

Authority: Item 9.1, Planning Committee Minutes 25-005 (PED24175(a))
CM: April 16, 2025 Ward: City Wide
Written approval for this by-law was given by Mayoral Decision MDE-2025-07
Dated April 16, 2025

Bill No. 068

CITY OF HAMILTON

BY-LAW NO. 25-068

To Amend Site Plan Control By-law No. 24-186 Respecting Lapsing of Site Plan Approvals Under Section 41 of the *Planning Act*

WHEREAS, under the provisions of Section 41 of the *Planning Act*, a Council of a Municipality may by by-law designate the whole or any part of the Municipality as a Site Plan Control Area;

AND WHEREAS the Rural and Urban Hamilton Official Plans establish the entire area within the City of Hamilton Planning Area as a proposed Site Plan Control Area, and contain policies related to Site Plan Control;

AND WHEREAS the City of Hamilton passed Site Plan Control By-law No. 24-186 on October 23, 2024;

AND WHEREAS Subsection 41(7.2) of the *Planning Act*, as amended by Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* allows for the lapsing of site plan approvals;

AND WHEREAS the purpose of this by-law is to amend Site Plan Control By-law No. 24-186 to introduce provisions respecting the lapsing of site plan approvals;

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

1. That By-Law No. 24-186 be modified by adding a new Section 12.0 as follows:
 - “12.0 Conditional Site Plan Approval shall lapse if Final Site Plan Approval is not issued within three years of the date of the issuance of the Conditional Site Plan Approval.
 - 12.1 The Owner may apply to the Chief Planner or designate for a one year extension of the Conditional Site Plan Approval. A maximum of two extensions will be granted. If an extension to the Conditional Site Plan Approval is granted, the period shall commence from the original expiry date and payment of the Site Plan Extension Fee shall be required.
 - 12.2 Applications for an extension must be received prior to the expiry of the Conditional Site Plan Approval.

12.3 Applications for extension of Conditional Site Plan Approval shall demonstrate that:

12.3.1 The Owner has demonstrated good faith intentions to clear conditions in the preceding 18 months;

12.3.2 An Interim Control By-law has not been enacted that impacts the proposed development;

12.3.3 The same Official Plan and Zoning By-law the application was approved under remains in effect; and,

12.3.4 The Owner has paid the required Site Plan Extension fee.

12.3.5 In addition to Sections 12.3.1 to 12.3.4 above, the following shall be considered when granting extensions of Conditional Site Plan Approval:

12.3.5.1 The applicant is unable to get clearance on a condition that requires infrastructure to be completed by the City and such infrastructure was in an approved Capital Budget that was to be completed and / or installed within the timeframe of the original conditional approval; or,

12.3.5.2 The applicant is unable to get clearance on a condition needed to be cleared by an outside agency.

2. That By-Law No. 24-186 be modified by adding a new Section 13.0 as follows:

“13.0 Notwithstanding Section 12.0 above, the following transition regulations shall be used for all existing Conditionally Approved site plans:

13.1 Conditional Site Plan Approvals issued prior to December 31, 2021, shall be granted a one time, one year extension commencing on the later of:

13.1.1 the date of the passing of this By-law; or,

13.1.2 three years from the date of the issuance of Conditional Site Plan Approval.

- 13.2 Conditional Site Plan Approvals issued between January 1, 2020,
and the passing of this By-law, shall lapse six years from the date
of the issuance of the Conditional Site Plan Approval.”

PASSED this 16th day of April, 2025.

A. Horwath
Mayor

M. Trennum
City Clerk