

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

**Bill No. 296**

## **CITY OF HAMILTON**

BY-LAW NO. 08-296

To Adopt:

Official Plan Amendment No. 33 to the former Regional Municipality of Hamilton-  
Wentworth Official Plan;

Official Plan Amendment No. 124 to the former Town of Ancaster Official Plan;

Official Plan Amendment No. 15 to the former Town of Dundas Official Plan;

Official Plan Amendment No. 112 to the former Town of Flamborough Official Plan;

Official Plan Amendment No. 70 to the former Township of Glanbrook Official Plan;

Official Plan Amendment No. 216 to the former City of Hamilton Official Plan;

Official Plan Amendment No. 145 to the former City of Stoney Creek Official Plan;

Respecting:


### **City Wide – Pre-Consultation and Complete Application Policies**

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

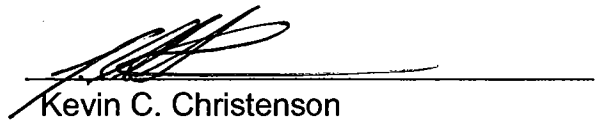
1. Amendment No. 33 to the Official Plan of the former Regional Municipality of Hamilton-Wentworth Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. Amendment No. 124 to the Official Plan of the former Town of Ancaster Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
3. Amendment No. 15 to the Official Plan of the former Town of Dundas Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

4. Amendment No. 112 to the Official Plan of the former Town of Flamborough Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
5. Amendment No. 70 to the Official Plan of the former Township of Glanbrook Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
6. Amendment No. 216 to the Official Plan of the former City of Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
7. Amendment No. 145 to the Official Plan of the former City of Stoney Creek Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

**PASSED and ENACTED** this 10<sup>th</sup> day of December, 2008



Fred Eisenberger  
Mayor



Kevin C. Christenson  
City Clerk

## Amendments

to the

### Official Plans of the former Regional Municipality of Hamilton-Wentworth, Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and the City of Stoney Creek

The following text constitutes:

1. Official Plan Amendment No. 33 to the former Regional Municipality of Hamilton-Wentworth Official Plan;
2. Official Plan Amendment No. 124 to the former Town of Ancaster Official Plan;
3. Official Plan Amendment No. 15 to the former Town of Dundas Official Plan;
4. Official Plan Amendment No. 112 to the former Town of Flamborough Official Plan;
5. Official Plan Amendment No. 70 to the former Township of Glanbrook Official Plan;
6. Official Plan Amendment No. 216 to the former City of Hamilton Official Plan; and,
7. Official Plan Amendment No. 145 to the former City of Stoney Creek Official Plan.

#### **Purpose and Effect:**

The purpose of the Amendments is to revise the Official Plans for the former Regional Municipality of Hamilton-Wentworth, the former Towns of Ancaster, Dundas, and Flamborough, the former Township of Glanbrook, the former Cities of Hamilton and Stoney Creek, in accordance with the Planning and Conservation of Land Statute Amendment Act (2006).

The effect of the Amendments is to add policies that require formal consultation prior to the submission of certain Planning Act applications, establish submission requirements for complete applications, and allow the municipality to include additional site design considerations in the review of Site Plan applications.

#### **Basis:**

The basis for permitting these Amendments is as follows:

- The changes implement new municipal powers granted through the Planning and Conservation of Land Statute Amendment Act (2006).

- The Planning Act and its regulations prescribe that certain information and material be provided to the municipality by an applicant.
- The Planning Act permits municipalities to require any other information and material that it considers necessary to evaluate an application for Official Plan Amendment, Zoning By-law Amendment or Draft Plan of Subdivision, provided the Official Plan contains policies describing the information and material.
- The Planning Act requires municipalities to respond to proponents regarding the completeness of applications for Official Plan Amendments, Zoning By-law Amendments, and Draft Plans of Subdivision.
- The types of applications listed above are considered complete under the Planning Act if all of the information and material required has been submitted.
- The Planning Act permits municipalities to add policies to Official Plans that enable City Council to include additional site design considerations in the review of Site Plan applications.

**Actual Changes:**

**1. Former Regional Municipality of Hamilton-Wentworth Official Plan**

**1.1 That a new Subsection D.7A be added as follows:**

**"D.7A Complete Application Requirements and Formal Consultation**

D.7A. The following policies apply to the all lands within the City of Hamilton, including those lands that are subject to the Rural Hamilton Official Plan:

D.7A.1 Formal consultation with the City (formerly the Region of Hamilton-Wentworth) shall be required prior to the submission of a Planning Act application(s) for a Regional Official Plan Amendment, Area Municipal Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, or Site Plan.

D.7A.2 The purpose of such formal consultation will be to review a draft development proposal for the lands affected by the proposed application(s) and identify the need for, and the scope of *other information and materials* considered necessary by the City and other affected agencies to allow for a comprehensive assessment of the development application(s).

D.7A.3. Notwithstanding Policy D.7A.1, the City may waive the requirement for formal consultation, where the City has identified that, due to the

**Schedule “1”**

nature of the proposal, the need for and scope of required *other information and materials* can be determined without a formal consultation. The City will provide the applicant with a form that identifies the necessary *other information and materials* to be submitted with the application(s) to deem it complete.

D.7A.4 The City will only accept and process complete Planning Act applications for Regional Official Plan Amendment, Area Municipal Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Site Plan.

D.7A.5 A Planning Act application(s) shall be deemed complete provided that:

- a) it satisfies all applicable provincial requirements;
- b) it satisfies all requirements set out in the applicable Area Municipal Official Plans; and,
- c) it shall be accompanied by all the *other information and materials* listed in Table 1 of Policy D.7A.6 as determined by the procedures of Policy D.7A.1 or D.7A.3.

D.7A.6 Table 1 identifies the *other information and materials* required to deem Planning Act applications for Regional Official Plan Amendment, Area Municipal Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Site Plan complete:

<b>OTHER INFORMATION AND MATERIALS</b>	
<b>1</b>	<b>Background Information</b> The objective of required background information is to provide the City, external agencies and the public with basic knowledge about a site and/or development proposal.
a)	Survey Plan
b)	Concept Plan
<b>2</b>	<b>Planning</b> The objective of required Planning information and materials is to ensure that a proposed development and/or change in land use is consistent with applicable Provincial, Regional, and Local Area Municipality policies, and Council adopted guidelines.
a)	Affordable Housing Report/Rental Conversion Assessment
b)	Draft ROPA, OPA, and Zoning By-laws
c)	Land Use/Market Needs Assessment
d)	Planning Justification Report
e)	Site Plan and Building Elevations
f)	Urban Design Report

**Schedule “1”**

<b>3</b>	<p><b>Cultural</b></p> <p>The objective of required Cultural information and materials is to ensure that buildings, structures, sites or landscapes of historical, architectural, archaeological or scenic value are maintained, and that any potential adverse impacts on these areas are mitigated.</p>
a)	Archaeological Assessment
b)	Cultural Heritage Impact Assessment (for Heritage Resources and/or Cultural Heritage Landscapes)
<b>4</b>	<p><b>Environmental</b></p> <p>The objective of required Environmental information and materials is to identify and assess the environmental and natural features related to a site, including surface and subsurface features, and ensure that any adverse impacts resulting from a proposed development and/or change in land use on an identified environmental or natural heritage feature are mitigated to an acceptable level.</p>
a)	Aggregate Resource Assessment
b)	Aggregate/Mineral Resource Analysis
c)	Air Quality Study
d)	Channel Design and Geofluvial Assessment
e)	Chloride Impact Study
f)	Cut and Fill Analysis
g)	Demarcation of top of bank, limit of wetland, limit of natural hazard, limit of Environmentally Significant Area (ESA), or limit of Conservation Authority regulated area
h)	Environmental Impact Statement (EIS)
i)	Erosion Hazard Assessment
j)	Fish Habitat Assessment
k)	Floodline Delineation Study/Hydraulic Analysis
l)	General Vegetation Inventory
m)	Impact Assessment for new Private Waste Disposal Sites
n)	Karst Assessment/Karst Contingency Plan
o)	Landscape Plan
p)	Linkage Assessment
q)	Meander Belt Assessment
r)	Nutrient Management Study
s)	Odour, Dust and Light Assessment
t)	Restoration Plan
u)	Shoreline Assessment Study/Coastal Engineers Study
v)	Slope Stability Study and Report
w)	Species Habitat Assessment
x)	Tree Management Plan/Study
y)	Tree Protection Plan

**Schedule “1”**

<b>5</b>	<p><b>Environmental/Servicing and Infrastructure</b>  The objective of required Environmental/Servicing and Infrastructure materials is to ensure that a proposed development and/or change in land use is safe from contamination, can be supported by adequate soil conditions and stormwater management facilities, and will not have an adverse impact on the City's natural water resources.</p>
a)	Contaminant Management Plan
b)	Environmental Site Assessment and/or Record of Site Condition (RSC)
c)	Erosion and Sediment Control Plan
d)	Hydrogeological Study
e)	Grading Plan
f)	Master Drainage Plan
g)	Stormwater Management Report/Plan and/or update to an existing Stormwater Management Plan
h)	Soils/Geotechnical Study
i)	Sub-watershed Plan and/or update to an existing Sub-watershed Plan
<b>6</b>	<p><b>Financial</b>  The objective of required financial information and materials is to ensure that a proposed development and/or change in land use will not have an unreasonable or unanticipated financial impact on the City.</p>
a)	Financial Impact Analysis
b)	Market Impact Study
<b>7</b>	<p><b>Servicing and Infrastructure</b>  The objective of servicing and infrastructure materials is to ensure that a proposed development and/or change in land use can be supported by adequate municipal infrastructure and services.</p>
a)	Recreation Feasibility Study
b)	Recreation Needs Assessment
c)	School Accommodation Issues Assessment
d)	School and City Recreation Facility and Outdoor Recreation/Parks Issues Assessment
e)	Servicing Feasibility Report
f)	Servicing Options Report
g)	Water and Wastewater Servicing Study
<b>8</b>	<p><b>Land Use Compatibility</b>  The objective of required land use compatibility information and materials is to demonstrate that the residents or users of a proposed development and/or change in land use are buffered from nuisances such as noise, dust, odours, and vibrations, and reduce the potential for public costs or risk to future residents or users resulting from a proposed development and/or change in</p>

**Schedule “1”**

	land use.
a)	Agricultural Impact Assessment
b)	Dust Impact Analysis
c)	Land Use Compatibility Study
d)	Landfill Impact Study
e)	Minimum Distance Separation Calculation
f)	Noise Impact Study
g)	Odour Impact Assessment
h)	Sun/Shadow Study
i)	Vibration Study
j)	Wind Study
<b>9</b>	<b>Transportation</b> The objective of required transportation related information and materials is to demonstrate that any changes to the transportation network resulting from a proposed development and/or change in land use can be accommodated by the transportation network, and ensure that any adverse impacts on surrounding land uses are mitigated.
a)	Cycling Route Analysis
b)	Transportation Impact Study
c)	Parking Analysis/Study
d)	Pedestrian Route and Sidewalk Analysis
e)	Roadway/Development Safety Audit
f)	Modern Roundabout and Neighbourhood Roundabout Analysis
g)	Neighbourhood Traffic Calming Options Report
h)	Transit Assessment
i)	Transportation Demand Management Options Report
<b>10</b>	<b>Cost Recoveries</b> The objective of cost recoveries related information and materials is to enable the City to recover costs for any proposed development and/or change in land use in accordance with all City By-laws.
a)	Cost Recovery Agreement

D.7A.7 Other *information and materials* submitted in accordance with Policy D.7A.5 will be subject to the following requirements to be deemed complete:

- a) The *other information and materials* submitted shall be prepared by a qualified professional, in accordance with applicable legislation and/or to the satisfaction of the City, retained by and at the expense of the applicant;
- b) The City may request or conduct a peer review of any *other information and materials* submitted where the City lacks the appropriate expertise to review such *other information and*



## Schedule "1"

*materials*. Such peer review will be completed by an appropriate agency or professional consultant, retained by the City at the applicant's expense;

- c) The City may refuse *other information and materials* submitted as part of a complete application(s) if it considers the quality of the submission unsatisfactory;
- d) The City may request electronic versions of all *other information and materials* submitted and stipulate the format of the digital submission; and,
- e) In addition to the *other information and materials* listed in Table 1, the applicant may be required to submit any other supporting information and materials identified by the City during the formal consultation process with the applicant as being necessary for an application to be deemed complete.

D.7A.8 The requirement for *other information and materials* submitted in accordance with Policies D.7A.1 or D.7A.3 is not intended to preclude Council and its delegated authorities from requiring additional reports, studies, maps, plans, calculations, information or materials, which are identified during the review process for an application(s) which has been deemed complete as being necessary for Council and its delegated authorities to make informed decisions.

D.7A.9 The City will establish guidelines for the *other information and materials* identified in Policy D.7A.5, to provide direction regarding the intended content and scope of such *other information and materials*.

1.3 That a new definition be added to Part D, Section 11 as follows:

Other information and materials shall mean

studies, reports, maps, plans or other documentation, in addition to the requirements of the Planning Act that may be required for submission to the City to satisfy the complete Planning Act application requirements.

**2. Former Town of Ancaster Official Plan:**

2.1 That Subsection 7.2.A be amended to adding a new policy as follows:

"7.2.A.5 To achieve the objectives in Policy 7.2.A, the City shall, as part of the site plan approval,

- (i) consider matters relating to exterior design, including but not limited to the character, scale, material, and appearance, including fenestration, colour and shape and design features of buildings;
- (ii) require sustainable design elements within an adjoining City right-of-way, including, without limitation, trees, landscaping, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities be provided; and,
- (iii) require facilities designed to have regard for accessibility for persons with disabilities."

2.2 That Subsection 7.15 - Definitions, be renumbered as Subsection 7.16.

2.3 That a new Subsection 7.15 be added as follows:

**"7.15 Complete Application Requirements and Formal Consultation**

7.15.1 Policies D.7A through D.7A.9, inclusive, of the Regional Municipality of Hamilton-Wentworth Official Plan shall apply."

**3. Former Town of Dundas Official Plan:**

3.1 That a new Policy 5.6.1.5 be inserted as follows:

"5.6.1.5 Council or its delegate in issuing Site Plan control approval shall:

- (i) consider matters relating to exterior design, including but not limited to the character, scale, material, and appearance, including fenestration, colour and shape and design features of buildings;
- (ii) require sustainable design elements within an adjoining City right-of-way, including, without limitation, trees, landscaping, permeable paving materials, street furniture, curb ramps,

waste and recycling containers and bicycle parking facilities be provided; and,

- (iii) require facilities designed to have regard for accessibility for persons with disabilities."

3.2 That a new Subsection 5.19 be added as follows:

**"5.19 COMPLETE APPLICATION REQUIREMENTS AND FORMAL CONSULTATION**

5.19.1 Policies D.7A through D.7A.9, inclusive, of the Regional Municipality of Hamilton-Wentworth Official Plan shall apply."

**4. Former Town of Flamborough Official Plan:**

4.1 That Subsection F.5 be amended to add the following:

"To ensure these objectives are achieved, Council or its delegate in issuing Site Plan control approval shall:

- (i) consider matters relating to exterior design, including but not limited to the character, scale, material, and appearance, including fenestration, colour and shape and design features of buildings;
- (ii) require sustainable design elements within an adjoining City right-of-way, including, without limitation, trees, landscaping, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities be provided; and,
- (iii) require facilities designed to have regard for accessibility for persons with disabilities."

4.2 That a new Subsection F.13 be added as follows:

**"F.13 COMPLETE APPLICATION REQUIREMENTS AND FORMAL CONSULTATION**

F.13.1 Policies D.7A through D.7A.9, inclusive, of the Regional Municipality of Hamilton-Wentworth Official Plan shall apply."

**5. Former Township of Glanbrook Official Plan:**

5.1 That Subsection G.8 be amended to add the following:

"To ensure these objectives are achieved, Council or its delegate in issuing Site Plan Control approval shall:

- (i) consider matters relating to exterior design, including but not limited to the character, scale, material, and appearance, including fenestration, colour and shape and design features of buildings;
- (ii) require sustainable design elements within an adjoining City right-of-way, including, without limitation, trees, landscaping, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities be provided; and,
- (iii) require facilities designed to have regard for accessibility for persons with disabilities."

5.2 That a new Subsection G.19 be added as follows:

**"G.19 COMPLETE APPLICATION REQUIREMENTS AND FORMAL CONSULTATION**

G.19.1 Policies D.7A through D.7A.9, inclusive, of the Regional Municipality of Hamilton-Wentworth Official Plan shall apply."

**6. Former City of Hamilton Official Plan:**

6.1 That a new Policy D.6.1.1 be added as follows:

"D.6.1.1 Council or its delegate in issuing Site Plan control approval shall:

- (i) consider matters relating to exterior design, including but not limited to the character, scale, material, and appearance, including fenestration, colour and shape and design features of buildings;
- (ii) require sustainable design elements within an adjoining City right-of-way, including, without limitation, trees, landscaping, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities be provided; and,

- (iii) require facilities designed to have regard for accessibility for persons with disabilities."

6.2 That a new Subsection D.11 be added as follows:

**"D.11 - Complete Application Requirements and Formal Consultation**

D.11.1 Policies D.7A through D.7A.9, inclusive, of the Regional Municipality of Hamilton-Wentworth Official Plan shall apply."

**7. Former City of Stoney Creek Official Plan:**

7.1 That Subsection F.6 be amended to add the following:

"To ensure these objectives are achieved, Council or its delegate in issuing Site Plan control approval shall:

- (i) consider matters relating to exterior design, including but not limited to the character, scale, material, and appearance, including fenestration, colour and shape and design features of buildings;
- (ii) require sustainable design elements within an adjoining City right-of-way, including, without limitation, trees, landscaping, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities be provided; and,
- (iii) require facilities designed to have regard for accessibility for persons with disabilities."

7.2 That a new Subsection F.14 be added as follows:

**"F.14 COMPLETE APPLICATION REQUIREMENTS AND FORMAL CONSULTATION**

F.14.1 Notwithstanding Policies F.11.6 and F.11.7 of this Plan, Policies D.7A through D.7A.9, inclusive, of the Regional Municipality of Hamilton- Wentworth Official Plan shall also apply."


**Implementation:**

This Amendment will be implemented by the enactment of a formal consultation by-law and an amendment to Site Plan Control By-law 03-294 to reflect the general intent of this Amendment.

New planning review procedures will need to be established in order to implement the new complete application policies.

This is Schedule "1" to By-law No. 08-296, passed on the 10th day of December, 2008.

**The  
City of Hamilton**

A handwritten signature in black ink, appearing to read "Fred Eisenberger", written over a horizontal line.

Fred Eisenberger  
Mayor

A handwritten signature in black ink, appearing to read "Kevin C. Christenson", written over a horizontal line.

Kevin C. Christenson  
City Clerk