

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

**Bill No. 297**

## **CITY OF HAMILTON**

### **BY-LAW NO. 08-297**

#### **To Require Consultation Prior to the Submission of Planning Applications and to Delegate to Staff the Authority to Decide if an Application is Complete**

**WHEREAS** Subsections 22(6), 34(10.3) and 51(19) of the Planning Act, R.S.O. 1990, c. P. 13, as amended specifies that Council may deem an application for an official plan amendment, zoning by-law amendment, and plan of subdivision complete or refuse to accept or further consider an incomplete application;

**AND WHEREAS** Subsections 22(6.1), 34(10.4) and 51(19.1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended specifies that Council shall, within 30 days, notify an applicant whether or not the information and material provided in support of an official plan amendment, zoning by-law amendment, or plan of subdivision application is complete;

**AND WHEREAS** subject to certain restrictions, subsections 23.1(1) and 23.2(2) of the Municipal Act R.S.O. 2001, c. 25, enable Council to delegate its authority under the Planning Act to a person or body;

**AND WHEREAS** Council for the City of Hamilton recognizes that it is appropriate to delegate certain administrative planning functions to the Director of Planning, Planning and Economic Development Department, in order to obtain greater efficiencies in the administration of the planning approval process;

**AND WHEREAS** Subsections 22(3.1), 34(10.0.1), 41(3.1) and 51(16.1) 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 submission of official plan amendment applications, zoning by-law amendment applications, site plan applications and plans of subdivision;

**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 on the 10th day of December, 2008, recommended that By-law 08-297, being a by-law to require consultation prior to the submission of planning applications, and to delegate to staff the authority to decide if an application is complete, be enacted as hereinafter provided;

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

1. In this By-law,
  - a) **“City”** shall mean the City of Hamilton;
  - b) **“Council”** shall mean the Council for the City of Hamilton;
  - c) **“Director of Planning”** shall mean the Director, Planning Division, Planning and Economic Development Department;
  - d) **“Planning Act”** shall mean the Planning Act, R.S.O., c. P. 13, as amended;
  - e) **“Formal Consultation”** shall mean a formally scheduled pre-consultation meeting with staff of the Planning and Economic Development Department; and,
  - f) **“Other information and materials”** shall mean the particular studies, reports, maps, plans or other documentation that may be required of the applicant in addition to the requirements of subsections 22(5), 34(10.2), 51(18) of the Planning Act to satisfy the City’s requirements for a complete application.
2. That prior to the submission of an application, formal consultation with City staff shall be required for persons intending to make application to the City for the following Planning Act applications:
  - (a) Official Plan Amendment
  - (b) Zoning By-law Amendment
  - (c) Draft plan of Subdivision
  - (d) Site Plan
3. That the purpose of such formal consultation is 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 full consideration of the development application.
4. That subsequent to formal consultation in the form of a pre-consultation meeting, the City will provide persons intending to make application for an application in subsection (2), a list of the other information and materials which are deemed necessary to allow full consideration of the development application.

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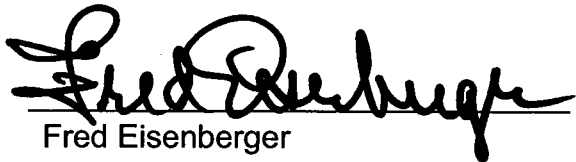
5. That in the absence of a pre-consultation meeting, or where a pre-consultation meeting has occurred and an applicant has failed to submit, pursuant to Section 3 of this By-law, all required other information and materials; the City may deem such an application incomplete and refuse to accept the application.
6. That notwithstanding the requirements of section 5 of this By-law, in the course of the review process for an application noted in section 2 above which has been deemed to be a complete application, additional reports, studies and drawings not identified in a pre-consultation meeting may be required to address specific issues and/or enable Council and its delegated authorities to make decisions.
7. That Council hereby delegates to the Director of Planning and his or her designates the authority to:
  - (a) Conduct consultations prior to the submission of formal applications under the Planning Act;
  - (b) Identify the other information and materials relevant and necessary to the processing of each application,
    - i) at the time of the initial submission as items necessary for the application to be considered complete under the Planning Act; and,
    - ii) during the processing of applications in cases where such information and materials cannot reasonably be provided at the time of the initial submission;
  - (c) Enter into pre-consultation agreements on behalf of the City with persons intending to make an application under the Planning Act in accordance with section 2 of this by-law, to specify the other information and materials to be provided in accordance with subsection (7)(b)(i) of this by-law and any terms or conditions relating to such submissions;
  - (d) Deem an application complete and notify an applicant, within 30 days, whether or not the prescribed and other information and materials were provided in accordance with the Planning Act; and,
  - (e) Deem an application incomplete pursuant to Section 5 of this By-law.
8. That despite anything in this by-law, the Director of Planning or his or her designates may waive the requirement for a formal consultation prior to the submission of an application under section 2 of this by-law, where the Director of Planning determines in his or her discretion that no reasonable purpose would be served by such a meeting due to the nature of the application.

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9. That this by-law comes into force and effect on the day of enactment.
10. That the Clerk is 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 10<sup>th</sup> day of December, 2008.



Fred Eisenberger  
Mayor



Kevin C. Christenson  
City Clerk

CI-08-G