

Authority: Item 24, Economic Development and
Planning Committee
Report 08-024 (PED08291)
CM: December 10, 2008

Bill No. 298

CITY OF HAMILTON

BY-LAW NO. 08-298

To Amend By-law 03-294 to require pre-consultation for Site Plan Control Applications and to permit additional site design considerations to be included in the review of development

WHEREAS Subsection 41(3.1) of the Planning Act, R.S.O. 1990, c. P.13, as amended authorizes municipalities to pass a by-law requiring applicants to consult with municipalities prior to the submission of Site Plan applications;

AND WHEREAS Subsection 41(4) of the Planning Act, R.S.O. 1990, c. P.13, as amended, authorizes municipalities to pass a by-law to permit the consideration of matters relating to exterior design, sustainable design elements, and facilities designed to have regard for accessibility, in the approval of development within a Site Plan Control area;

AND WHEREAS the City of Hamilton passed Pre-consultation By-law No. 08-298 on the 10th day of **December**, 2008, requiring applicants to consult with municipalities prior to the submission of a Site Plan Application;

AND WHEREAS the City of Hamilton passed Site Plan Control By-law No. 03-294 on the 15th day of October, 2003;

AND WHEREAS it is necessary to amend the Site Plan Control By-law of the City of Hamilton to implement Section 41(4) of the Planning Act, R.S.O. 1990, c. P.13, as amended, and the requirements of the Pre-consultation By-law;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 24 of Report 08 - 024 of the Economic Development and Planning Committee at its meeting held the 10th day of December, 2008, recommended that Site Plan Control By-law No. 03-294 be amended as hereinafter provided;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

To Amend By-law 03-294 to require pre-consultation for Site Plan Control Applications and to permit additional site design considerations to be included in the review of development

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Section 3.0 of By-law 03-294 is amended by deleting the Section in its entirety and replacing it with the following:

“3.0 No person shall undertake any development in the site plan control area unless:

3.1 Council of the City or persons to whom authority has been delegated has approved of the following:

3.1.1 plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith, and of all facilities and works required as a condition of approval under Section 41 of the Planning Act, including facilities designated to have regard for accessibility for persons with disabilities;

3.1.2 drawings showing plan, elevation and cross-section views for each building to be erected, including any residential building containing more than 2 dwellings units, which are sufficient to display:

3.1.2.1 the massing and conceptual design of the proposed building;

3.1.2.2 the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access;

3.1.2.3 the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings;

3.1.2.4 matters relating to exterior design, including without limitation the character, scale, appearance and design features of building, and their sustainable design, but only to the extent that it is a matter of exterior design;

3.1.2.5 the sustainable design elements on any adjoining highway under a municipality's jurisdiction, including without limitation

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trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and,

3.1.2.6 facilities designed to have regard for accessibility for persons with disabilities, but which exclude matters relating to interior design, the layout of interior areas, other than the interior walkways, stairs, elevators and escalators referred to in Clause 3.1.2.3, and the manner of construction and standards for construction.

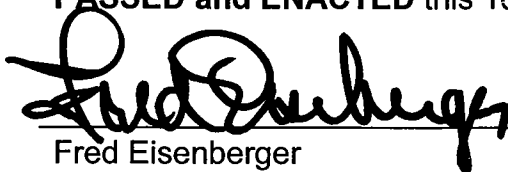
3.2 Prior to the submission of any application for approval of development within the site plan control area, the owner formally consults with Council of the City or persons to whom authority has been delegated, for the purpose of identifying the need for and scope of any other information and materials considered necessary by the City and other affected agencies to allow full consideration of the development application.

3.2.1 Notwithstanding Subsection 3.2 of this By-law, this requirement may be waived where the Council of the City or persons to whom authority has been delegated determines in his or her discretion that no reasonable purpose would be served by such a consultation due to the nature of the application.”

Section 4.0 is amended by removing the phrase “Section 3.0” and replacing it with “Subsection 3.1”.

The Clerk be hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this 10th day of December, 2008.



Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk