is to:

- confirm whether a Official Plan Amendment is necessary
- provide initial feedback on the proposed amendment
- outline information/studies/reports (noise/vibration studies, traffic impact studies, environmental assessments, archeological assessments etc.) that will be needed to support your application
- confirm whether other approvals will also be required (i.e. Zoning By-law Amendment)

The Planning Division (i.e. planner) may also suggest that other City departments or agencies be consulted prior to submitting an application. The applicant may wish to schedule a Community Information Meeting prior to submission of an application.

2 Submit the Application

After the Formal Consultation with the Planning Division the following will need to be submitted:

- a complete application for an Official Plan Amendment (including a completed and signed "Formal Consultation Document" or "Wavier Letter")
- the application fee(s)
- information (studies/reports/concept plans) that the Planning Division has outlined as required to evaluate the proposal

Within 30 days of receipt of an application, a notification of the completeness of the application will be sent to the applicant. Applications that are deficient in providing the prescribed information such as plans or fee(s) will be returned to the applicant or additional information or fee(s) will be requested (**Note:** application does not proceed to step three until all outstanding information is received).

3 Notice of Complete Application and Preliminary Circulation

Within 15 days of an application being deemed complete, a notice of the application to amend the Official Plan and a preliminary circulation is sent to the prescribed persons (owners within 120m of the site), public bodies, relevant internal departments and the Ward Councillor (response requested within 21 days). Public input is requested and only written responses received prior to preparation of the report will be published as part of the staff report. The staff report will identify the public issues raised, staff comments on the issues and any other outstanding issues.

4 Community Information Meeting

A Community Information Meeting will be held prior to the scheduling of the formal Public Meeting where, in the opinion of the City's Manager of Development Planning, in consultation with the Ward Councillor, it is seen to be beneficial to address public issues raised in response to the preliminary circulation letter. The applicant may also initiate a community information meeting prior to the formal Public Meeting.

5 Posting of Public Notice Sign

The applicant is required to post a Public Notice Sign, with prescribed information on the subject lands, within 15 days of receipt of Notice of Complete Application letter. The Planning Act requires the sign to be posted a minimum of 20 days prior to the public meeting.

6 Notice of Public Meeting

Notice is sent a minimum of 17 days prior to the meeting to the prescribed persons and public bodies, advising of the date, time, location and various details regarding the proposed amendment and process. Sufficient information and material is made available to enable the public to understand the proposed amendment. The report prepared by the Planning Division will be available to the public five days prior to the public meeting. A copy of the staff report will be made available to everyone who responded to the Planning Division's preliminary circulation letter within one week of the public meeting date.

7 Statutory Public Meeting and the Economic Development and Planning Committee Meeting

The Planning Division gives a short presentation and recommendation (based on a planning report) to the Committee. As part of the statutory public meeting, the public and applicant are given the opportunity to comment on the proposed amendment. The Committee members then vote on the recommendation made by the Division. The Committee's recommendation is forwarded to City Council along with a copy of the implementing By-law (if required).

8 City Council Meeting

The Economic Development and Planning Committee's recommendation is submitted to Council for a decision. Council can approve, deny, or amend the recommendation, or refer it back to the Committee for further information. If the By-law is approved, a Notice of Passing of the By-law is mailed within 15 days of decision to the applicant, the prescribed persons and public bodies and to any persons who made written request for notification. If the proposed by-law amendment is refused, a Notice of Refusal is mailed to the applicant, the prescribed persons and public bodies and to any person who made written request for notification.

9 Approvals

The Official Plan Amendment will come into effect, if no appeals are received within 20 days of the notice of decision. If there is an appeal, the appeal and the pertinent information is forwarded to the Ontario Municipal Board along with any related Planning Act Applications.

10 OMB Appeals

Appeals must be filed within 20 days of Notice of Decision. Only the applicant or a person or public body who made oral submission at a public meeting or written submission to Council can appeal an approval. Only the applicant or the Minister can appeal a Notice of Refusal. If an appeal is received, appeal materials are sent to OMB within 15 days of the last day for filing a notice of appeal. (See the Appeals section for further details).

For more information contact:

Planning Division

Planning and Economic Development Department
City Hall
71 Main Street West, 5th Floor
Hamilton, Ontario, L8P 4Y5
Website: www.hamilton.ca/ped

East Wards - 3,4,5,6,9,10 and 11

Phone: 905.546.2424 Ext. 1355

West Wards - 1,2,7,8,12,13,14 and 15

Phone: 905.546.2424 Ext. 2799



Hamilton

PLANNING DIVISION
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT