

APPLICATION FOR AN OFFICIAL PLAN AMENDMENT AND / OR ZONING BY-LAW AMENDMENT

SUBMISSION REQUIREMENTS AND INFORMATION

N.B. Submission of this application constitutes tacit consent for authorized City of Hamilton staff to inspect the subject lands or premises.

BEFORE SUBMITTING AN APPLICATION:

Mandatory Formal Consultation: Formal Consultation is a required process prior to submitting an application for an Official Plan Amendment and / or Zoning By-law Amendment. The purpose of the Formal Consultation process is to identify key issues and to confirm all the required information and materials that must be submitted with a complete Application. The Formal Consultation Application can be found at [Formal Consultation | City of Hamilton](#)

A Formal Consultation application is not required for the following scenarios:

- A Zoning By-law Amendment to modify no more than two zoning regulations unless other studies are required other than a Planning Justification Report.
- To implement a decision or condition of the Committee of Adjustment unless other studies are required other than a Planning Justification Report.
- A Zoning By-law Amendment to remove a 'H' Holding Provision.

A Formal Consultation Waiver letter will not be required under the above circumstances, and the applicant can proceed to submit the Official Plan Amendment / Zoning By-law Amendment application(s).

APPLICATION SUBMISSION REQUIREMENTS:

- Cover Letter** providing a summary of the applications being submitted, including a list of documents included in the submission.
- Application Form** with all applicable sections completed, including the Owner's Consent, Authorization, Acknowledgements and Affidavit signed in the presence of a Commissioner of Oaths.
- Application Fee(s)** are required to be submitted with the application. Please refer to the current City of Hamilton [Planning Division Fee Structure](#), as all fees are subject to change annually.

Application Fees can be paid by cheque (payable to "City of Hamilton") or by credit card. All cheques submitted to the Planning Division must be accompanied by a cover letter or [Fee Intake Memo](#) indicating the following: municipal address of the development; the application type, description of the fee, fee amount, and cheque

number; Owner / Applicant's name and contact information; Agent's name and contact information; and if known, the assigned file number and assigned Planner's name.

Refer to the section below for more information on External Agency Fees.

- Formal Consultation Document** signed by Owner / Applicant, or **Formal Consultation Waiver**.

- All of the Required Materials and Information** as identified through the Formal Consultation process. All plans, reports and/or studies submitted must:
 - a. be prepared according to the [Terms of Reference](#).
 - b. be in digital (PDF) format.
 - c. be submitted without a password and/or restrictions.
 - d. be prepared in metric measurement.
 - e. be prepared and stamped by qualified professionals.

- Zoning Compliance Review Letter** signed by the Owner / Applicant.
(This is required for a Zoning By-law Amendment application only)

- Documentation to support the request to remove the 'H' Holding Provision(s)**.
(This is required for H Holding Removal applications only)

Electronic Documentation

All submission requirements must be submitted in digital format. The Planning Division will accept digital submissions in PDF format on a USB stick or via the CitySHARE link. A CitySHARE link can be requested by emailing planningapps@hamilton.ca.

Electronic files are to be provided with the following naming conventions:

FileName_VersionNumber_Date (with no spaces).

For Example:

- 00_ApplicationForm_v1_yymmdd
- 01_Survey_v1_yymmdd
- 02_ConceptPlan_v1_yymmdd

Disclosure of Information

All information submitted in support of this application will be considered public information, including any reports, studies, drawings, or other documentation submitted by applicant(s), agent(s), consultant(s) or solicitor(s). The City of Hamilton is permitted to make the application and any associated supporting information available to the general public, including posting electronic versions of the application form and associated studies and reports online. The City of Hamilton is also permitted to provide copies of the application and any supporting information to any member of the public or other third party which requests the information.

DEVELOPMENT APPLICATION CLASSIFICATION

Official Plan Amendment

Certain development proposals may not comply with the Urban Hamilton Official Plan or Rural Hamilton Official Plan and may require an **Official Plan Amendment**. Compliance with the Official Plan will be determined by Planning and Economic Development Department staff as part of the Formal Consultation process. In the case of a joint application for an Official Plan Amendment and Zoning By-law Amendment both application fees are required. There is no discount for joint applications.

Zoning By-law Amendment

There are two types of Zoning By-law Amendment applications: **Secondary Suites** and **Complex**. When an application is submitted, the following guidelines are used to determine the type of application:

- **Secondary Suites** - Applications to add a secondary suite (dwelling unit) to an existing residential dwelling.
- **Complex** - All other Applications, including those that are considered “Minor Zoning By-law Amendments” as defined in the Urban Hamilton Official Plan / Rural Hamilton Official Plan.

Holding Removal

There are three types of Zoning By-law Amendment applications for a Holding Removal: Downtown, Routine and Complex. When an application is submitted, the following guidelines are used to determine the type of application:

- **Downtown** – Applications within Downtown Hamilton Secondary Plan Area.
- **Routine** – Applications whereby the removal of the “H” Holding symbol is to the satisfaction of an External Agency (i.e. Ministry of Transportation, Ministry of Environment, Conservation and Parks, CN Rail etc.).
- **Complex** – Applications whereby the removal of the “H” Holding symbol is to the satisfaction of the City of Hamilton, and may include an External Agency’s clearance of an “H” Holding symbol.

For a Holding Provision approved by Council prior to August 12, 2022, the required fee for the removal of the “H” Holding symbol shall be as follows:

- Removal of a ‘H’ Holding Provision - \$4,380.00
- Removal of a ‘H’ Holding Provision (Downtown) - \$6,385.00

This modified fee structure shall be in effect from August 12, 2022 until December 31, 2024, subject to yearly CPI increases.

EXTERNAL AGENCY FEES

Conservation Authority Fee

The Conservation Authorities within the City of Hamilton charge fees for their review of *Planning Act* applications. Please visit the link below to determine if the property falls under a Conservation Authority's regulated area.

<https://conservationontario.ca/conservation-authorities/find-a-conservation-authority>

Note: The Applicant is responsible to send the payment direct to the Conservation Authority. The City of Hamilton no longer collects payment on behalf of the Conservation Authority and any payments submitted to the City will be returned to the Applicant.

Hamilton International Airport Review Fee

The Hamilton International Airport (HIA) charge fees for their review of applications that fall within any of the three Airport Zoning Regulation zones (Approach, Transitional and Outer Surface), within the Noise Exposure Forecast (NEF) contour, or for specific land uses located within the Wildlife Hazard Zone.

Planning Division staff can assist in determining whether the Hamilton International Airport review fee is required.

Note: The Applicant is responsible to send the payment direct to the HIA. Instructions can be found at the following link: <https://business.flyhamilton.ca/invoicing-and-payments/>
The City of Hamilton no longer collects payment on behalf of the HIA, and any payments submitted to the City will be returned to the Applicant.

ADDITIONAL INFORMATION FOR THE APPLICANT

1) Public Notice Sign

The City of Hamilton requires the applicant to post a sign on the property where an application for a Draft Plan of Subdivision or Vacant Land Condominium has been received and is being considered by the City. One sign is to be installed on every individually assessed parcel and facing each street frontage to ensure the signage is visible from each abutting street.

The Planning Division will review the application and prepare the appropriate wording for the sign. It will be the responsibility of the applicant to retain a company that will design, construct and install the development application sign(s) and to provide that company with the signage wording, description and dimensions of the affected lands.

NOTE: The sign is not to be posted until the wording is provided by the Planning Division.

The Applicant is responsible to provide a letter accompanied by a legible photograph of the sign posted on the site and is responsible for the maintenance of the sign until the

scheduled Public Meeting date.

The Applicant is responsible to remove the Public Notice Sign within 30 days of City Council's decision. If the Owner fails to remove the sign, the City is authorized to enter the land and to remove the sign at the Owner's expense.

2) Financial Requirements

The owner may be required to meet financial requirements of the City, such as, but not limited to the following:

- Development Charges; contact dcrequest@hamilton.ca
<https://www.hamilton.ca/build-invest-grow/planning-development/development-charges/development-charges>
- Parkland Dedication; contact parklandrequest@hamilton.ca
<https://www.hamilton.ca/build-invest-grow/planning-development/development-charges/parkland-dedication-fees>
- Local Improvement Charges; contact the Corporate Services Department.

3) Ontario Land Tribunal (OLT) Hearing

The owner will be required to pay City staff costs, fees and disbursements for outside legal counsel and external consultants for preparation for and attendance at OLT hearings where the City supports a developer on third party appeals. Accordingly, as part of this application the owner will be required to sign and submit the Cost Acknowledgement Agreement included in the Application Form.

CONTACT

To submit an application email planningapps@hamilton.ca.

For general inquiries or questions related to the application, please contact the Planning Division at pdgeninq@hamilton.ca or 905-546-2424 ext. 1355.