



Subdivisions

in the City of Hamilton

Introduction

A subdivision is created when land is divided into two or more lots or blocks for the purpose of sale, and to establish new public streets. A Plan of Subdivision is a legal survey which shows how the property has been subdivided. It also includes further information and conditions regarding how a parcel of land may be developed. Lots or blocks created by a Plan of Subdivision can be used for various purposes (i.e. residential, commercial, etc.) based on the designation of the land within the Official Plan and Zoning By-law. A Plan of Subdivision must also include details regarding storm and sanitary sewers, protection of natural features and other site-specific information. The approval process is governed by Section 51 of the Planning Act and Ontario Regulation 544/06.

Approval Authority

The City of Hamilton is the approval authority for a Plan of Subdivision. Citizens have an opportunity for input into a proposed subdivision application as part of the planning approvals process.

Subdivision approval ensures that:

- The land is suitable for its proposed new use;
- The proposal conforms to all local planning documents and Provincial legislation;
- The community is protected from development which is inappropriate or might put an undue strain on facilities, services or finances; and
- No adverse impacts are foreseen by the development that may negatively affect the health, welfare or the environment of the community or adjacent lands.

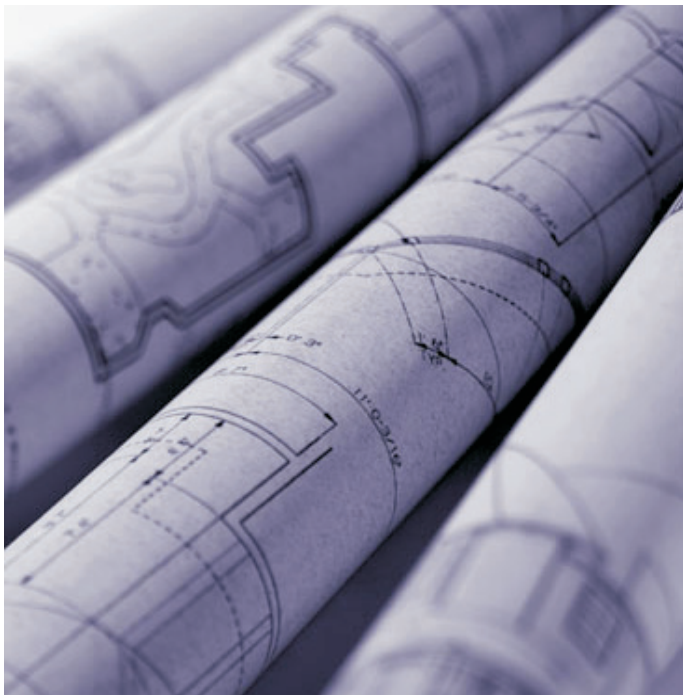


How does the application process work?

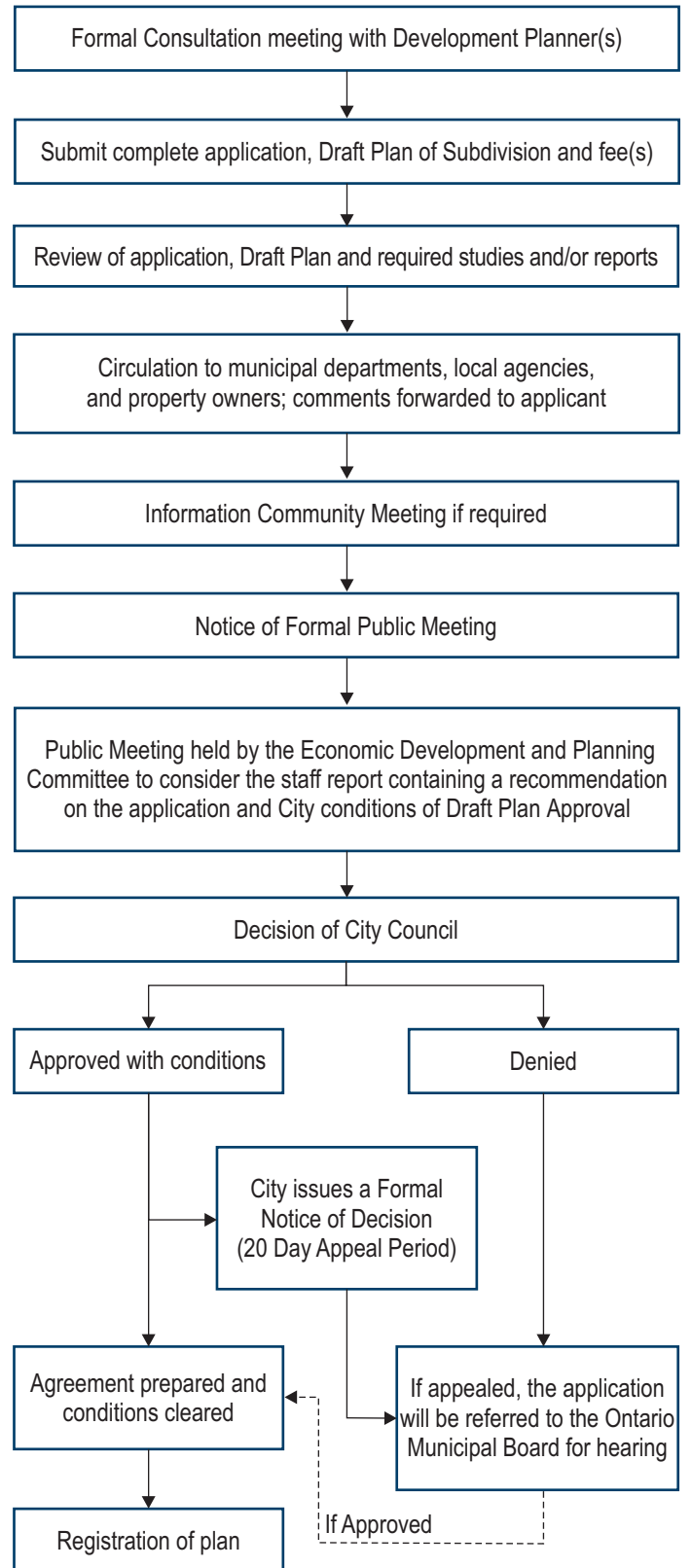
A Draft Plan of Subdivision application must be completed and submitted to the Planning and Economic Development Department whenever land is to be divided into two or more parcels or lots or a new public street is to be established. This Plan must be prepared by an Ontario Land Surveyor. A Draft Plan of Subdivision is a proposal to subdivide property. It generally shows the proposed lots and streets; topographic information; natural heritage features, such as creeks and vegetation; and infrastructure such as stormwater management ponds.

Upon receiving the Draft Plan of Subdivision application, the City will process the application. The application process includes opportunities for public input. Following the completion of this process, if a Draft Plan of Subdivision is approved by City Council, the approval will include a number of conditions that must be fulfilled by the applicant. The applicant will be required to sign a subdivision agreement with the City that outlines all of the conditions of approval. Once the conditions have been fulfilled and the subdivision agreement has been signed, the subdivision can be registered and it is known as a Registered Plan of Subdivision.

A Draft Plan of Subdivision approval is valid for three years. If three years elapses and the Draft Plan of Subdivision has not been registered, the applicant must apply for an extension of Draft Plan approval.



BASIC PROCESS



DETAILED SUBDIVISION APPROVAL 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:

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

The Planning Division (i.e. Planner) may also suggest that other City departments or agencies should 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 a Draft Plan of Subdivision
- 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 for a Draft Plan of Subdivision 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 report will identify the public issues raised, staff comments on the issues and any other outstanding issues.

4 Community Information Meeting

If significant public interest or opposition related to the proposed amendment is apparent, an informal community information meeting with the neighborhood will be arranged. The Ward Councillor may also initiate a community information/ward meeting prior to the formal public meeting.

5 Posting of Public Notice Sign

A Notice of Public Meeting is sent to all property owners within 120 metres of the proposed subdivision at least 17 days before the meeting date and the meeting date is posted on the public notice sign on the subject property.

6 Formal Public Meeting

In accordance with the Planning Act, a Public Meeting is held by the Economic Development and Planning Committee, chaired by City Councillors. A decision on the application will be made at this meeting.

At the meeting, Development Planning staff will present their recommendation on the Draft Plan of Subdivision Application. A staff report containing the staff recommendation and any required conditions of approval will be presented. Any member of the public has the opportunity to voice their concerns or opinions regarding the proposed Draft Plan of Subdivision at this meeting. They must express their opinions at the Public Meeting if they wish to appeal the case to the Ontario Municipal Board (OMB) after Council makes a decision. The applicant may also address the Committee. At the Public Meeting, the Committee will either approve the Draft Plan and conditions of approval, deny the application or refer it back to staff for further review.

7 Decision of City Council

City Council will review the application and consider the decision made by the Economic Development and Planning Committee. Council will either confirm the decision made by the Committee, reverse the decision or refer the matter back to Committee for further review.

8 Formal Notice of Decision Issued

Once Council has made its decision, written notice is provided within 15 days of the decision to the applicant and to any person who requested to be notified of Council's decision.

9 Appeal

Once notice has been given, all eligible persons (those who made written or oral submissions on the application) or the applicant, may appeal the decision of City Council, or conditions of the approval, to the OMB within 20 days. An appeal must be made by a written notice to the secretary of the OMB and to the clerk of the City of Hamilton. The OMB's decision is final and may not be appealed.

10 Draft Plan Approval

If the application was approved by Council, and no appeals are received, then the Draft Plan of Subdivision is considered to be approved the day after the last day of appeal.

11 Agreement Prepared and Registration of Plan

The applicant will be required to sign a subdivision agreement with the City prior to registration of the plan. Prior to registration, the applicant must also fulfill all conditions provided in Council's decision. Once the plan is registered, lots in the subdivision can be sold.

Where do I Apply?

Applications for Draft Plan of Subdivision are available at:

Planning and Economic Development Department

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

or Online at:

www.hamilton.ca/planningfeesapplications

How long does it take?

The process to obtain approval of a Draft Plan of Subdivision can take months to several years; the time frame is dependent on the nature and complexity of the proposed development. This time line may fluctuate as the City and the applicant must be able to ensure that full municipal services are available, suitable transportation infrastructure can be provided and that the site is appropriate for, and can accommodate, the proposed use. Applicants should allow adequate time for the Plan to be approved.

Once a Draft Plan of Subdivision has been approved, the length of time it takes for the Plan to be registered depends upon the speed with which the applicant fulfills all of the conditions of approval.

Information collected in the Draft Plan of Subdivision application process, including personal information, is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13 and is subject to the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56.

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/planning

Monday - Friday

8:30 a.m. - 4:30 p.m.

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

All department brochures can be found at: www.hamilton.ca/pedpublications

All department applications can be found at: www.hamilton.ca/pedapplications



PLANNING DIVISION
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT