

Authority: Item 8, Planning Committee
Report 23-003 (PED23043)
CM: February 22, 2023
Ward: City Wide
Bill No. 030

CITY OF HAMILTON
BY-LAW NO. 23-030
To Amend Site Plan Control By-law No. 15-176, as amended by
By-law Nos. 18-104, 19-026, and 21-069, Respecting Amendments to
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 Urban Hamilton Official Plan establishes the entire area within the City of Hamilton Planning Area as a proposed Site Plan Control Area, and contains policies related to Site Plan Control;

AND WHEREAS the City of Hamilton passed Site Plan Control By-law No. 15-176, as amended by By-law Nos. 18-104, 19-026, and 21-069;

AND WHEREAS under the provisions of Subsections 41(1.2), (1.3), and 41(4.1) of the *Planning Act*, as amended by *Bill 23, More Homes Built Faster Act, 2022*, modified the definition of development subject to Site Plan Control, and matters excluded from Site Plan Control;

AND WHEREAS the purpose of this by-law is to amend Site Plan Control By-law No. 15-176, as amended by By-law No. 18-104, By-law No. 19-026, and By-law No. 21-069, to implement Bill 23 changes;

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

1. That Section 1.0 of By-law No. 15-176, as amended by By-law No. 18-104, By-law No. 19-026, and By-law No. 21-069, be modified by adding the following new definitions as new Subsections 1.21 and 1.22.

“1.21 “Dwelling Unit” as defined in Zoning By-law No. 05-200.

1.22 “Lot” as defined in Zoning By-law No. 05-200.”

2. That Section 1.9 of By-law No. 15-176, as amended by By-law No. 18-104, By-law No. 19-026, and By-law No. 21-069, be modified as follows:
 - i) By deleting the words “by subsection ~~468(5)~~” that follows “three or more trailers as defined”, and replacing it with “in subsection”

- ii) By deleting the words “in by subsection 46(1) of the Planning Act.” and replacing it with “in subsection 46(1) of the Planning Act.”
3. That Subsection 3.1.2 of By-law No. 15-176, as amended by By-law No. 18-104, By-law No. 19-026, and By-law No. 21-069, be modified as follows:
- i) By deleting the words “including any residential building containing more than 2 dwelling units,” after “drawings showing plan, elevation and cross-section views for each building to be erected,”.
 - ii) By deleting Subsection 3.1.2.4 in its entirety and replacing it with the following:

“3.1.2.4 matters relating to the appearance of the elements, facilities, and works on the land to the extent that the appearance impacts matters of health, safety, accessibility, sustainable design or the protection of adjoining lands;”
4. That Section 8.0 of By-law No. 15-176, as amended by By-law No. 18-104, By-law No. 19-026, and By-law No. 21-069, be modified as follows:
- i) By deleting Subsection 8.1 in its entirety and replacing it with the following:

“8.1 any residential development of a lot which contains no more than ten dwelling units, and any buildings accessory thereto;”
 - ii) By deleting Subsection 8.2 in its entirety.
 - iii) By renumbering Subsections 8.3 and 8.4 as Subsections 8.2 and 8.3 respectively.
5. That Section 9.0 of By-law No. 15-176, as amended by By-law No. 18-104, By-law No. 19-026, and By-law No. 21-069, be modified as follows:
- i) By modifying Section 9.0 by deleting “Section 8.0 above,” and replacing it with “Section 8.2 and 8.3 above,”.
 - ii) By modifying Subsection 9.1 by deleting the words “single detached, duplex, semi-detached or street townhouse dwellings located” and replacing it with “a street townhouse development consisting of more than ten street townhouse dwellings on a lot within a plan of subdivision or plan of condo draft approved after January 1, 2013;”, so that it reads:

“9.1 any buildings or structures, including accessory buildings and structures, decks, and additions to existing buildings, situated

Adjacent to or within a Core Area(s), except for a street townhouse development consisting of more than ten street townhouse dwellings on a lot within a plan of subdivision or plan of condominium draft approved after January 1, 2013;”

- iii) By deleting Subsections 9.2, 9.3, and 9.4 in their entirety.
 - iv) By renumbering Subsection 9.12 as Subsection 9.2.
 - v) By renumbering Subsections 9.5 to 9.11 as Subsections 9.3 to 9.9 respectively.
6. That Section 11 of By-law No. 15-176, as amended by By-law No. 18-104, By-law No. 19-026, and By-law No. 21-069, be deleted in its entirety.
7. That By-law No. 15-176, as amended by By-law No. 18-104, By-law No. 19-026, and By-law No. 21-069, be modified by deleting Schedules “A”, “B1” to “B3”, and “C1” to “C13”.

PASSED this 22nd day of February, 2023.

A. Horwath
Mayor

A. Holland
City Clerk