



City of Hamilton
PLANNING COMMITTEE

Meeting #: 19-015
Date: October 1, 2019
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

Lisa Chamberlain, Legislative Coordinator (905) 546-2424 ext. 4605

	Pages
1. CEREMONIAL ACTIVITIES	
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PLANNING COMMITTEE MINUTES

19-014

September 17, 2019

9:30 a.m.

**Council Chambers, Hamilton City Hall
71 Main Street West**

Present: Councillors M. Pearson (Chair), J. Farr (1st Vice Chair),
C. Collins, B. Johnson (2nd Vice Chair), B. Clark, M. Wilson,
J.P. Danko, J. Partridge, T. Whitehead

Also Present: Councillors A. VanderBeek, E. Pauls

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19165) (City Wide) (Item 7.1)**

(Clark/Partridge)

That Report PED19165, respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

CARRIED

- 2. Greensville Area Special Event Parking Pilot Program (PED19189) (Ward 13) (Item 7.2) (REVISED)**

(Partridge/Collins)

(a) That the following Special Event Parking Plan be adopted for local residential streets on Saturdays, Sundays and Statutory Holidays from March 15 to November 15 (Waterfalls tourism season), on an as needed basis, in the area of the Special Fine Zone as noted in Schedule 23 of Parking By-law No. 01-218 as an 18-month pilot project;

- (i) That the boundaries for the Special Event Parking Plan be defined per Schedule 23 of Parking By-law 01-218 as shown on the map attached as Appendix "A" to Report PED19189;

- (ii) That residential streets currently identified to take part in the pilot project involving parking permits be defined as shown on the map attached as Appendix "B" to Report PED19189;
 - (iii) That permit parking restrictions be in effect where signed on local residential streets within the defined boundaries during the Waterfall tourism season in Greensville;
 - (iv) That Staff be authorized to implement the Special Event Parking Plan during the Waterfall tourism season in Greensville as deemed necessary in consultation with the Ward Councillor;
 - (v) That special event parking permits be issued at no charge to area residents and their guests in accordance with the following criteria;
 - (1) Special event parking permits will be issued to residents in one, two or three family dwellings within the defined special event parking area. These permits can be obtained at the Dundas Municipal Service Centre, 60 Main Street West in Dundas, or will be mailed out to the requesting address;
 - (2) Special event parking permits will not be issued to businesses and/or their employees;
 - (3) Commercial or heavy vehicles will not be eligible for permits as parking is prohibited for these classes of vehicles on local residential streets under the general provisions of Parking By-law 01-218;
 - (vi) The manufacturing and installation of special event signage will be paid for by the City;
 - (vii) Parking Control Officers will be assigned to patrol the area during the Waterfall tourism season in Greensville in order to provide enforcement and public relations to motorists as required;
 - (viii) Staff, in consultation with the Ward Councillor and neighbouring residents, will evaluate the program after the pilot project period with recommendations for the fine tuning of the Special Event Parking Plan for future years;
- (b) That "Special Event Parking Permits" be issued to area residents in accordance with the guidelines outlined attached as Appendix "C" to Report PED19189;

- (c) That the amendment to the Parking By-law 01-218 attached as Appendix "D" to Report PED19189 which has been prepared in a form satisfactory to the City Solicitor, be approved;
- (d) That the Special Event Parking Program be implemented as a pilot project for an 18-month period to enable staff to evaluate the program.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Councillor Maureen Wilson
 NOT PRESENT - Councillor Jason Farr
 YES - Councillor Chad Collins
 YES - Councillor John-Paul Danko
 YES - Councillor Maria Pearson
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Brenda Johnson
 YES - Councillor Brad Clark

3. Hamilton Municipal Heritage Committee Report 19-006 (Item 7.3)

(Partridge/Danko)

(a) Recommendation to Designate 231 Ferguson Avenue South, Hamilton (Ferguson Avenue Pumping Station) under Part IV of the *Ontario Heritage Act* (PED19164) (Ward 2) (Item 9.1)

- (i) That the designation of 231 Ferguson Avenue South, Hamilton (Ferguson Avenue Pumping Station), shown in Appendix "A" to Report PED19164, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be approved;
- (ii) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED19164, be approved;
- (iii) That the City Clerk be directed to take appropriate action to designate 231 Ferguson Avenue South, Hamilton (Ferguson Avenue Pumping Station) under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix "C" to Report PED19164; and,
- (iv) That Report PED19164 be forwarded to the Director of the Water and Wastewater Division of the Public Works Department for information.

(b) Correspondence from the Waterdown-East Flamborough Heritage Society respecting its Annual Fall Book Fair on October 19, 2019 (Added Item 5.1)

That the recommendation respecting Correspondence from the Waterdown-East Flamborough Heritage Society respecting its Annual Fall Book Fair on October 19, 2019, be amended to include the following:

That the Correspondence from the Waterdown-East Flamborough Heritage Society respecting its Annual Fall Book Fair on October 19, 2019, be received, and that an exhibitor table be reserved for a cost of \$25.00, to allow for the Committee to participate in the event.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Councillor Maureen Wilson
 NOT PRESENT - Councillor Jason Farr
 YES - Councillor Chad Collins
 YES - Councillor John-Paul Danko
 YES - Councillor Maria Pearson
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Brenda Johnson
 YES - Councillor Brad Clark

4. Support the “C” Gaming Model – Princess Bingo (Item 8.1)

(Johnson/Clark)

WHEREAS, Princess Bingo Hall has been licensed and operating in the City of Hamilton since 1999, and supports over 50 local charities;

WHEREAS, Princess Bingo Hall must adapt with new available technology, to allow the business to compete with changing technology and gaming, allowing them to continue to support local municipal charities;

WHEREAS, *Ontario Lottery and Gaming Corporation Act* (OLG), 1999, Ontario Regulation 81/12, Section 2.(3)(ii) states that “the municipal council, as the case may be, may pass a resolution supporting the establishment of the gaming site in the Municipality”; and,

WHEREAS, the City of Hamilton will enter into a “Charitable Gaming Centre Municipality Agreement” which defines the roles and responsibilities of both the City of Hamilton, and the Ontario Lottery and Gaming Corporation, in regards to the administration of “C” gaming;

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton Council agrees to support the participation of Princess Bingo Hall in the “C” Gaming Model;
- (b) That the City of Hamilton agree to enter into a Municipal Agreement with the Ontario Lottery and Gaming Corporation in support of Princess Bingo; and,
- (c) In the event that Princess Bingo is successful obtaining a “C” Gaming Model approval, that staff be directed to report back to the Planning Committee regarding any issues that may or may not arise as a result of the approvals.

Result: Motion CARRIED by a vote of 8 to 1, as follows:

NO - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Chad Collins
 YES - Councillor John-Paul Danko
 YES - Councillor Maria Pearson
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Brenda Johnson
 YES - Councillor Brad Clark

5. Application for Zoning By-law Amendment for Lands Located at 455 Springbrook Avenue, 253 Fair Street and Block 14, Plan 62M-1161 (Ancaster) (PED19169) (Ward 12) (Item 8.2)

(Partridge/Clark)

- (a) That Zoning By-law Amendment Application ZAC-19-032, by GSP Group on behalf of Rotuka Development Inc., for a change in zoning from the Agricultural “A” Zone and Residential “R4-563” Zone, Modified to Residential “R4-705” Zone, Modified and Residential “R4-706” Zone, Modified to permit the development of four single detached dwellings on lands located at 455 Springbrook Avenue, 253 Fair Street and Block 14, Plan 62M-1161 (Ancaster), as shown on Appendix “A” to Report PED19169, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED19169, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan.

- (b) *That the public submissions received did not affect the decision on this matter.*

Result: Main Motion, As Amended, CARRIED by a vote of 7 to 0, as follows:

YES - Councillor Maureen Wilson
 NOT PRESENT - Councillor Jason Farr
 YES - Councillor Chad Collins
 YES - Councillor John-Paul Danko
 YES - Councillor Maria Pearson
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 NOT PRESENT - Councillor Brenda Johnson
 YES - Councillor Brad Clark

6. Application for a Zoning By-law Amendment for Lands Located at 1351, 1355, 1359 and 1375 Upper James Street and 16, 24, 34, 40 and 48 Stone Church Road East, Hamilton (PED19059) (Ward 8) (Item 8.3)

(Danko/Whitehead)

- (a) That Amended Zoning By-law Amendment Application ZAC-11-070 by A.R. Riccio Developments, Owner, for a change in zoning from the Mixed Use Medium Density (C5, 318) Zone, "C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District to the Mixed Use Medium Density (C5, 724) Zone for lands located at 1351, 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40 and 48 Stone Church Road East, Hamilton, as shown on Appendix "A" to Report PED19059, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED19059, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law, attached as Appendix "B" to Report PED19059, be added to Schedule 1343 of Zoning By-law No. 05-200;
 - (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to A Place to Grow (2019) and comply with the Urban Hamilton Official Plan.
- (b) That upon finalization of the amending By-law, the subject lands be re-designated from "Commercial", "Attached Housing" and "Commercial and Retail Warehouse" (1375 Upper James Street) to "Mixed Commercial /

Residential” and “Medium Density Apartments” in the Ryckmans Neighbourhood Plan; and,

- (c) ***That the public submissions received did not affect the decision on this matter.***

Result: Main Motion, As Amended, CARRIED by a vote of 9 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Chad Collins
 YES - Councillor John-Paul Danko
 YES - Councillor Maria Pearson
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Brenda Johnson
 YES - Councillor Brad Clark

7. Properties of Potential Cultural Heritage Interest in Waterdown (Item 11.1) (Revised)

(Partridge/Clark)

WHEREAS, the following properties (henceforth referred to collectively as “the properties”) are listed on the City’s Heritage Inventory but have no formal protection from demolition under the *Ontario Heritage Act*:

- 289 Dundas Street East, Waterdown (Smith/Carson House);
- 341 Main Street North, Waterdown (Buchan/Rymal House);
- 265 Mill Street South, Waterdown (Cummer/Fraleigh House);
- 298 Dundas Street East, Waterdown (Maycock House);
- 49 Main Street North, Waterdown (McGregor House);
- 8 Margaret Street, Waterdown (Reid House);
- 134 Main Street South (Former Wesleyan Methodist Parsonage); and,
- 340 Dundas Street East, Waterdown (Eager House);

WHEREAS, there is concern that the properties may be lost to demolition or subject to significant alterations prior to a full assessment of their cultural heritage value;

WHEREAS, including the properties on the Municipal Heritage Register as non-designated properties under Section 27(1.2) of the *Ontario Heritage Act* provides the properties with interim, 60-day protection from demolition;

WHEREAS, a preliminary evaluation of cultural heritage value or interest of the properties indicate they meet the criteria specified in *Ontario Regulation 9/06*, including but not limited to:

- Historical Associations – The properties are located in or adjacent to Waterdown’s historic core and are associated with people or industries potentially significant to the history, growth and development of the village. Through further research, the properties have the potential to yield additional information which may contribute to an historic or contemporary understanding of the community;
- Physical and Architectural Design – The properties can be considered representative examples of different eras of Ontario’s vernacular residential architecture, ranging from the mid-19th century to the early-20th century. The properties display architectural elements characteristic of various styles, including Gothic, Georgian, Regency, and Queen Anne. Through further research, the properties may be found to display high degrees of craftsmanship, artistic merit, or technical achievement; and,
- Contextual Value – The properties are important in defining the historic character of the Village of Waterdown and maintaining its historic fabric. Given their locations within and adjacent to Waterdown’s historic core, the properties are physically, visually, and historically linked to their surroundings. Through further research, the properties may be identified as local landmarks that contribute to our understanding of the development of the Waterdown community;

THEREFORE BE IT RESOLVED:

- (a) That the following properties be added to the City’s Municipal Heritage Register as non-designated properties, after consultation with the Hamilton Municipal Heritage Committee:
- 289 Dundas Street East, Waterdown (Smith/Carson House);
 - 341 Main Street North, Waterdown (Buchan/Rymal House);
 - 265 Mill Street South, Waterdown (Cummer/Fraleigh House);
 - 298 Dundas Street East, Waterdown (Maycock House);
 - 49 Main Street North, Waterdown (McGregor House);
 - 8 Margaret Street, Waterdown (Reid House);
 - 134 Main Street South (Former Wesleyan Methodist Parsonage); and,
 - 340 Dundas Street East, Waterdown (Eager House);
- (b) That Council direct Tourism and Culture staff to include the above noted properties as part of the ongoing Waterdown Village Built Heritage Inventory work associated with the Waterdown Community Node Secondary Plan

study and bring forward potential heritage designations as part of the Built Heritage Inventory work.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 NOT PRESENT- Councillor Chad Collins
 YES - Councillor John-Paul Danko
 YES - Councillor Maria Pearson
 YES - Councillor Judi Partridge
 NOT PRESENT - Councillor Terry Whitehead
 NOT PRESENT - Councillor Brenda Johnson
 YES - Councillor Brad Clark

8. Upper Mount Albion Road Completion (Item 12.2)

(Clark/Farr)

WHEREAS, the reconstruction of Upper Mount Albion Road has stopped due to a dispute between the developer and the City;

WHEREAS, the driveway entrances have not been restored to original conditions and many have uneven grades to the roads;

WHEREAS, the grades of the entrances to driveways needed to be changed to facilitate easy egress with the road; and,

WHEREAS, resident properties adjacent to the new sidewalks have not been restored to their original condition;

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to take whatever corrective measures that are necessary to complete the reconstruction of Upper Mount Albion Road:
 - (i) to restore the driveways to original conditions with retaining walls as required,
 - (ii) to ensure reasonable grading between road and driveways for easy egress,
 - (iii) to restore resident properties adjacent to the new sidewalks to original conditions; and,
 - (iv) to ensure that all road work on Upper Mount Albion is completed before November 1, 2019.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 NOT PRESENT - Councillor Chad Collins
 YES - Councillor John-Paul Danko
 YES - Councillor Maria Pearson
 YES - Councillor Judi Partridge
 NOT PRESENT - Councillor Terry Whitehead
 NOT PRESENT - Councillor Brenda Johnson
 YES - Councillor Brad Clark

- 9. Appeal to the Local Planning Appeal Tribunal on the City of Hamilton's Approval of Official Plan Amendment (OPA 102) and Zoning By-law Amendment (By-law 18-114) for the Lands Located at 44 Hughson Street South, 75 James Street South and 9 Jackson Street East by Fengate Hamilton Lands GP Inc. and LPF Hamilton Lands LP (LS19037/PED19198) (Wards 1 and 2) (Item 14.1)**

(Farr/Danko)

- (a) That the confidential direction provided to staff, as outlined in Report LS19037/PED19198 be approved; and,
- (b) That Report LS19037/PED19198, its appendices and recommendations remain confidential except as necessary to implement these recommendations at the discretion of the City Solicitor.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

NOT PRESENT - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 NOT PRESENT - Councillor Chad Collins
 YES - Councillor John-Paul Danko
 YES - Councillor Maria Pearson
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Brenda Johnson
 YES - Councillor Brad Clark

FOR INFORMATION:

- (a) APPROVAL OF AGENDA (Item 2)**

The Committee Clerk advised of the following changes to the agenda:

- 1. COMMUNICATIONS (Item 5)**
 - 5.1 Hilary Pyper respecting 29 Berry Hill Avenue, Waterdown (Item 11.1)
- 2. DELEGATION REQUESTS (Item 6)**
 - 6.2 Tom Ker respecting Changes in By-laws regarding Lot Sizes on the Mountain (For the October 1, 2019 meeting)
 - 6.3 Julie Cooper respecting Payday Loan Permit for Speedy Money (For the October 15, 2019 meeting)
 - 6.4 Sergio Manchia, UrbanSolutions Planning and Land Development Consultants Inc. respecting the Appeal to LPAT for Lands Located at 44 Hughson Street South, 75 James Street South and 9 Jackson Street East (Item 14.1) (For today's meeting) – WITHDRAWN
- 3. CONSENT ITEMS (Item 7)**
 - 7.2 Greensville Area Special Event Parking Pilot Program (PED19189) (Ward 13) – Revised Report was distributed
- 4. PUBLIC HEARINGS / DELEGATIONS (Item 8)**
 - 8.1 John VanDuzer, Princess Bingo Sponsors Association, respecting Princess Bingo and cGaming – To be heard after Item 5.1
 - 8.3 Applications for Zoning By-law Amendment for Lands Located at 1351, 1355, 1359 and 1375 Upper James Street and 16, 24, 34, 40 and 48 Stone Church Road East (PED19059)
 - (b) Agent's Presentation
 - (c) Written Submissions:
 - (i) Robert Dickson (second submission)
- 5. DISCUSSION ITEMS (Item 10)**
 - 10.1 Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176) – being moved to Public Hearings as Item 8.4
 - (a) Added Written Submissions:
 - (i) Hamilton and District Apartment Association

- (ii) Merosia Butschynski
- (iii) Realtor's Association of Hamilton-Burlington

6. MOTIONS (Item 11)

- 11.1 Properties of Potential Cultural Heritage Interest in Waterdown – REVISED Motion has been distributed

7. NOTICES OF MOTION (Item 12)

- 12.1 Electric Vehicle Charging Stations in New Developments
- 12.2 Upper Mount Albion Road Completion

8. GENERAL INFORMATION/OTHER BUSINESS (Item 13)

- 13.1 Outstanding Business List – Items Requiring New Due Dates

12A - Regulation of Rental Housing
Current Due Date: September 17, 2019
Proposed New Due Date: November 5, 2019

19K - Effect of Heritage Designations on Property Values in Hamilton
Current Due Date: TBD
Proposed New Due Date: December 3, 2019

19M - Amendment to Nuisance By-law No. 09-110 respecting Cannabis Growing Operations
Current Due Date: September 3, 2019
Proposed New Due Date: October 15, 2019

19N - Development of a Rural Fill By-law
Current Due Date: TBD
Proposed New Due Date: October 15, 2019

(Johnson/Clark)

That the agenda for the September 17, 2019 meeting be approved, as amended.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson

YES - Councillor Judi Partridge
 NOT PRESENT - Councillor Terry Whitehead
 YES - Councillor Brenda Johnson
 YES - Councillor Brad Clark

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Wilson declared a conflict with respect to Item 14.1 due to her spouse's potential involvement, directly or through firms with which he is associated, in negotiations that might arise as a result of the Report's implementation.

Councillor Clark declared a conflict with respect to Items 10.1 and 8.4 for a non-pecuniary indirect apparent conflict as he has a previous relationship with the Hamilton District Apartment Association as a former client, as he wrote "Promoting Code Compliant, Affordable, Safe, Clean and Healthy Rental Housing".

Councillor Pearson declared a conflict with respect to Items 10.1 and 8.4 as she is a landlord and owns rental properties.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) September 3, 2019 (Item 4.1)

(Partridge/Farr)

That the Minutes of the September 3, 2019 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Chad Collins
 YES - Councillor John-Paul Danko
 YES - Councillor Maria Pearson
 YES - Councillor Judi Partridge
 NOT PRESENT - Councillor Terry Whitehead
 YES - Councillor Brenda Johnson
 YES - Councillor Brad Clark

(d) COMMUNICATIONS (Item 5)

(i) Hilary Pyper respecting 29 Berry Hill Avenue, Waterdown (Item 11.1) (Item 5.1)

(Partridge/Danko)

That the correspondence from Hilary Pyper respecting 29 Berry Hill Avenue, Waterdown, be received.

CARRIED

(e) PUBLIC HEARINGS/DELEGATIONS (Item 8)

(i) John VanDuzer, Princess Bingo Sponsors Association, respecting Princess Bingo and cGaming (Approved at the September 3rd meeting) (Item 8.1)

John VanDuzer, Princess Bingo Sponsors Association, addressed the Committee regarding Princess Bingo and cGaming.

(Johnson/Clark)

That the Delegation from John VanDuzer, Princess Bingo Sponsors Association, regarding Princess Bingo and cGaming, be received.

CARRIED

For further disposition of this matter, refer to Item 4.

(f) DELEGATION REQUESTS (Item 6)

(i) Michael Hawkrigg, respecting Properties of Potential Cultural Heritage Interest in Waterdown (Item 11.1) (For today's meeting) (Item 6.1)

(Partridge/Collins)

That the Delegation Request from Michael Hawkrigg, respecting Properties of Potential Cultural Heritage Interest in Waterdown, be approved for today's meeting, to be heard before Item 8.2

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Maureen Wilson
 NOT PRESENT - Councillor Jason Farr
 YES - Councillor Chad Collins
 YES - Councillor John-Paul Danko
 YES - Councillor Maria Pearson
 YES - Councillor Judi Partridge
 NOT PRESENT - Councillor Terry Whitehead
 NOT PRESENT - Councillor Brenda Johnson
 YES - Councillor Brad Clark

- (ii) **Tom Ker respecting Changes in By-laws regarding Lot Sizes on the Mountain (For the October 1, 2019 meeting) (Item 6.2)**

(Clark/Wilson)

That the Delegation Request from Tom Ker respecting Changes in By-laws regarding Lot Sizes on the Mountain, be approved for the October 1, 2019 meeting.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Councillor Maureen Wilson
 NOT PRESENT - Councillor Jason Farr
 YES - Councillor Chad Collins
 NOT PRESENT - Councillor John-Paul Danko
 YES - Councillor Maria Pearson
 YES - Councillor Judi Partridge
 NOT PRESENT - Councillor Terry Whitehead
 NOT PRESENT - Councillor Brenda Johnson
 YES - Councillor Brad Clark

- (iii) **Julie Cooper respecting Payday Loan Permit for Speedy Money (For the October 15th meeting) (Item 6.3)**

(Collins/Whitehead)

That the Delegation Request from Julie Cooper respecting Payday Loan Permit for Speedy Money, be approved for the October 15, 2019 meeting.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Maureen Wilson
 NOT PRESENT - Councillor Jason Farr
 YES - Councillor Chad Collins
 NOT PRESENT - Councillor John-Paul Danko
 YES - Councillor Maria Pearson
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 NOT PRESENT - Councillor Brenda Johnson
 YES - Councillor Brad Clark

(g) PUBLIC HEARINGS/DELEGATIONS (Item 8) - CONTINUED

- (i) **Michael Hawkrigg, respecting Properties of Potential Cultural Heritage Interest in Waterdown (Item 11.1) (For today's meeting) (Item 6.1)**

Michael Hawkrigg addressed the Committee respecting Properties of Potential Cultural Heritage Interest in Waterdown.

(Partridge/Danko)

That the Delegation from Michael Hawkrigg respecting Properties of Potential Cultural Heritage Interest in Waterdown, be received.

CARRIED

For disposition of this matter, refer to Item 7.

(ii) Application for Zoning By-law Amendment for Lands Located at 455 Sprinbrook Avenue, 253 Fair Street and Block 14, Plan 62M-1161 (Ancaster) (PED19169) (Ward 12) (Item 8.2)

In accordance with the provisions of the *Planning Act*, Chair Pearson advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

(Johnson/Whitehead)

That the public meeting be closed.

CARRIED

(Whitehead/Partridge)

That the staff presentation be waived.

CARRIED

Nancy Frieday, GSP Group Inc., was in attendance and indicated support for the staff report.

(Whitehead/Clark)

That the comments from Nancy Frieday, GSP Group Inc., be received.

CARRIED

(Whitehead/Collins)

That the recommendations in Report PED19169 be amended by adding the following sub-section (b):

- (b) *That the public submissions received did not affect the decision on this matter.***

Result: Amendment CARRIED by a vote of 8 to 0, as follows:

YES - Councillor Maureen Wilson

NOT PRESENT - Councillor Jason Farr

YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

For disposition of this matter, refer to Item 5.

(iii) Application for a Zoning By-law Amendment for Lands Located at 1351, 1355, 1359 and 1375 Upper James Street and 16, 24, 34, 40 and 48 Stone Church Road East, Hamilton (PED19059) (Ward 8) (Item 8.3)

In accordance with the provisions of the *Planning Act*, Chair Pearson advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

(Danko/Collins)

That the public meeting be closed.

CARRIED

George Zajac, Senior Project Manager, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available through the Office of the City Clerk or online at www.hamilton.ca.

(Danko/Whitehead)

That the staff presentation be received.

CARRIED

Jennifer Ormiston and Joseph Plutino, Mainline Planning Services Inc., were in attendance and indicated support for the staff report.

(Danko/Partridge)

That the presentation from Jennifer Ormiston and Joseph Plutino, Mainline Planning Services Inc., be received.

CARRIED

Written Submissions:

1. Robert C. Dickson (September 4, 2019)
2. Robert C. Dickson (September 13, 2019)

(Danko/Partridge)

That the written submissions be received.

CARRIED

(Danko/Collins)

That the recommendations in Report PED19059 be amended by adding the following sub-section (c):

- (c) *That the public submissions received did not affect the decision on this matter.***

Result: Amendment CARRIED by a vote of 9 to 0, as follows:

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Chad Collins
- YES - Councillor John-Paul Danko
- YES - Councillor Maria Pearson
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Brenda Johnson
- YES - Councillor Brad Clark

For disposition of this matter, refer to Item 6.

- (iv) Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176) (Wards 1 and 8) (Item 8.4)**

In accordance with the provisions of the *Planning Act*, Chair Pearson advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

(Johnson/Danko)

That the public meeting be closed.

CARRIED

(Danko/Wilson)

That the Committee hear the staff presentation on Report PED19176.

Result: Motion DEFEATED by a vote of 4 to 2, as follows:

YES - Councillor Maureen Wilson
 NO - Councillor Jason Farr
 NOT PRESENT - Councillor Chad Collins
 YES - Councillor John-Paul Danko
 NOT PRESENT - Councillor Maria Pearson
 NO - Councillor Judi Partridge
 NO - Councillor Terry Whitehead
 NO - Councillor Brenda Johnson
 NOT PRESENT - Councillor Brad Clark

Written Submissions:

1. Hamilton and District Apartment Association
2. Merosia Butschynski
3. Realtor's Association of Hamilton-Burlington

(Partridge/Whitehead)

- (a) That the written submissions be received and referred to staff for consideration and inclusion in a supplemental report; and
- (b) That the amending by-law be presented at a future Planning Committee meeting.

CARRIED

(Whitehead/Partridge)

That Report PED19176 respecting Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593, be deferred to the October 1, 2019 Planning Committee meeting.

Result: Motion CARRIED by a vote of 4 to 2, as follows:

NO - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 NOT PRESENT - Councillor Chad Collins
 NO - Councillor John-Paul Danko
 NOT PRESENT - Councillor Maria Pearson
 YES - Councillor Judi Partridge

YES- Councillor Terry Whitehead
 YES - Councillor Brenda Johnson
 NOT PRESENT - Councillor Brad Clark

(h) NOTICES OF MOTION (Item 12)

(i) Electric Vehicle Charging Stations in New Developments (Item 12.1)

Councillor Danko introduced the following Notice of Motion respecting Electric Vehicle Charging Stations in New Developments:

WHEREAS, the City of Hamilton has declared a Climate Emergency and is moving towards a zero-carbon economy;

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to investigate options available through the planning approvals process to require an appropriate number of Electric Vehicle Charging Stations to be included as part of the parking requirement for new development, and report back to the Planning Committee; and,
- (b) That staff be directed to review the City's by-laws, including the Municipal and Private Property By-law and On-Street Parking By-law, and report back with recommendations for ensuring that the City has appropriate tools and mechanisms in place to prohibit and enforce the parking of non-electric vehicles at Electric Vehicle Charging Stations in municipal parking lots and on-street parking spaces.

(ii) Upper Mount Albion Road Completion (Item 12.2)

Councillor Danko introduced a Notice of Motion respecting Upper Mount Albion Road Completion.

(Clark/Farr)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Upper Mount Albion Road Completion.

Result: Motion CARRIED by a 2/3's majority vote of 6 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 NOT PRESENT - Councillor Chad Collins
 YES - Councillor John-Paul Danko
 YES - Councillor Maria Pearson

YES - Councillor Judi Partridge
 NOT PRESENT - Councillor Terry Whitehead
 NOT PRESENT - Councillor Brenda Johnson
 YES - Councillor Brad Clark

For disposition of this matter, refer to Item 8.

(i) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) Outstanding Business List (Item 13.1)

(Farr/Collins)

That the following changes to the Planning Committee Outstanding Business List, be approved:

Items Requiring New Due Dates:

12A - Regulation of Rental Housing
 Current Due Date: September 17, 2019
 Proposed New Due Date: November 5, 2019

19K - Effect of Heritage Designations on Property Values in Hamilton
 Current Due Date: TBD
 Proposed New Due Date: December 3, 2019

19M - Amendment to Nuisance By-law No. 09-110 respecting Cannabis Growing Operations
 Current Due Date: September 3, 2019
 Proposed New Due Date: October 15, 2019

19N - Development of a Rural Fill By-law
 Current Due Date: TBD
 Proposed New Due Date: October 15, 2019

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 NOT PRESENT - Councillor Chad Collins
 YES - Councillor John-Paul Danko
 YES - Councillor Maria Pearson
 YES - Councillor Judi Partridge
 NOT PRESENT - Councillor Terry Whitehead
 NOT PRESENT - Councillor Brenda Johnson
 YES - Councillor Brad Clark

(ii) General Manager's Update (Added Item 13.2)

Jason Thorne, General Manager of Planning and Economic Development, addressed the Committee regarding the upcoming Provincial Policy Statement staff report and requested Committee's permission to release the report in advance of the publication of the October 1, 2019 Planning Committee agenda.

(Clark/Wilson)

That the General Manager of Planning and Economic Development's request to release the Provincial Policy Statement staff report in advance of the publication of the October 1, 2019 Planning Committee agenda, be approved.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 NOT PRESENT - Councillor Chad Collins
 YES - Councillor John-Paul Danko
 YES - Councillor Maria Pearson
 YES - Councillor Judi Partridge
 NOT PRESENT - Councillor Terry Whitehead
 NOT PRESENT - Councillor Brenda Johnson
 YES - Councillor Brad Clark

(j) PRIVATE AND CONFIDENTIAL (Item 14)

(Farr/Partridge)

That the Committee move into Closed Session, respecting Item 14.1, pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

(i) Appeal to the Local Planning Appeal Tribunal on the City of Hamilton's Approval of Official Plan Amendment (OPA 102) and Zoning By-law Amendment (By-law 18-114) for the Lands Located at 44 Hughson Street South, 75 James Street South and 9 Jackson Street East by Fengate Hamilton Lands GP Inc. and LPF Hamilton Lands LP (LS19037/PED19198) (Wards 1 and 2) (Item 14.1)

Staff were provided with direction in Closed Session.

For further disposition of this matter, refer to Item 9.

(k) ADJOURNMENT (Item 15)

(Farr/Clark)

That there being no further business, the Planning Committee be adjourned at 12:33 p.m.

CARRIED

Councillor Maria Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk

Form: Request to Speak to Committee of Council

Submitted on Friday, September 20, 2019 - 2:40 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Sergio Manchia

Name of Organization: Ancaster Self Storage Inc.
c/o UrbanCore Developments

Contact Number:

Email Address:

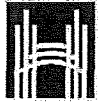
Mailing Address:

Hamilton, ON

Reason(s) for delegation request: To speak in regards to a Sign Variance appeal for 1147 Garner Road West (SV-19-002).

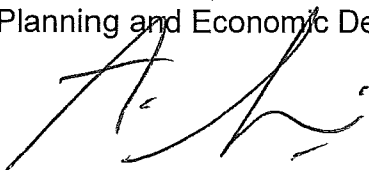
Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes



Hamilton

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 1, 2019
SUBJECT/REPORT NO:	To Rename a Portion of Upper Mount Albion Road to Columbus Gate (PED19161) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Paul Toffoletti (905) 546-2424 Ext. 4348
SUBMITTED BY:	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the portion of Upper Mount Albion Road from the intersection with Rymal Road East to 109 meters north of said intersection be renamed Columbus Gate, as identified on Appendix "A", to Report PED19161, in accordance with the draft By-law, attached as Appendix "B" to Report PED19161, which has been prepared in a form satisfactory to the City Solicitor, to be enacted by City Council.

EXECUTIVE SUMMARY

Upper Mount Albion Road is a local road that was once part of the Rymal Road East and Dakota Boulevard intersection prior to 2013. The road became closed at the intersection in 2013 after local residents raised concerns regarding high non-local traffic using the road as a collector road. In 2014, a subdivision of 223 residential units (Central Park) was proposed directly to the west of Upper Mount Albion Road and an agreement was reached to utilize the intersection to provide access to the subdivision that has been registered as 62M-1250, attached as Appendix "C". Per the Subdivision Agreement, the intersection has been reopened by shifting Upper Mount Albion Road north by approximately 109 metres terminated by a cul-de-sac, while the remaining portion of the road will be incorporated within Columbus Gate, as part of the Central Park subdivision, 62M-1250.

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SUBJECT: To Rename a Portion of Upper Mount Albion Road to Columbus Gate (PED19161) (Ward 9) - Page 2 of 4

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Costs will be incurred by the City by placing an advertisement within the Stoney Creek News notifying the street name change, and installation of one new street sign indicating “Columbus Gate”. The developer should be held financially responsible for the incurred costs.

Staffing: N/A

Legal: The *Municipal Act* does not require any public notification for a municipal street name change. However, a notice of proposed street name change has been given in accordance with the City of Hamilton Local Street Naming Policies, Guidelines, and Procedures, as approved by Council on March 9th, 2005.

HISTORICAL BACKGROUND

Upper Mount Albion Road was once a part of the intersection at Rymal Road East and Dakota Boulevard. It was originally designed to be a local road for resident residing north of the intersection. However, many non-local drivers began using Upper Mount Albion Road as a collector road. This resulted in Upper Mount Albion Road experiencing higher-than-intended traffic volume during peak hours. Local residents expressed concerns over the growing non-local traffic and access to Upper Mount Albion Road from the Rymal Road East and Dakota Boulevard intersection, and therefore, was subsequently closed in 2013 with a cul-de-sac.

In 2014, a subdivision (Central Park, 62M-1250, Appendix “C”) with 223 residential units was proposed directly to the west of Upper Mount Albion Road and permission was given to allow access by reopening the closed intersection. As part of the Subdivision Agreement, Upper Mount Albion Road will remain closed to non-local traffic and a new cul-de-sac will be constructed approximately 109 metres to the north of the intersection. The segment of Upper Mount Albion Road from the existing cul-de-sac, which is to be moved up to the new cul-de-sac to the north, will be repurposed to allow access to the registered Central Park subdivision and be renamed to Columbus Gate.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The proposed street name change is consistent with the Local Street Naming Policies, Guidelines, and Procedures.

SUBJECT: To Rename a Portion of Upper Mount Albion Road to Columbus Gate (PED19161) (Ward 9) - Page 3 of 4

RELEVANT CONSULTATION

Two properties front onto the segment of Upper Mount Albion Road to be renamed and they have been assigned Columbus Gate municipal addresses in anticipation of this change. A municipal address of 5 Columbus Gate was assigned to a vacant lot within the Central Park subdivision, for a future mixed-use development. The municipal address of 8 Columbus Gate forms part of 26 Upper Mount Albion Road, and is a residential care facility currently being developed under Site Plan application DA-17-113.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

The Central Park subdivision is a registered development that contains 223 residential units, which consists of both single detached dwellings and street townhouses. Per Transportation Planning staff comments, Rymal Road East and Dakota Boulevard is the nearest and most feasible signalized intersection to provide access to a subdivision of such scale. However, as mentioned, Upper Mount Albion Road has been closed at the intersection since 2013 to protect residents from non-local traffic and currently, there are no plans to reopen the road.

In order to maintain the status quo of Upper Mount Albion Road and also provide access to the registered Central Park subdivision, a resolution was reached to reopen the intersection by shifting Upper Mount Albion Road north approximately 109 meters with a new closed cul-de-sac and incorporating the remaining segment of the road with Columbus Gate to serve as the main entry of the subdivision. This change prompted the need to rename the portion of Upper Mount Albion Road from the Rymal Road East intersection to Columbus Gate in order to avoid confusion.

ALTERNATIVES FOR CONSIDERATION

1. Refuse the proposed street name change to Columbus Gate and instead use another from the City's street name reserve list. This is not being recommended, as the road segment to be renamed is only approximately 109 meters and will be joined with Columbus Gate as part of the Central Park subdivision. Assigning another name to such a short road segment is likely to cause confusion to motorists and will also deplete a name from the reserve list that could otherwise be used for another street.
2. Refuse the proposed street name change and retain the name of Upper Mount Albion Road for this street segment. This is not being recommended, as Upper Mount Albion Road will be closed with a new cul-de-sac approximately 110 meters north of the intersection. Motorists unaware of this will have to travel through the Central Park subdivision to reach their destination, which is likely to lead to confusion and an increase in non-local traffic within the subdivision.

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**SUBJECT: To Rename a Portion of Upper Mount Albion Road to Columbus Gate
(PED19161) (Ward 9) - Page 4 of 4**

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Municipal Address Map
- Appendix "B": Draft By-law
- Appendix "C": Registered Plan 62M-1250 "Central Park"

PT:sd

Appendix "B" to Report PED19161
Page 1 of 1

Authority: Item [redacted], Planning Committee
Report: xx-[redacted] (PED19161)
CM: [redacted]

Bill No. [redacted]

CITY OF HAMILTON

BY-LAW NO. [redacted]

To rename a portion of Upper Mount Albion Road to Columbus Gate

WHEREAS notice of the proposal to pass this By-law was published in the Stoney Creek News prior to the passing of this By-law;

AND WHEREAS the Council of the City of Hamilton, through the Planning Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this by-law;

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

1. The portion of the street municipally known as Upper Mount Albion Road, more particularly described as follows:

PIN 170860001 (LT)

Part of the Road Allowance Between Lots 32 & 33, Concession 8 Saltfleet, measured approximately 109 metres from the north side of Rymal Road East.

is hereby changed to Columbus Gate.

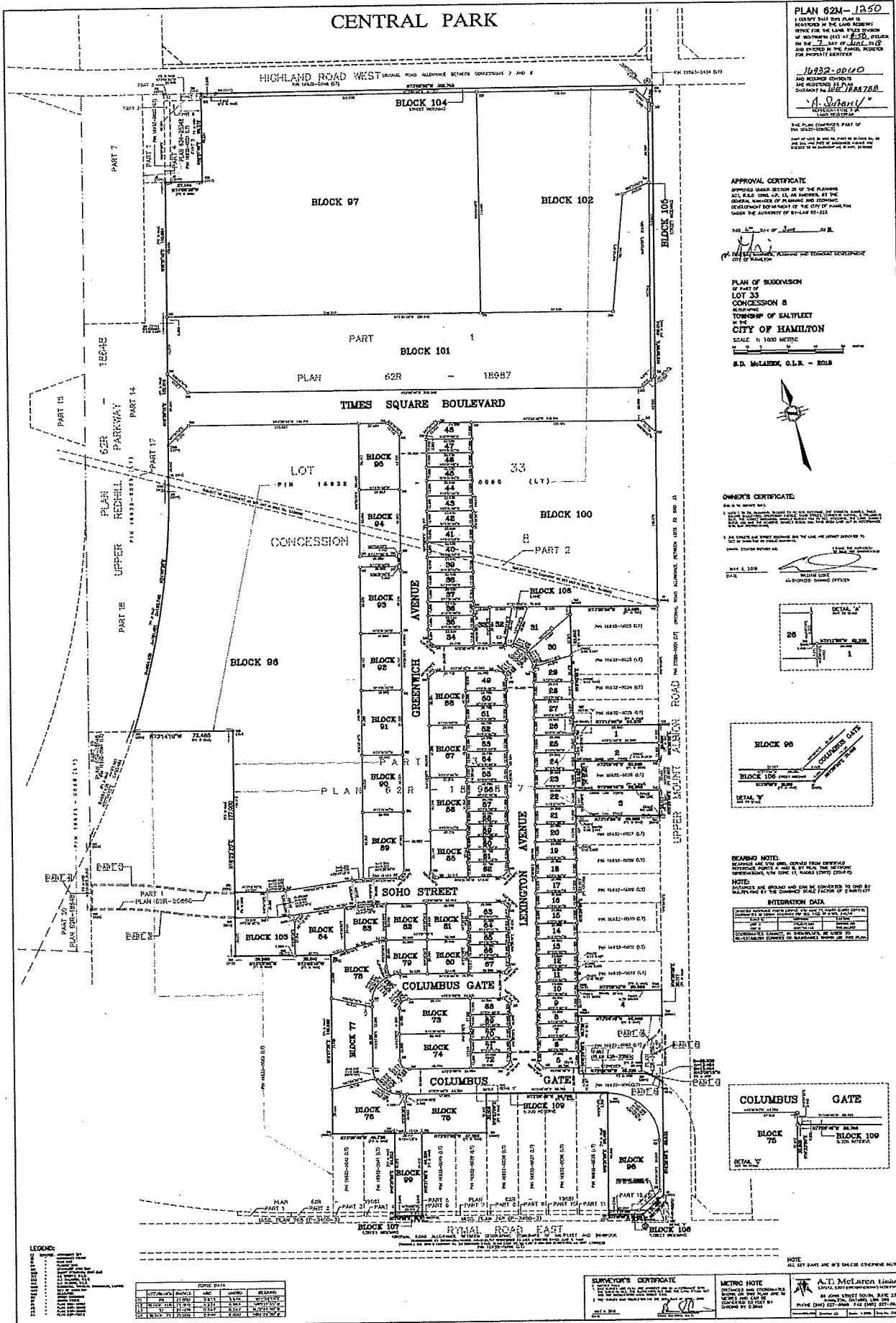
2. That this By-law comes into force and takes effect on the date of its registration in The Hamilton Land Registry Office for the Land Titles Division of Wentworth 62.

PASSED and ENACTED this [redacted] day of [redacted], 2019.

Fred Eisenberger
Mayor

Andrea Holland
City Clerk

Appendix "C" to Report PED19161
Page 1 of 1





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 1, 2019
SUBJECT/REPORT NO:	Sign Variance Appeal SV-19-002 for the property known as 1147 Garner Road West, Ancaster, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED19195) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Sara Rogers (905) 546-2424 Ext. 2694
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the **Appeal of Sign Variance Application SV-19-002, by Ancaster Self Storage Inc., Owner**, to permit a proposed electronic message display Ground Sign proposing a 100% electronic message display and third party advertising, increased height, decreased setback from a property line, and no display of the municipal address to be included, for the property located at 1147 Garner Road West, Ancaster, as shown on Appendix "A" to Report PED19195, be **Denied**, on the following basis:

- (a) That the requested variances are not in keeping with the general intent and purpose of Sign By-law No. 10-197; and,
- (b) That the requested variances do not meet the tests of Sign By-law No. 10-197.

EXECUTIVE SUMMARY

The owner submitted Sign Variance Application SV-19-002 on December 21, 2018. The application was amended by the owner on May 7, 2019. The amended application proposed to erect a Ground Sign 0.0 metres from the property line abutting Garner Road West, with a maximum height of 8.14 metres, upon which the municipal address of the property would not be displayed, and would allocate 100% of the sign face to an electronic message display, for the purposes of advertising for Ancaster Self Storage,

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SUBJECT: Sign Variance Appeal SV-19-002 for the property known as 1147 Garner Road West, Ancaster, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED19195) (Ward 12) - Page 2 of 10

located on the subject property (see Appendices “B”, “C” and “D” to Report PED19195), as well as for third party advertising (i.e. other self-storage facilities owned by the applicant).

The variances were denied by the Director of Planning and Chief Planner, on July 15, 2019. Staff were generally supportive of the one variance to permit a Ground Sign to be located 0.0 m from the property line abutting Garner Road West, whereas Sign By-law 10-197 requires the proposed Ground Sign to be located a minimum of 6.1 m from any property line; however, staff were unable to support the overall massing, height, third party advertising, and extent of the electronic component of the proposed Ground Sign. As a result, staff could not support the proposed Ground Sign to be located at a distance of 0.0 m from the property line as the Ground Sign variances overall could not be supported.

The owner appealed the decision to deny the variances on July 26, 2019, and requested the proposed Sign Variance Application be considered by the Planning Committee.

Alternatives for Consideration – See Page 8

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None

Staffing: None

Legal: The application is subject to the *Municipal Act*, and there are no requirements for a Public Meeting. By-law No. 10-197 requires the City Clerk to notify the owner once a hearing date before the Planning Committee has been fixed to consider an appeal of the decision by the Director of Planning and Chief Planner to deny a sign variance application.

HISTORICAL BACKGROUND

On August 12, 2010, Council approved Sign By-law No. 10-197. Part 6.0 of By-law No. 10-197 provides the regulations in dealing with variances, including the delegated approval authority, what the City of Hamilton shall have regard for when reviewing Sign Variance Applications (section 6.5), and the process of appealing the Sign Variance Application decision (section 6.6) (see Appendix “E” to Report PED19195).

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SUBJECT: Sign Variance Appeal SV-19-002 for the property known as 1147 Garner Road West, Ancaster, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED19195) (Ward 12) - Page 3 of 10

On December 21, 2018, staff received an application for a Sign Variance to permit the establishment of a new electronic message display Ground Sign which did not conform to the applicable provisions of Sign By-law No. 10-197. The application was amended subsequently by the owner on May 7, 2019.

The following variances were requested:

- 1) To permit a Ground Sign with a maximum height of 8.14 metres whereas the Sign By-law required 7.5 metres;
- 2) To permit a Ground Sign that does not display the municipal address of the property on which the Ground Sign is displayed;
- 3) To permit a Ground Sign to allocate 100% of the sign face to an electronic message display whereas the Sign By-law permits a maximum of 50% of the sign face for electronic display;
- 4) To permit a Ground Sign for the purposes of 'third party' advertising whereas the Sign By-law permits Ground Signs to only advertise a business, activity, product, or service that is available on the property;
- 5) To permit a Ground Sign not within a Business Improvement Area or the Ancaster Village Core Area to allocate 100% of an electronic message display for the purposes of third party advertising; and,
- 6) To permit a Ground Sign to be located at a distance of 0.0 metres from a property line whereas the Sign By-law requires a setback of 6.1 metres from the Garner Road property line.

On July 15, 2019, the variances were denied by the Director of Planning and Chief Planner, and notice was sent to the applicant advising of the decision. On July 26, 2019, the owner appealed the decision by the Director of Planning and Chief Planner to deny the variances, and requested that the matter be considered by the Planning Committee (see Appendix "F" to Report PED19195).

Details of Submitted Application

Location: 1147 Garner Road West, Ancaster

Owner Ancaster Self Storage Inc.

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SUBJECT: Sign Variance Appeal SV-19-002 for the property known as 1147 Garner Road West, Ancaster, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED19195) (Ward 12) - Page 4 of 10

Applicant: Urbancore Developments

Property Description:

Frontage: ±86 metres

Lot Depth: ±87 metres

Area: ±8,779 square metres

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

City of Hamilton Sign By-law No. 10-197

By-law No. 10-197 provides regulations for signs and other advertising devices within the City of Hamilton.

Section 5.1.1 of By-law 10-197 specifies which signs shall be prohibited. Section 5.1.1 (a) prohibits “any sign with a video screen or any flashing, kinetic, or illusionary motion, except an electronic message display as permitted under this By-law”. The proposed Ground Sign is a full colour LED display with no illusionary motion. Therefore, the proposed Ground Sign does conform to the Sign By-law 10-197.

The proposed Ground Sign was reviewed against Sign By-law 10-197 and the following deviations were identified:

Section 5.2.2 (f) of the Sign By-law 10-197 restricts the height to a maximum of 7.5 metres. Therefore, the proposed Ground Sign at a height of 8.14 metres does not conform to the Sign By-law 10-197.

Section 5.2.2 (g) (i) of the Sign By-law 10-197 requires the content of a Ground Sign to include the “municipal address number of the property on which the Ground Sign is displayed”. Therefore, the proposed Ground Sign which does not display the municipal address does not conform to the Sign By-law 10-197.

Section 5.2.2 (g) (iii) of the Sign By-law 10-197 restricts the extent of an electronic message display to “a maximum of 50% of the sign face area...provided that no copy...shall be displayed for less than three seconds, during which there shall be no movement or change in colour or intensity of illumination”. Therefore, the proposed Ground Sign which is allocating 100% of the sign face area to a full colour LED display with no illusionary motion does not conform to the Sign By-law 10-197.

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SUBJECT: Sign Variance Appeal SV-19-002 for the property known as 1147 Garner Road West, Ancaster, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED19195) (Ward 12) - Page 5 of 10

Section 5.2.2 (g) (v) of the Sign By-law 10-197 restricts advertising to “a business on the property on which the Ground Sign is displayed, or an activity, product or service available on that property, or a charity’s or community organization’s activities”. Therefore, the proposed Ground Sign which is advertising a business, activity, product or service which is not available on the subject site does not conform to the Sign By-law 10-197.

Section 5.2.2 (g) (vi) of the Sign By-law 10-197 permits third party advertising on a portion of the sign face area for Ground Signs not within the “Downtown Community Improvement Project Area, a Business Improvement Area, the Ancaster Village Core Area or within the Glanbrook Village Core Area”. A maximum 25% of the sign area or 1.2 sq. m, whichever is lesser, except for an electronic message display, may be allocated to third party advertising. Therefore, the proposed Ground Sign which is not within one of the areas noted above and which is allocating 100% of the sign area or 11.29 sq. m, all of which is electronic message display, does not conform to the Sign By-law 10-197.

Section 5.2.2 (i) of the Sign By-law 10-197 restricts the location of a Ground Sign to a minimum of “1.5 m or a distance equal to 75% of the height of the Ground Sign, whichever is greater, [from] any property line”. Based on a height of 8.14 m, a setback of 6.1 m from any property line is required. Therefore, the proposed Ground Sign which is located 0.0 m from the property line abutting Garner Road West does not conform to the Sign By-law 10-197.

City of Hamilton Zoning By-law No. 05-200

The subject property is zoned Arterial Commercial (C7, 650) Zone in the City of Hamilton Zoning By-law No. 05-200, which permits a range of commercial uses including the self-storage use currently developed on the site.

As the proposed Ground Sign is not located within any required parking or landscaped areas, the proposed Ground Sign conforms to the City of Hamilton Zoning By-law No. 05-200.

RELEVANT CONSULTATION

Departments/Agencies having no comments or concerns:

- Growth Management (Development Engineering) Section;
- Corridor Management Section; and
- Building, Engineering and Zoning Section.

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SUBJECT: Sign Variance Appeal SV-19-002 for the property known as 1147 Garner Road West, Ancaster, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED19195) (Ward 12) - Page 6 of 10

Building Services Division (Building Construction Section)

Comments received from the Building Services Division identified which provisions of the Sign By-law were applicable to the proposed Ground Sign, and identified whether the proposed Ground Sign complied or did not comply with the requirements of the By-law. The comments from the Building Services Division identified that the proposed Ground Sign did not conform to a total of six (6) provisions of the By-law as outlined in the Policy Implications and Legislated Requirements Section of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The applicant is proposing to erect an electronic Ground Sign at the subject site to provide a promotional opportunity for the existing 300 unit Self Storage Facility as well as other self storage facilities located elsewhere and owned by the applicant. In particular, the third party advertising proposed and the overall massing, height and extent of the electronic component of the Ground Sign does not conform to the intent of the City of Hamilton Sign By-law 10-197 and does not have regard for the four tests against which the variances are evaluated against.

On August 12, 2010, Council approved Sign By-law No. 10-197. Part 6.0 of By-law No. 10-197 provides the regulations in dealing with variances, pursuant to section 6.5 of the City of Hamilton Sign By-law No.10-197, in considering applications for sign variance, the following shall be considered:

- Special circumstances or conditions applying to the land, building or use referred to in the application;
- Whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;
- Whether such special circumstances or conditions are pre-existing and not created by the Sign Owner or applicant; and,
- Whether the Sign that is the subject of the variance will alter the essential character of the area in which the Sign will be located.

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The City of Hamilton may approve a Sign Variance Application if the general intent and purpose of the By-law is maintained, and the proposal has regard for the four tests, as set out in Section 6.5 of By-law No. 10-197 (see Appendix “E” to Report PED19195).

The four tests are evaluated in the following comments:

- a) Special circumstances or conditions applying to the lands, building or use referred to in the application;

The subject lands are currently developed with a self-storage facility. Site Plan Control Application DA-05-185 was approved on November 2, 2006, prior to the Sign By-law coming into force and effect. As a result, the applicant is unable to conform to the location requirements of the Sign By-law (as in Variance 6, Section 5.2.2 (i)) without impacting the vehicular circulation and fire routes that are part of the approved site plan. This situation is considered to be a special condition applying to the land, however this special condition does not require the Ground Sign to be constructed at a height of 8.14 m with 100% electronic message display and third party advertising, without displaying the municipal address. Therefore, while there is a special condition applying to the lands; with respect to sign location, it does not impact Variances 1 to 5.

- b) Whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;

Strict application of the provisions of the By-law with respect to maintaining a 6.1 m setback from Garner Road West (Variance 6), would cause the proposed Ground Sign to be located within a drive aisle and fire route, resulting in practical difficulties for the applicant. However, staff are of the opinion that there would be no practical difficulties or unnecessary and unusual hardships as a result of the proposed Ground Sign conforming to the remainder of the Sign By-law.

- c) Whether such special circumstances or conditions are pre-existing and not created by the Sign Owner or applicant;

The site design is pre-existing, and signage was not contemplated prior to Site Plan Approval or prior to the Sign By-law coming into force and effect. Staff are satisfied that the conditions for this site are pre-existing and that the applicant did not create the special condition applying to the land with respect to the required setback of the Ground Sign from any property line.

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While the layout of the site is pre-existing, there are no special circumstances or conditions that apply to the lands that require the Ground Sign to be constructed at a height of 8.14 m with 100% electronic message display and third party advertising, without displaying the municipal address. Therefore, the special condition is pre-existing; however, it does not impact Variances 1 to 5.

- d) Whether the Sign that is the subject of the variance will alter the essential character of the area in which the Sign will be located.

Garner Road West in this location is zoned Commercial and Mixed Use on the north side and Industrial on the south side, with the lands to the south being largely underdeveloped as the uses transition from agriculture to industrial. There is a Ground Sign on the abutting property to the west, being 1151 Garner Road West, located at the property line, and another Ground Sign approximately 400 m to the west at 1242 Garner Road West. However, these sign faces contain no readograph or electronic message display.

Staff are generally satisfied that a Ground Sign could be located 0.0 m from the property line abutting Garner Road West without negatively impacting the character of the area as the area is vehicle rather than pedestrian-oriented, with no sidewalks currently provided and a speed limit of 70 km/hr in both directions along Garner Road West. Notwithstanding the foregoing, staff are unable to support this location for the proposed Ground Sign that is the subject of this application. Staff are of the opinion that the proposed height, third party advertising, and the allocation of 100% of the sign face to an electronic message display would alter the essential character of the area and set a precedent for Ground Signs proposed in the future as this underdeveloped area transitions to more urban uses. Therefore, the Ground Sign that is the subject of these variances would alter the essential character of the area.

The Sign Variance Application was denied by the Director of Planning and Chief Planner, on July 15, 2019. The reasons for the refusal are that the proposed sign variances do not maintain the general intent and purpose of the Sign By-law and do not meet the four tests for sign variances provided in Section 6.5 of By-law No. 10-197 (see Appendix "E" to Report PED19195).

ALTERNATIVES FOR CONSIDERATION

Option 1

Council may uphold the recommendation of the Director of Planning and Chief Planner, Planning Division, to refuse the proposed variances as they do not maintain the general

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intent and purpose of the Sign By-law. The owner would be permitted to erect a Ground Sign in accordance with the City of Hamilton Sign By-law No. 10-197.

Option 2

Council may deny the recommendation of the Director of Planning and Chief Planner, Planning Division, and support the proposed variances, as submitted. However, it is staff's opinion that this option does not maintain the general intent and purpose of the City of Hamilton Sign By-law No. 10-197.

Option 3

Council may support Variance 6 to permit the Ground Sign to be located within 0.0 m of the property line abutting Garner Road West, and refuse Variances 1 to 5. The owner would be permitted to erect a Ground Sign at a distance of 0.0 m from the property line abutting Garner Road West provided that the Ground Sign is in conformity with all other applicable provisions of the City of Hamilton Sign By-law No. 10-197.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Site Plan
- Appendix "C": Site Plan – Detail
- Appendix "D": Elevations and Renderings of proposed Ground Sign

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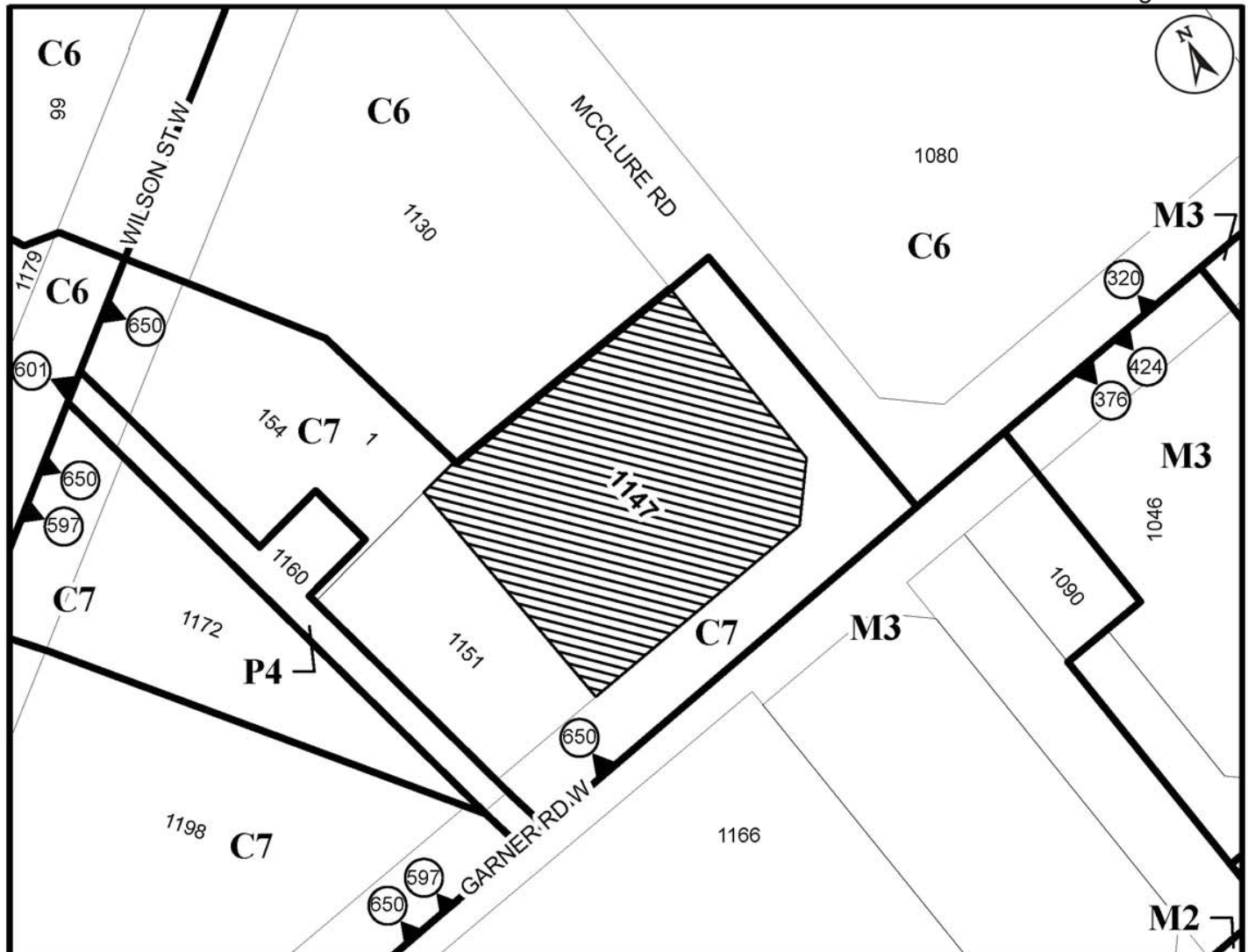
Appendix "E": Section 6.0 of Sign By-law No. 10-197

Appendix "F": Appeal Letter

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● Site Location



Key Map - Ward 12

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
SV-19-002

Date:
April 23, 2019

Appendix "A"

Scale:
N.T.S

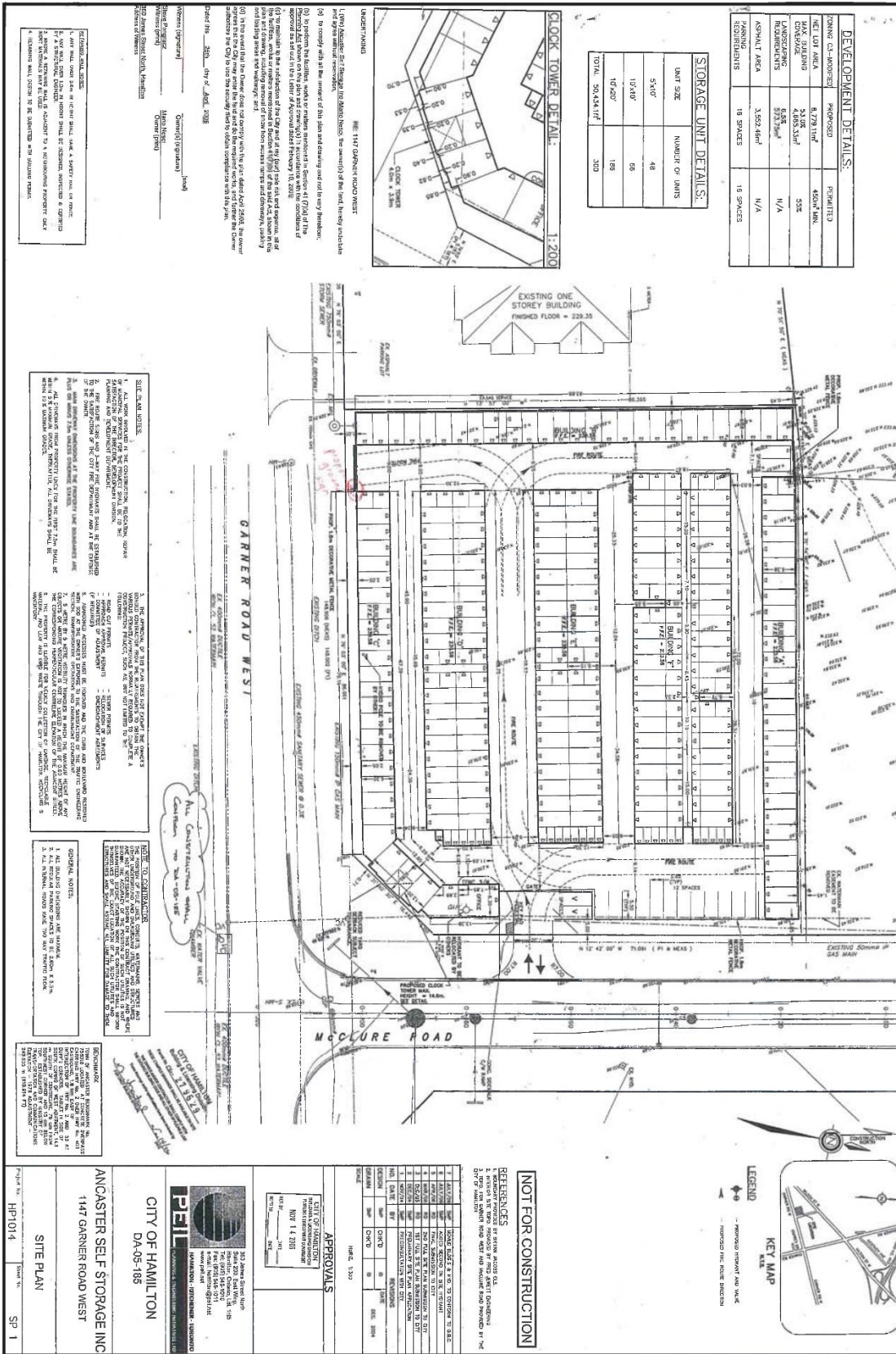
Planner/Technician:
SR/VS

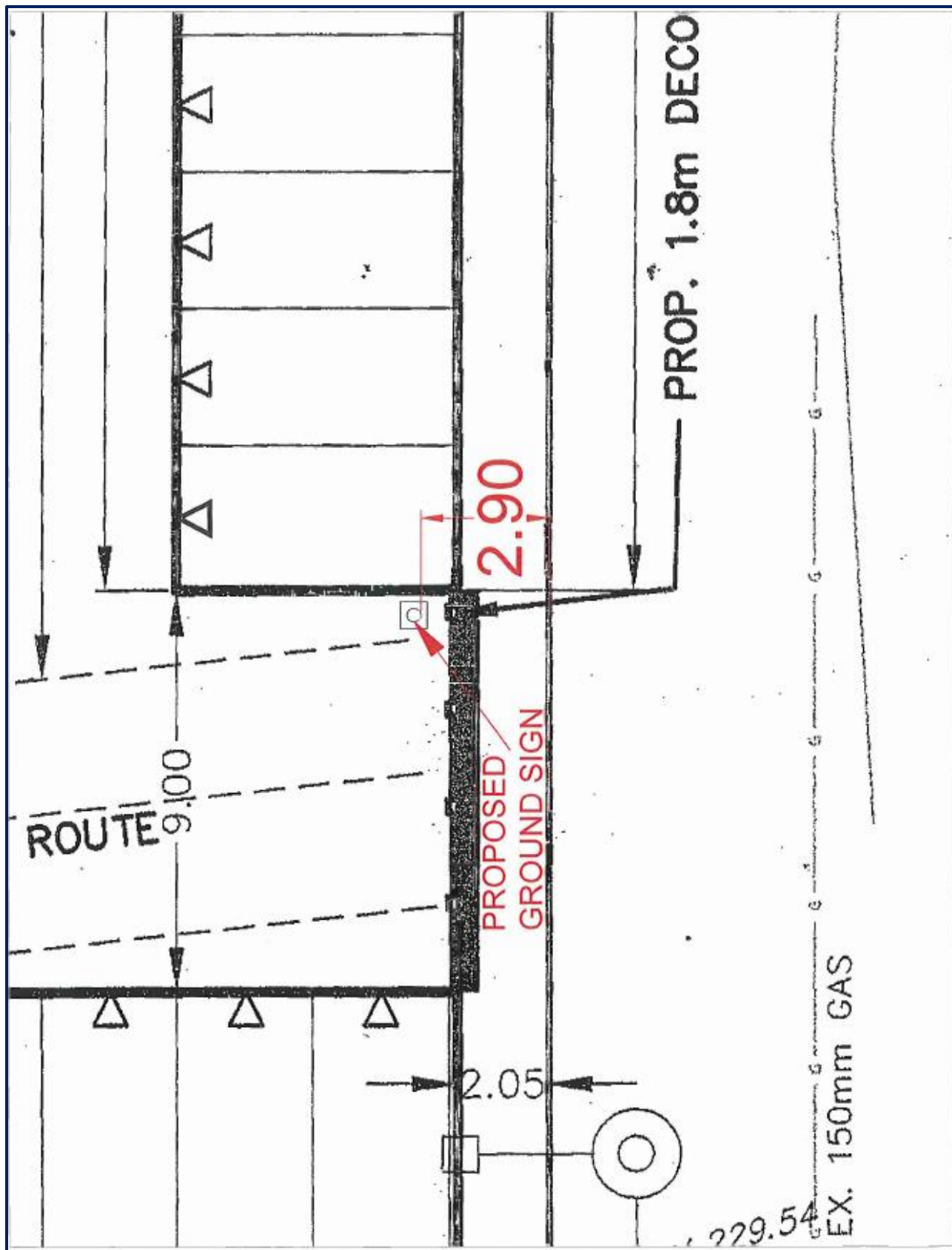
Subject Property



1147 Garner Road West, Ancaster

Appendix "B" to Report PED19195
Page 1 of 1





8.14 m

18 ft

8 ft 1/2 in

4.25 m

13 ft 1/2 in

30 in

Sign Area = 11.27 m²

12" x 12" SQ. STEEL POLE WITH 3/8" WALLS

12" x 12" SQ. STEEL POLES WITH 3/8" WALL

BRIDGE

5 ft 6 in

10 ft

FRONT VIEW

4 ft

REAR VIEW

128 WALT R. CENTRAL COMPUTER

1 1/4" x 4 1/2" STEEL ANCHOR BOLTS

10" TUB STEEL VERTICALS WITH 1/4" TUB HORIZONTALS (THIS SIGN IS 10" TUB STEEL VERTICALS WITH 1/4" TUB HORIZONTALS)

(1) NEW PYLON SIGN w. D/S FULL COLOUR LED DISPLAY

DETAIL FOR 1-1/2" THICK STEEL BASEPLATE

24 in

12 in

18 in

9 in

9 in

1-3/8" HOLES FOR 1-1/4" ANCHOR BOLTS

NOTES:

1. q50 = 0.46kPa
2. MAX WIND LOAD ON SIGN = 2,360lbs
3. CONCRETE TO BE 25MPa WITH 4-7% AIR

LICENSED PROFESSIONAL ENGINEER
J. A. BUTLER
2019.04.04
PROVINCE OF ONTARIO

500 Brent County Rd. #14, Brentwood, Ontario, L6S 0H4
 Phone: (919) 723-0306 - Fax: (919) 723-0444
 Email: gprock@brooks-signs.com

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CLIENT: ANCASTER SELF-STORAGE SKETCH: AncaStorSelfStorageLED-Nov2018 SALES: F. TAVARES APPROVED BY:

LOCATION: 1147 GARNER RD. W. DATE: revised Feb 21, 2019 ARTIST: K. MCKELVEY

DATE:



PART 6.0 VARIANCES

6.1 Any person may apply for a variance from this By-law or any provision thereof.

6.2 An application for variance shall be made on the form prescribed by the City and shall be accompanied by the applicable fee, as set out in the City's User Fees and Charges By-law.

A By-Law repealing and replacing By-law No. 06-243 respecting Signs within the City of Hamilton

6.3 Variances may be authorized by the Director.

6.4 The General Manager may authorize a variance if in his or her opinion the general intent and purpose of the By-law are maintained.

6.5 In considering an application for a variance, the Director shall have regard for:

(a) special circumstances or conditions applying to the land, building or use referred to in the application;

(b) whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;

(c) whether such special circumstances or conditions are pre-existing and not created by the sign owner or applicant; and

(d) whether the sign that is the subject of the variance will alter the essential character of the area in which the sign will be located.

6.6 An applicant may appeal the variance application decision of the Director within 21 days of the decision is made to the Economic Development and

Planning Committee or any successor Committee.

6.7 The City Clerk shall notify the applicant once a hearing date before the Economic Development and Planning Committee or any successor Committee has been fixed and if the applicant does not attend at the appointed time and place, the Committee may proceed in the absence of the applicant and the applicant shall not be entitled to further notice in the proceeding.

6.8 Council may uphold or vary the recommendations of the Economic Development and Planning Committee or any successor Committee or do any act or make any decision that it might have done had it conducted the hearing itself and the applicant shall not be entitled to a further hearing on the matter before Council and the decision of Council shall be final.

6.9 A variance from this By-law shall expire 6 months from the date of issuance unless the sign is displayed for its intended purpose and a variance shall expire upon the removal of the sign.



July 25, 2019

Via Email & Delivered

Mayor Fred Eisenberger
City of Hamilton

RECEIVED

JUL 26 2019

And

Ms. Janet Pilon
City Clerk

City of Hamilton
71 Main Street West, 2nd Floor
Hamilton, ON L8P 4Y5

Dear Mr. Mayor Eisenberger and Ms. Pilon,

Re: Ancaster Self Storage - Sign Variance Application - SV-19-002 - 1147 Garner Road West, Ancaster

By way of this letter, We are formally requesting that the matter pertaining to our sign variance application at 1147 Garner Road West, Ancaster be referred to the next available Planning Committee meeting for reconsideration of the final decision. I will also be making a request to be a delegation through the City Clerk's office as it is my intention to attend the Planning Committee meeting and make a deputation.

Should any additional information or clarification be required prior to this meeting, please do not hesitate to contact me.

Regards,
Ancaster Self Storage Inc.

A blue ink signature that appears to read "Sergio Manchia". The signature is written in a cursive style and is partially obscured by a thick blue horizontal scribble.

Sergio Manchia

Cc: Councillor Lloyd Ferguson, Ward 12, City of Hamilton
Mr. Steve Robichaud, Chief Planner, City of Hamilton
Ms. Anita Fabac, Manager of Development Planning, City of Hamilton



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 1, 2019
SUBJECT/REPORT NO:	Parking Technology Update (PED19197) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Allister McLveen (905) 546-2424 Ext. 6009
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

N/A

INFORMATION

This Report provides an update on the new parking technology and the related equipment that has been installed or is scheduled to be installed by Q2 - Q3 of 2020.

1.0 Background

The City of Hamilton Municipal Parking System, (HMPS) Parking Operations Section, has taken steps over the last few years to invest in maintaining its existing assets, and, at the same time, moving the bar higher in providing updated equipment that enables a superior customer experience and payment options. Modernized equipment and supporting technologies will provide customers with a variety of payment options (coins, credit card, debit), while generating an increase in revenue (no unused time to be passed forward) and providing the ability for the collection and analysis of real time data to support the implementation of effective parking management strategies. The objective of introducing effective parking management strategies is to encourage users to shift to different modes of transportation, drive at different times of the day, combine trips etc. Ultimately, such actions help reduce traffic congestion and pollution, as well as, better utilization of existing inventory, off-setting the need to add additional parking supply.

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SUBJECT: Parking Technology Update (PED19197) (City Wide) – Page 2 of 4

2.0 Existing Parking Facilities

HMPS currently operates 61 surface parking lots and two parking structures (Parkades), which combine, to have approximately 4,400 parking spaces. There are 2,741 metered on-street parking spaces. These parking facilities are a mixture of permit parking and paid hourly parking. Included, within the off-street parking space inventory, are accessible parking spaces, spaces that are used for Electric Vehicle Charging Stations (EVCs), spaces allocated to car share vehicles, and protected locations for bicycle storage.

3.0 Pay and Display Parking Payment Machines (off-street lots)

The first step in moving HMPS forward in this project was to undertake a review of parking technology offerings. Until recently, the existing parking payment machines, in inventory, only accepted coins, and provided inadequate metric data to support the development of parking management strategies.

There are many different technologies currently in market that are part of smart parking solutions. These technologies range from payment methods to in-ground sensors that can be used as an aid in parking enforcement. The technology accepted, to move forward with, was the Pay and Display (PD) machine. This new technology had the advantage of providing customers with a variety of payment options, coins, credit card, and debit. They had the following additional features:

- Solar powered;
- An electronic display;
- Easy-to-use from a customer perspective;
- AODA compliant; and,
- Licence plate input.

This project was a phased approach that allowed for transition of the customer experience from the old to the new parking equipment. In the first phase of the project, staff installed 34 new parking payment machines that accept both coinage and credit cards in 23 Municipal Car Parks. Phase two of the project includes receiving an additional 32 parking payment machines in the last quarter of this year. These machines will be installed throughout the City, including along Locke Street to assist both businesses and customers in that area.

The third and final phase of this project has identified that, by the end of 2019, all of the new parking payment machines will be pay-by-plate capable, meaning there will be no need for a physical receipt or to display anything on a dashboard after you pay for your parking. In addition to credit cards, some machines, in areas with higher volumes, will also receive debit card “tap-to-pay” readers that will allow people to pay for parking from their chequing accounts. We expect to have all Municipal Car Parks updated with new credit card machines by late spring 2020.

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SUBJECT: Parking Technology Update (PED19197) (City Wide) – Page 3 of 4

4.0 Enforcement System Upgrade

In summer 2018, HMPS implemented a major upgrade of the parking enforcement system and equipment. This included the implementation of a live parking ticket issuance and management system as well as replacing outdated hand-held ticketing equipment with new smart phones. The new system enables live contact with enforcement officers and real-time tracking of enforcement activity. The upgrade was also a prerequisite for pay by phone (as discussed below).

5.0 Pay by Phone Application

This project involved the implementation of a mobile app for Pay-by-Phone parking which provides customers the ability to pay for and extend parking sessions at City-managed parking lots and at on-street metered parking from their phones using their licence plate as the identifier. This will provide flexibility to our customers by allowing an extension of their parking session, so they can avoid a ticket. It also provides customers with an additional payment option for on-street meters other than coins.

Staff are currently in the first phase of the project with a soft launch projected for early 2020. Staff are currently working out implementation details and supporting IT needs with a supplier. Once systems have been tested, implementation involves the placement of a sticker on each parking meter explaining the new payment method. No other changes to the existing meters are required.

6.0 Use of Licence Plate Recognition Technology for Enforcement

The use of licence plate technology for payment of parking also allows its use for enforcement. There are two phases to this project. The first involves the beta testing and ultimately the implementation into the existing hand-held devices that staff currently uses to enforce parking violations. The second is the purchase of enforcement vehicles that are enhanced/fitted with the camera technology and software/hardware to recognize whether or not the vehicle is parked legally. Illegally parked vehicles are issued a citation in real-time on the windshield or through a post-processed mail out method (future consideration). This process allows the enforcement/compliance officer to quickly determine who has and has not paid resulting in a better utilization of the officers' time, improved management of our parking facilities, and potentially increased revenues for the City through citations and/or compliance.

The 2020-2044 proposed Capital Budget identifies the financial costs associated with the procurement of the purchase of enforcement vehicles that are enhanced/fitted with the camera technology and software/hardware to recognize whether or not the vehicle is parked legally (Project ID 4902057200).

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SUBJECT: Parking Technology Update (PED19197) (City Wide) – Page 4 of 4

7.0 Other Parking Technology Projects on the Horizon

Staff is currently reviewing the Parking Access and Revenue Control Technology (PARCT) for both the York Boulevard and Convention Centre Parkades. The new system(s) will be leveraged to ensure improved management of these parking facilities and enhance the customer experience through offering more convenient and fast options for payment, be user friendly, and integrate seamlessly with the software component. Staff will also be looking to standardize the new technology (on-street, off-street lots, and Parkades) to enhance the ability for data collection and analysis leading to providing a more efficient use of parking resources.

APPENDICES AND SCHEDULES ATTACHED

N/A

AM:cr



Hamilton

Agriculture and Rural Affairs Advisory Committee

REPORT 19-004

Monday, September 9, 2019

7:00 p.m.

**Ancaster Fairgrounds, Rooms A & B
630 Trinity Road, Ancaster**

Present: Councillors B. Clark, L. Ferguson, B. Johnson, and A. VanderBeek

A. Spoelstra (Chair), D. Smith (Vice-Chair), P. Krakar, C. McMaster,
N. Mills, A. Payne, R. Pearce, R. Shuker, and G. Smuk

Absent

With Regrets: J. Groen, J. Mantel, C. Roberts, and M. Switzer

Also Present: H. Swierenga

**THE AGRICULTURE & RURAL AFFAIRS ADVISORY COMMITTEE PRESENTS
REPORT 19-004 AND RESPECTFULLY RECOMMENDS:**

1. Draft Rural Site Alteration By-law Proposal (Item 10.3)

That the Agriculture & Rural Affairs Advisory Committee support the Draft Rural Site Alteration By-law, as amended.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 1)

The Committee Clerk advised that there were no changes to the agenda.

The agenda for the September 9, 2019 meeting of the Agriculture and Rural Affairs Advisory Committee was approved, as presented.

(b) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) June 3, 2019 (Item 4.1)

The Minutes of the June 3, 2019 meeting of the Agriculture and Rural Affairs Advisory Committee were approved, as presented.

(c) COMMUNICATIONS (Item 5)

(i) Correspondence from the Rural Opportunity & Investment Coalition (ROI) respecting Support for the Creation of a \$150 Million Capital Pool for Investment in Rural and Northern Ontario (Item 5.1)

The correspondence from the Rural Opportunity & Investment Coalition (ROI) respecting Support for the Creation of a \$150 Million Capital Pool for Investment in Rural and Northern Ontario, was **endorsed received**.

(d) DELEGATION REQUESTS (Item 6)

(i) Sara Epp, University of Guelph, respecting a Research Project on the Value of Agricultural Advisory Committees (for today's meeting) (Item 6.1)

The delegation request, submitted by Sara Epp, University of Guelph, respecting a Research Project on the Value of Agricultural Advisory Committees, was approved for today's meeting.

(e) PUBLIC HEARINGS / DELEGATIONS (Item 8)

(i) Sara Epp, University of Guelph, respecting a Research Project on the Value of Agricultural Advisory Committees (Added Item 8.1)

Sara Epp, University of Guelph, addressed the Committee respecting a Research Project on the Value of Agricultural Advisory Committees, with the aid of a presentation.

The delegation by Sara Epp, University of Guelph, respecting a Research Project on the Value of Agricultural Advisory Committees, was received.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

(f) DISCUSSION ITEMS (Item 10)

Item 10.3, respecting the Draft Rural Site Alteration By-law Proposal, was considered at this time due to time constraints.

- (i) **Draft Rural Site Alteration By-law Proposal (Item 10.3)**
- (a) Staff were requested to incorporate the following into the Draft Rural Site Alteration By-law:
- (i) That Section 26 be revised to explicitly state that ***there is an obligation to report observations that fill may be affected by contaminants and include a reporting timeframe;***
- (ii) That Section 15(4)(c) be amended to remove reference to proof of membership in an accredited farm organization, as follows:
- (1) the farm business registration number of the agricultural operation ~~***or proof of membership in an accredited farm organization;***~~
- (iii) That the following statements be added to the preamble of the by-law:
- (1) ***It is illegal for any person or any company to dump or deposit fill, excess soil or waste in the City of Hamilton without prior approval or consent after due process;*** and,
- (2) ***It is prohibited to import fill from outside the geographical boundaries of the City of Hamilton.***

For further disposition of this matter, refer to Item 1.

The following discussion items were deferred to the next Agriculture & Rural Affairs Advisory Committee meeting due to time constraints:

- (a) Review of the Terms of Reference (deferred from the June 3, 2019 meeting) (no copy) (Item 10.1)
- (i) Revised Terms of Reference - Agriculture & Rural Affairs Advisory Committee (PED19173) (Wards 9, 10, 11, 12, 13 and 15) (Item 10.1(a))
- (b) Corporate Climate Change Task Force Request - Information Update (Item 10.2)

(g) ADJOURNMENT (Item 15)

The meeting of the Agriculture & Rural Affairs Advisory Committee was adjourned at 9:11 p.m.

Respectfully submitted,

Andrew Spoelstra, Chair
Agriculture and Rural Affairs
Advisory Committee

Alicia Davenport
Legislative Coordinator
Office of the City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 1, 2019
SUBJECT/REPORT NO:	Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 2274 Powerline Road West, Ancaster (PED19171) (Ward 12)
WARD AFFECTED:	Ward 12
PREPARED BY:	Alaina Baldassarra (905) 546-2424 Ext. 7421
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAA-19-033, by Thomas and Susan Traver (Owners)**, for a change in zoning from the Agriculture (A1) Zone to the Agriculture (A1, 642) Zone (Block 1) and from the Conservation / Hazard Land – Rural (P6) Zone to the Conservation / Hazard Land – Rural (P6, 642) Zone (Block 2) to prohibit the construction of a single detached dwelling and residential care facility and to permit a reduced lot size for the agricultural parcel, as required by conditions of approval for Consent to Sever Application AN/B-18:131, for the lands located at 2274 Powerline Road W, as shown on Appendix “A” to Report PED19171, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED19171, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Schedule “C” of Zoning By-law No. 05-200; and,

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 2274 Powerline Road West, Ancaster (PED19171) (Ward 12) - Page 2 of 10

- (c) That the proposed modification in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan (RHOP).

EXECUTIVE SUMMARY

The purpose of this Zoning By-law Amendment application is to permit a reduced lot size and to rezone the subject lands to prohibit the construction of a single detached dwelling and a residential care facility on a portion of the consolidated farm parcel known as 2274 Powerline Road West, Ancaster. The proposed Zoning Amendment will also permit a reduced lot size. The requested amendment is required to satisfy the lot creation policies of the Provincial Policy Statement 2014 (PPS), the Greenbelt Plan (2017), and the RHOP. The amendment will also address Condition Nos. 3 and 5 of Consent for Severance approval AN/B-18:131 and modify the current Agriculture (A1) Zone and Conservation / Hazard Land – Rural (P6) Zone to facilitate the severance of a surplus farm dwelling as a result of a consolidation of non-abutting farm parcels.

The proposed application has merit and can be supported as it is consistent with the PPS, conforms to the Greenbelt Plan, and complies with the RHOP.

Alternatives for Consideration – See Page 10

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one public meeting to consider an application for an amendment to the Zoning By-law.

HISTORICAL BACKGROUND

Consent for Severance Application AN/B-18:131

In November, 2018, an application was made to the Committee of Adjustment in order to sever an existing single detached dwelling from the existing farm operation. The application was heard at the Committee of Adjustment meeting held on December 6, 2018 and subsequently tabled as the farm property had yet to be consolidated. The application returned to Committee on February 7, 2019 and was subsequently approved as the farmer completed the purchase of the subject lands. As a condition of consent, the applicant was required to submit a Zoning By-law Amendment application for the purposes of restricting the development of a single detached dwelling and residential

SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 2274 Powerline Road West, Ancaster (PED19171) (Ward 12) - Page 3 of 10

care facility on the retained farmland. Refer to Appendix “D” to Report PED19171 for the Notice of Decision for the consent for severance application AN/B-18:131.

Description of the Subject Lands

The subject lands are located south of Power Line Road West and north of a Hydro One Corridor (see location map attached as Appendix “A” to Report PED19171). The subject application is currently an agricultural property with one single detached dwelling on the lot. The future use of the retained lands is agriculture and conservation and the severed lands will contain an existing single detached dwelling. Refer to Appendix “E” to Report PED19171 for a sketch of the conditionally approved severance.

Proposal

The purpose of Zoning By-law Amendment application ZAA-19-033 is to rezone the farmed portion of the subject lands from the Agriculture (A1) Zone and Conservation / Hazard Land – Rural (P6) Zone to a site specific Agriculture (A1) Zone and site specific Conservation / Hazard Land – Rural (P6) Zone, to prohibit the development of a single detached dwelling and residential care facility in order to satisfy Condition Nos. 3 and 5 of Consent for Severance application AN/B-18:131 where an existing farm dwelling was severed through a non-abutting farm consolidation severance. The amendment also recognizes the reduced lot size of the retained farmlands.

Details of Submitted Application

Location: 2274 Powerline Road West, Ancaster (see Appendix “A” to Report PED19171)

Applicant / Owner: Thomas & Susan Traver

Property Description

<u>(Lands to be retained):</u>	<u>Lot Area:</u>	27.7 ha (68.6 ac)
As shown on Appendix “D” to Report PED19171	<u>Lot Frontage:</u>	± 84.5m
	<u>Lot Depth:</u>	± 1004 m (Irregular)

Property Description

<u>(Lands to be conveyed):</u>	<u>Lot Area:</u>	0.82 ha (2.02 ac)
As shown on Appendix “D” to Report PED19171	<u>Lot Frontage:</u>	± 76.2 m
	<u>Lot Depth:</u>	± 118.8 m

SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 2274 Powerline Road West, Ancaster (PED19171) (Ward 12) - Page 4 of 10

Existing Land Use and Zoning

Subject Lands:

<u>Existing Land Use</u>	<u>Existing Zoning</u>
Agriculture, Single detached dwelling	Agriculture (A1) Zone, Conservation / Hazard Land - Rural (P6) Zone

Surrounding Lands:

North	Agriculture, Single detached dwellings	Agriculture (A1) Zone
South	Agriculture, Hydro One Corridor	Agriculture (A1) Zone, Conservation / Hazard Land - Rural (P6) Zone
East	Agriculture, Single detached Dwellings, Conservation	Agriculture (A1) Zone, Conservation / Hazard Land - Rural (P6) Zone
West	Agriculture, Single detached dwellings Conservation	Agriculture (A1) Zone, Conservation / Hazard Land - Rural (P6) Zone

Chronology

<u>February 7, 2019:</u>	Consent for Severance meeting AN/B-18:131 was heard at the Committee of Adjustment meeting and was conditionally approved.
<u>April 3, 2019:</u>	Consent for Severance application AN/B-18:131 received final and binding approval.
<u>May 8, 2019:</u>	Zoning By-law Amendment application ZAA-19-033 was received.
<u>June 3, 2019:</u>	Zoning By-law Amendment application ZAA-19-033 was deemed complete.

SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 2274 Powerline Road West, Ancaster (PED19171) (Ward 12) - Page 5 of 10

- June 10, 2019: Zoning By-law Amendment application ZAA-19-033 was circulated to 22 property owners within 120 m of the subject lands.
- June 19, 2019: Public Notice sign was installed on the subject lands.
- September 4, 2019: Public Notice sign was updated to include Public Meeting Date.
- September 13, 2019: Circulation of Notice of Public Meeting to 22 property owners within 120 m of the subject lands.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the PPS. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis below.

As the application for a change in zoning complies with the RHOP, it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*, and,
- Consistent with the PPS.

Greenbelt Plan

The *Greenbelt Act* requires that all municipal land use decisions made under the *Planning Act* conform to the Greenbelt Plan. The Greenbelt Plan designates the subject lands as "Protected Countryside".

The following policies, amongst others, are applicable:

OUR Vision: To be the best place to raise a child and age successfully.
 OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.
 OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 2274 Powerline Road West, Ancaster (PED19171) (Ward 12) - Page 6 of 10

“4.6.1 f) Lot Creation is discouraged and may only be permitted for:

The severance of a residence surplus to a farming operation as a result of a farm consolidation, on which a habitable residence was an existing use, provided that:

- i. The severance will be limited to the minimum size needed to accommodate the use and appropriate sewage and water services; and,
- ii. The planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. Approaches to ensuring no new residential dwellings on the retained lot of farmland may be recommended by the Province, or municipal approaches that achieve the same objective should be considered.”

It was found through the Consent for Severance application AN/B-18:131, that the proposed severance complied with policy 4.6.1 f) i). With regards to 4.6.1 f) ii), Condition No. 5 was placed on the Consent for Severance application requiring that the lands be rezoned to prohibit a residential dwelling and residential care facility in perpetuity on the subject lands and ensure that the retained farm parcel cannot be developed for a single detached dwelling. This application serves to satisfy this requirement, and as such, the application conforms to the Greenbelt Plan (2017).

Rural Hamilton Official Plan

The subject lands are designated “Greenbelt Protected Countryside” on Schedule “A” - Provincial Plans of the RHOP. The subject lands are designated “Agricultural” on Schedule “D” – Rural Land Use Designations in the RHOP. The following policy, amongst others, is applicable:

“F.1.14.2.8 c) In cases of a farm dwelling made surplus as a result of acquisition as part of a farm operation that does not result in the merging in title of parcels of land, applications for severance of the surplus dwelling shall comply with the following conditions:

- v) Prior to granting of final consent, one of the following conditions shall be met for the retained farm parcel as a result of a surplus farm dwelling severance:

SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 2274 Powerline Road West, Ancaster (PED19171) (Ward 12) - Page 7 of 10

1. The land owner shall apply for and receive final approval to rezone the farm parcel to prohibit the construction of a dwelling unit; or
2. The land owner shall grant in favour of the City, a restrictive covenant which prohibits the construction of any dwelling unit.”

It was found through the Consent for Severance application AN/B-18:131, that the proposed severance complied with the RHOP by prohibiting the development of a single detached dwelling on the subject lands. Based on the foregoing, this application will satisfy Policy F.1.14.2.8 c) v). Therefore, the proposal complies with the RHOP.

City of Hamilton Zoning By-law No. 05-200

The subject lands are zoned Agriculture (A1) Zone and Conservation / Hazard Land – Rural (P6) Zone. The permitted uses are as follows:

Agriculture (A1) Zone

- Agriculture;
- Residential Care Facility;
- Secondary Uses to Agriculture;
- Single Detached Dwelling; and,
- Veterinary Service – Farm Animal.

Conservation / Hazard Land – Rural (P6) Zone

- Agriculture;
- Single Detached Dwelling;
- Flood and Erosion Control Facilities; and,
- Recreation, Passive.

The applicant proposes a site specific Agriculture (A1) Zone and Conservation / Hazard Land – Rural (P6) Zone in order to prohibit the development of a single detached dwelling and residential care facility on the retained farmland and to recognize the reduced lot size of the retained farmlands.

An evaluation of the proposed modifications is included in Appendix “C” to Report PED19171.

SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 2274 Powerline Road West, Ancaster (PED19171) (Ward 12) - Page 8 of 10

RELEVANT CONSULTATION

The following internal departments and external agencies have no concerns or objections with respect to the proposed application:

- Infrastructure and Sourcewater Division, Public Works Department;
- Development Engineering Approvals, Growth Management, Planning and Economic Development Department;
- Forestry and Horticulture Division, Public Works Department
- Hydro One Networks Inc.; and,
- Grand River Conservation Authority.

Public Consultation:

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, a Notice of Complete Application and Preliminary Circulation was circulated to 22 property owners within 120 m of the subject property on June 10, 2019 requesting public input on the application. A Public Notice sign was also posted on the property on June 20, 2019 and updated on September 4, 2019 with the date of the Public Meeting. Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on September 13, 2019. To date, staff have received no letters of correspondence concerning the application.

Public Consultation Strategy:

As per the City's Public Consultation and Strategy Guidelines, the applicant proposed a consultation strategy through the notice requirements of the previous Consent for Severance application AN/B-18:131 through which notice was given under Section 53 of the *Planning Act*. Neighbours within 60 m of the subject property were notified of the application. No members of the public attended the Committee of Adjustment hearings on December 5, 2018 or February 7, 2019 to express any concerns.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Zoning By-law Amendment application has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS, and conforms to the Greenbelt Plan (2017);
 - (ii) It complies with the policies of the RHOP; and,

SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 2274 Powerline Road West, Ancaster (PED19171) (Ward 12) - Page 9 of 10

- (iii) The proposed amendment satisfies Conditions Nos. 3 and 5 of Consent for Severance Application AN/B-18:131, which was approved by the Committee of Adjustment on February 7, 2019 (see Appendix "D" to Report PED19171).
2. The policies of the PPS and Greenbelt Plan (2017) indicate that a residence may be severed as surplus to a farming operation. It was found through staff evaluation of the Consent Application process, that the application was consistent with the PPS and conforms to the Greenbelt Plan in effect at the time of the application. As per Policy 2.3.1, the PPS indicates that the intent of the plan is to protect agricultural areas. The restriction of development of the subject lands is consistent with that policy. The Greenbelt Plan supports and permits Agricultural Uses on lands designated within the Plan. Staff are of the opinion that the application is consistent with the PPS and conforms to the Greenbelt Plan (2017) as it restricts the development of a single detached dwelling and residential care facility on the subject lands to preserve the existing farm practice.
3. The proposal complies with the policy F.1.14.3.8 c) in the RHOP which speaks to surplus farm dwelling severances as a result of a farm consolidation. This application fulfils Condition Nos. 3 and 5 of Consent for Severance application AN/B-18:131 by prohibiting the future development of a single detached dwelling and residential care facility on the retained farmlands as a result of a surplus farm dwelling severance and permitting the retained farmland to have a reduced lot size.

The following modifications to Zoning By-law No. 05-200 are required to fulfill Conditions Nos. 3 and 5 of Consent for Severance application AN/B-18:131:

Agriculture (A1, 642) Zone

- Remove Single Detached Dwelling from Permitted Uses;
- Remove Single Residential Care Facility from Permitted Uses; and,
- Permit Minimum lot size of 27 ha.

Conservation / Hazard Land – Rural (P6, 642) Zone

- Remove Single Detached Dwelling from Permitted Uses.

The proposed modifications to the Agriculture (A1) Zone and Conservation / Hazard Land – Rural (P6) Zone are discussed in Appendix “C” to Report PED19171.

SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 2274 Powerline Road West, Ancaster (PED19171) (Ward 12) - Page 10 of 10

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the conditional approval of Consent for severance application AN/B-18:131 will lapse, and the applicant will not be able to sever the surplus dwelling from the property. The use of the subject property will continue to be regulated by the existing Agricultural (A1) Zone and Conservation / Hazard Land - Rural (P6) Zone in the City of Hamilton Zoning By-law No. 05-200.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

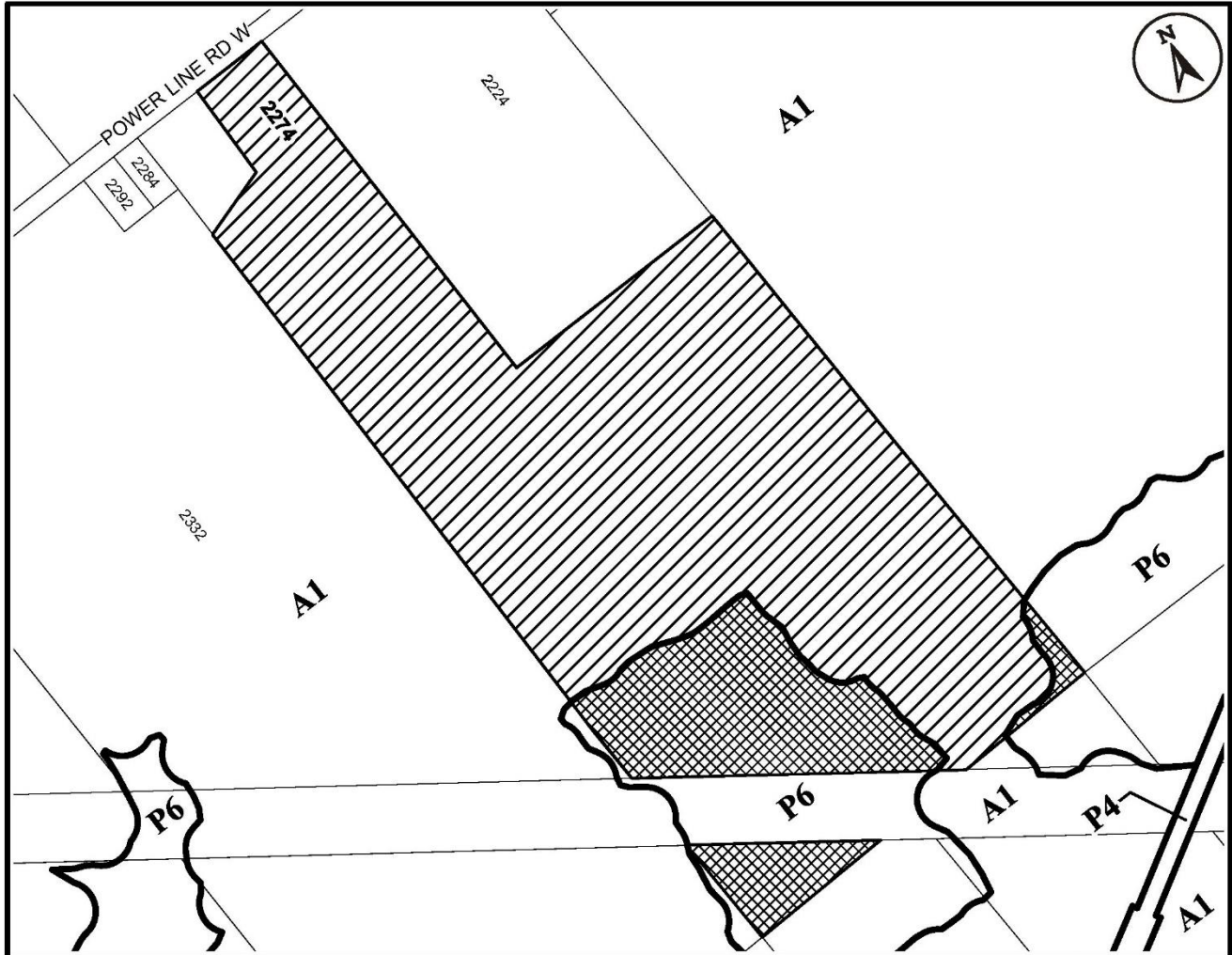
Appendix “A”: Location Map

Appendix “B”: Draft Amendment to Zoning By-law No. 05-200

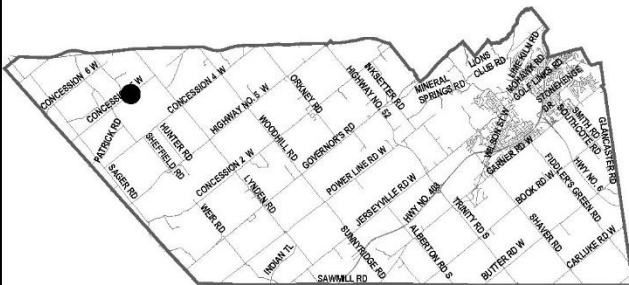
Appendix “C”: Zoning Modification Chart

Appendix “D”: Committee of Adjustment Decision for AN/B-18:131

Appendix “E”: Land Severance Sketch



● Site Location



Key Map - Ward 12

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAA-19-033

Date:
July 17, 2019

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
RF/VS

Subject Property

2274 Powerline Road West



Block 1 - Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 642) Zone



Block 2 - Change in Zoning from Conservation / Hazard Land - Rural (P6) Zone to Conservation / Hazard Land - Rural (P6, 642) Zone

Authority: Item ,
Report (PED19171)
CM:
Ward: 12

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

**To Amend Zoning By-law No. 05-200
with respect to lands located at 2274 Powerline Road West, Ancaster**

WHEREAS Council approved item ___ of Report _____ of the Planning Committee, at its meeting held on the 1st day of October, 2019;

AND WHEREAS this By-law conforms to the Rural Hamilton Official Plan;

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

1. That Map No. 130 of Schedule "A" – Zoning Maps is amended by changing the zoning from the Agriculture (A1) Zone to the Agriculture (A1, 642) Zone (Block 1) and the Conservation / Hazard Land – Rural (P6) Zone to the Conservation / Hazard Land – Rural (P6, 642) Zone (Block 2), for the lands identified in Schedule "A" to this By-law.

2. That Schedule "C" - Special Exceptions is amended as follows:

a) Adding the map reference "130" between the words "Maps" and "219" so that the wording is as follows:

642. Within those lands zoned Agriculture (A1) Zone and Conservation/Hazard Land - Rural (P6) Zone, identified on Maps 130, 219, 223 and 255, of Schedule A – Zoning Maps and described as:

b) Adding reference to "2274 Powerline Road West" and "Map 130" to the Property Address and Map Numbers table as follows:

Property Address	Map Numbers
2274 Powerline Road West	130

c) Adding subsection e) as follows:

e) Notwithstanding Section 12.1.3.1 a), for the lands located at No. 2274 Powerline Road West, the minimum lot area shall be **23** hectares.

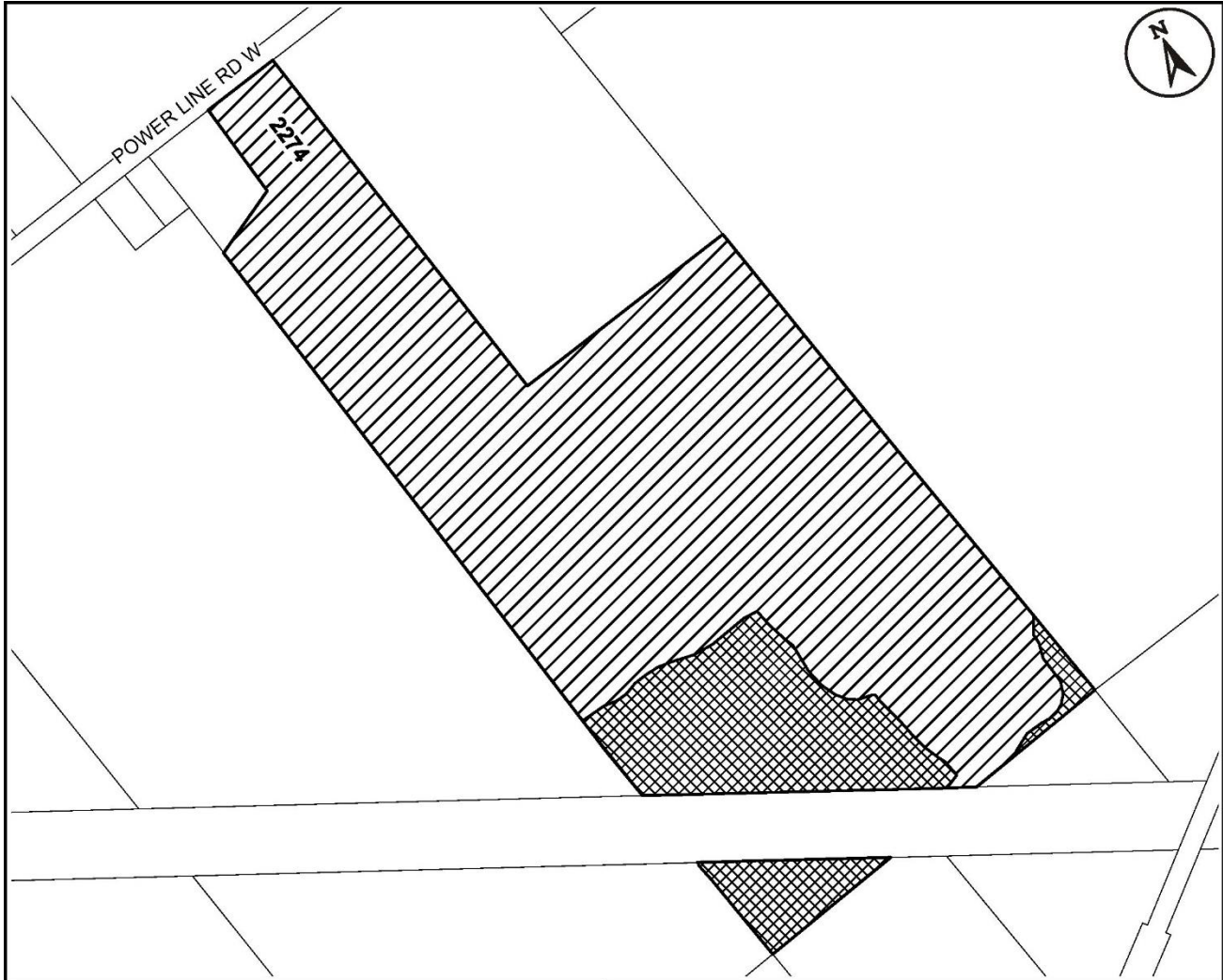
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.
4. That this By-law No. XXX shall come into force and deemed to come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of the By-law or as otherwise provided by the said subsection.

PASSED this _____ , _____

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAA-19-033



This is Schedule "A" to By-law No. 19-
Passed the day of, 2019

Mayor


Clerk


Schedule "A"

Map Forming Part of
By-law No. 19-____

to Amend By-law No. 05-200
Map 130

Subject Property
2274 Powerline Road West

 **Block 1** - Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 642) Zone

 **Block 2** - Change in Zoning from Conservation / Hazard Land - Rural (P6) Zone to Conservation / Hazard Land - Rural (P6, 642) Zone

Scale:
N.T.S.

Date:
July 17, 2019

File Name/Number:
ZAA-19-033

Planner/Technician:
RF/VS



Site Specific Modifications to the Agriculture (A1, 642) Zone and Conservation / Hazard Land – Rural (P6, 642) Zone

Regulation	Required	Modification	Analysis
12.1.1 Permitted Uses Agriculture Residential Care Facility Secondary Uses to Agriculture Single Detached Dwelling Veterinary Service – Farm Animal	12.1.1 Permitted Uses Agriculture Secondary Uses to Agriculture Veterinary Service – Farm Animal	Prohibit Single Detached Dwelling and Residential Care Facility from the permitted uses.	In accordance with the provisions of the PPS, Greenbelt Plan and Rural Hamilton Official Plan, and Condition No. 5 for Consent to Sever application AN/B-18:131, a rezoning is required in order to restrict the development of a single detached dwelling and residential care facility on the retained farmland. The application seeks to preserve the primary long-term land use of agriculture within the Agricultural area and the rezoning will satisfy this condition and allow the applicant to clear Condition No. 5 of Consent Application AN/B-18:131 and allow the non-abutting farm consolidation to be completed. Therefore, staff support the modification.
7.6.1 Permitted Uses Agriculture Conservation Flood and Erosion Control Facilities Recreation, Passive Secondary Uses to	7.6.1 Permitted Uses Agriculture Conservation Flood and Erosion Control Facilities Recreation, Passive Secondary Uses to	Prohibit Single Detached Dwelling as a permitted use.	In accordance with the provisions of the PPS, Greenbelt Plan and Rural Hamilton Official Plan and Condition No. 5 for Consent to Sever application AN/B-18:131, a rezoning is required in order to restrict the development of a single detached dwelling on the retained farmland. The application seeks to preserve the primary long-term land use of agriculture within the Agricultural area and the rezoning will satisfy this condition and allow the applicant to clear Condition No. 5 of Consent Application AN/B-18:131 and allow the non-abutting

Agriculture Single Detached Dwelling	Agriculture		farm consolidation to be completed. Therefore, staff support the modification.
12.1.3.1 Minimum Lot Size	40.4 ha.	23 ha.	As a result of the associated Consent for Severance application (AN/B-18:131), the lot size of the retained parcel has been reduced. The site specific is technical in nature as the 23 hectare lot represents the amount of land currently being farmed on the property and the amount of land in agricultural production is not being reduced. The modification fulfills condition No. 3 of Consent for Severance application AN/B-18:131. Therefore, staff support the modification.



Committee of Adjustment
 Hamilton City Hall
 71 Main Street West, 5th floor
 Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221
 Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. AN/B-18:131
SUBMISSION NO. B-131/18

APPLICATION NUMBER: AN/B-18:131

SUBJECT PROPERTY: 2274 Powerline Road West (Ancaster), Hamilton

APPLICANT(S): Agent Don Robertson on behalf of the owners Tom & Sue Traver

PURPOSE OF APPLICATION: Non-abutting farm consolidation which results in a surplus farm dwelling being severed.

Severed lands:
88.4m[±] (290'±) and an area of 28.3ha± (70ac±)

Retained lands:
76.2m[±] (250'±) x 106.6m[±] (350'±)

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Rural Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions:


1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
3. The owner shall submit survey evidence that the lands to be retained, including the location of any existing structures, parking and landscaping, conform to the requirements of the Zoning By-law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).


AN/B-18:131
Page 2

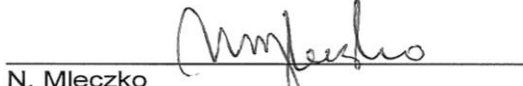
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
5. The applicant / proponent shall apply for and receive final and binding approval of a Zoning By-law Amendment for the purposes of prohibiting a single detached dwelling and residential care facility on the lands to be severed to the satisfaction of the Manager, Development Planning, Heritage & Design.
6. As a condition of severance, to the satisfaction of Building Division, the applicant shall demonstrate that all septic system components meet the minimum clearance distances set out by Part 8 of the Ontario Building Code. It is noted that many of these clearance distances have been provided in the sketch associated with the application.
7. As a condition of severance, to the satisfaction of Director, Hamilton Water, the applicant shall delineate a reserve area bed on a site plan drawing as per Rural Hamilton Official Plan requirements.
8. Transfer land to new owner and provide evidence to Committee of Adjustment office.
9. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
10. The owner submits to the Committee of Adjustment office an administration fee of \$17.70 payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lot.

DATED AT HAMILTON this 7th day of February 2019.


M. Dudzic (Chairman)


D. Serwatak


D. Smith


N. Mleczko


L. Gaddy


V. Abraham


M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS March 14th, 2019.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (March 14th, 2020) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **April 3, 2019.**

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

AN/B-18:131

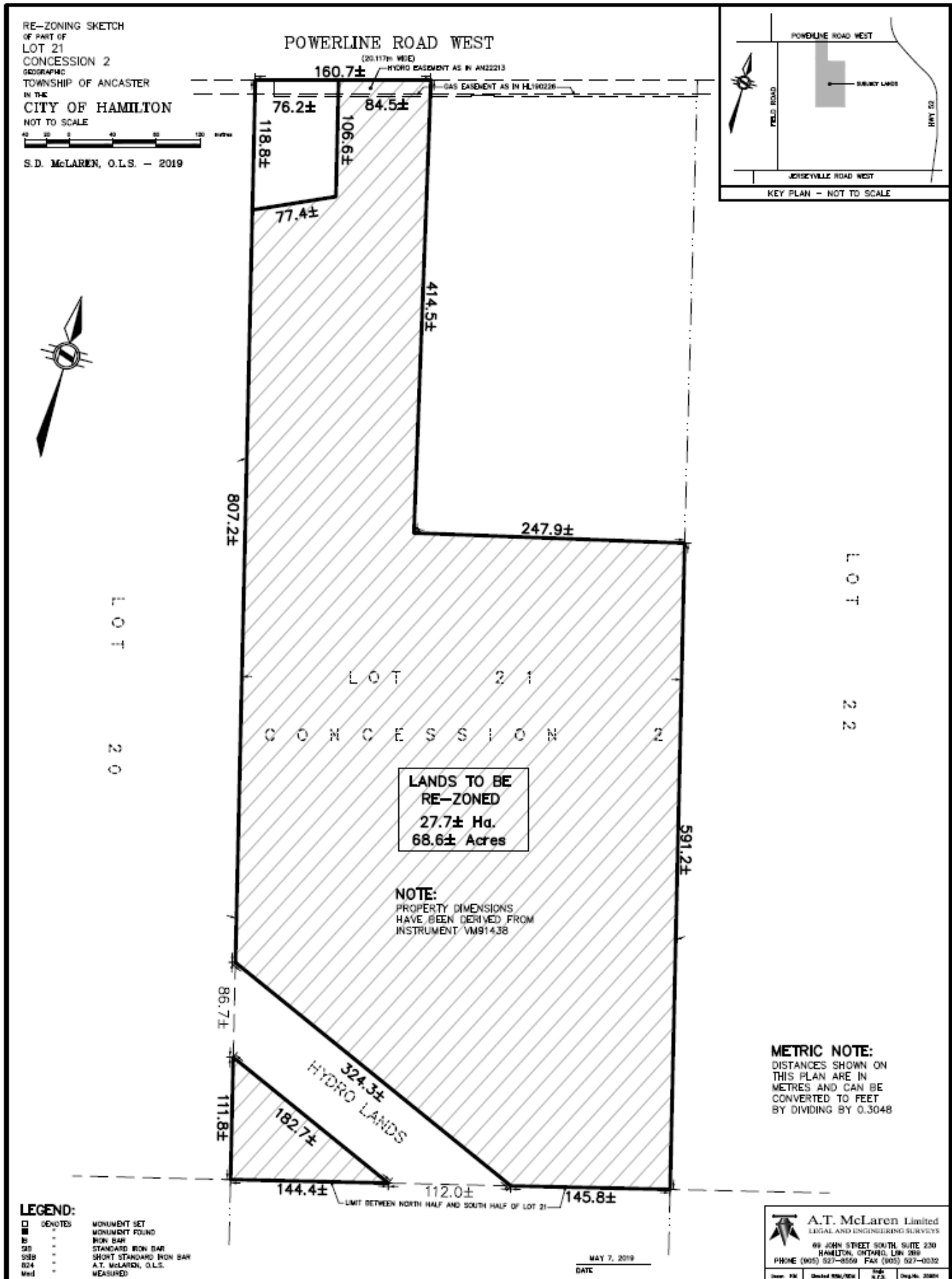
Page 3

Growth Management:

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **2274 Powerline Road West, Hamilton (Ancaster)**, and the lands to be conveyed will be assigned the address of **2250 Powerline Road West, Hamilton (Ancaster)**.

NOTE:

"Advisory Note: Although an archaeological assessment is not required at this time, prior to any further approvals under the Planning Act or any construction requiring a building permit issued by the City of Hamilton, the property owner shall carry out an archaeological assessment of the property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Tourism, Culture and Sport confirming that all archaeological resource concerns have met licensing and conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport. The subject lands are considered to be of archeological potential, and should deeply buried archaeological remains be found on the property during any of the above development activities the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (519.675.7742). In the event that human remains are encountered during construction, the applicant/landowner should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government Services (416.326.8392),"





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 01, 2019
SUBJECT/REPORT NO:	Application for Zoning By-law Amendment for Lands Located at 560-580 Highland Road West (Hamilton) (PED19182) (Ward 6)
WARD(S) AFFECTED:	Ward 6
PREPARED BY:	E. Tim Vrooman (905) 546-2424 Ext. 5277
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Zoning By-law Amendment Application ZAC-19-004, by Commons Holdings Inc. (Owner)** to change the zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4) Zone in order to permit a broader range of business support uses on lands located at 560-580 Highland Road West, as shown on Appendix “A” to Report PED19182, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix “B” to Report PED19182, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The application is for a Zoning By-law Amendment to change the zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4) Zone in order to permit a broader range of permitted uses that support the businesses and employees of the surrounding employment area, including financial establishments, medical clinics, personal services, and limited retail.

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The same regulations and urban design standards (e.g. maximum building height, minimum yard setbacks, landscape area requirements, etc.) as the existing Prestige Business Park (M3) Zone would apply to the site. In addition, the site is appropriately designated in the Urban Hamilton Official Plan (UHOP) and is the subject of approved Site Plan Application No. SPA-17-232 (attached as Appendix “C” to Report PED19182).

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan (UHOP). The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community through the addition of a limited range of strategically located supportive commercial uses for employees and businesses within the Employment Area where there is a determined need, making efficient use of land and existing infrastructure and satisfying the criteria for supportive commercial uses in Employment Areas as set out in the UHOP.

Alternatives for Consideration – See Page 13

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for a Zoning By-law Amendment.

HISTORICAL BACKGROUND

Site Description

The subject lands known as 560-580 Highland Road West are located on the northwest corner of the intersection of Highland Road West and Upper Red Hill Valley Parkway (see Location Map attached as Appendix “A” to Report PED19182). The subject site is approximately 1.5 hectares in area with two recently constructed office and commercial retail buildings.

Proposal

The application is for a Zoning By-law Amendment to change the zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4) Zone in order to permit a broader range of permitted uses that support the businesses and employees of the

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surrounding employment area, including medical clinics, personal services, and limited retail that supports businesses and employees in the Red Hill Business Park.

Chronology:

<u>December 10, 2018:</u>	Application ZAC-19-004 received.
<u>January 18, 2019:</u>	Application ZAC-19-004 deemed complete.
<u>January 31, 2019:</u>	Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAC-19-004 to 18 property owners within 120 m of the subject lands.
<u>February 14, 2019:</u>	Public Notice Sign erected on the subject property.
<u>July 12, 2019:</u>	Additional materials submitted to City of Hamilton for review.
<u>August 21, 2019:</u>	Public Notice Sign updated with Public Meeting Information.
<u>September 13, 2019:</u>	Circulation of the Notice of Public Meeting to 18 property owners within 120 m of the subject lands.

DETAILS OF SUBMITTED APPLICATION

<u>Location:</u>	560-580 Highland Road West, Hamilton (see Appendix "A" to Report PED19182)		
<u>Owner/Applicant:</u>	Commons Holdings Inc.		
<u>Agent:</u>	WEBB Planning Consultants (c/o James Webb)		
<u>Property Description:</u>	Lot Frontage:	± 153.55 m (Highland Road West) ± 91.75 m (Upper Red Hill Valley Parkway)	
	Lot Depth:	± 104.3 m	
	Lot Area:	± 1.55 ha (Irregular)	
	Servicing:	Existing Municipal Services	

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EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Office and Commercial Retail under construction	Prestige Business Park (M3) Zone
<u>Surrounding Land Uses:</u>		
North	Restaurant and Motor Vehicle Service Station	Prestige Business Park (M3) Zone
South	Vacant Land subject to redevelopment	Business Park Support (M4, 481) Zone, Modified
East	Upper Red Hill Valley Parkway, Retail Grocery Store, and Vacant Land subject to redevelopment	Neighbourhood Development (ND) Zone District Commercial (C6, 349) Zone, Modified
West	Hydro Corridor	Prestige Business Park (M3) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to the Growth Plan for the Greater Golden Horseshoe (A Place to Grow, 2019).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal approval of the City of Hamilton Official Plan, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of Provincial interest (i.e. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis that follows.

One exception to the local implementation of the Provincial planning policy framework is that the UHOP has not been updated with respect to Cultural Heritage policies of the PPS. The following policy, amongst others, applies:

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“2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

A Stage 1-3 archaeological assessment report (P013-168-2006) and a Stage 4 archaeological assessment report (P141-066-2006) were submitted to the City of Hamilton and the Ministry of Tourism, Culture and Sport in July 2006 and May 2007, respectively. The Stage 1-3 and Stage 4 reports received Ministry sign-off in letters dated December 3, 2008. The Stage 4 assessment report indicates that the registered archaeological site, Soley III (AhGw-219), has been completely salvage excavated and is considered free of any further archaeological concern. Staff concur with the recommendations made in the reports and no longer have an interest in the subject property with respect to archaeology.

As the application for a change in zoning complies with the Official Plan and relevant polices in the PPS (2014), it is staff’s opinion that the application is:

- consistent with Section 3 of the *Planning Act*, and
- consistent with the Provincial Policy Statement (2014); and,
- conforms to A Place to Grow (2019).

Urban Hamilton Official Plan (UHOP)

The subject lands are designated “Employment Areas” on Schedule E – Urban Structure and designated “Business Park” on Schedule E-1 – Urban Land Use Designations. The following policies, amongst others, apply to the proposal.

Employment Area – Business Park Designation

“E.2.7.2 Employment Areas shall provide employment through a broad range of uses, including traditional industrial uses, research and development uses, and other uses. Uses which support the businesses and employees of the employment area shall be permitted. Major retail uses or residential uses shall not be permitted. The permitted uses shall be described in more detail in Section E.5.0 – Employment Area Designations.

E.2.7.3 Employment Areas shall provide for a diverse range of employment opportunities in proximity to the City’s major infrastructure including the Port, the Airport, and the highway and transit network. It is important to provide a range of opportunities in order to meet the varying locational and market requirements for businesses including regionally significant industries.

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- E.5.4.1 The range of employment uses allows for a wide variety of industrial activity and accommodates employment support uses, such as offices, that will foster the development of a prestige employment area. The Employment Area – Business Park designation applies to the City’s business parks, excluding the Airport Business Park, identified on Schedule E-1 – Urban Land Use Designations.
- E.5.4.3 The following uses may be permitted on lands designated Employment Area – Business Park on Schedule E-1 – Urban Land Use Designations, in accordance with the Zoning By-law: **(OPA 109)**
- a) manufacturing, warehousing, repair service, building or contracting supply establishments, building and lumber supply establishments, transportation terminals, research and development, office, communication establishment, and private power generation. Salvage yards and other uses which are unsightly or otherwise incompatible with the design policies and image for business parks shall be prohibited;
 - b) uses which primarily support industry, including labour association halls, conference and convention centres, trade schools, commercial motor vehicle and equipment sales, and commercial rental establishments;
 - c) ancillary uses which primarily support businesses and employees within business parks, including hotels, health and recreational facilities, financial establishments, restaurants, personal services, motor vehicle service stations and washing, retail establishments, and commercial parking facilities;
 - d) limited agricultural uses including only a cannabis growing and harvesting facility, a greenhouse and an aquaponics facility; **(OPA 23)(OPA 112)**
 - e) waste processing facilities and waste transfer facilities; and,
 - f) accessory uses, such as limited retail and office.
- E.5.4.4 In addition to Policy E.5.4.3 c), ancillary uses may be permitted within the Employment Area provided the following conditions are met:
- a) the uses shall be determined through the Zoning By-law in accordance with the policies of this Plan;

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- b) Notwithstanding Policy E.5.4.4 a), the Zoning By-law may:
- i) permit a limited number of restaurants where a need for the use can be justified;
 - ii) restrict or limit the number of ancillary uses from occupying Employment Areas.
- c) the need for the uses to support the businesses and employees within the Employment Area has been determined;
- d) the uses shall only be located along the exterior of the Employment Area and should generally be located at intersections of arterial or collector roads; and,
- e) where possible, the uses should be clustered on single sites to limit the impact on the supply of developable lands for use permitted in Policy E.5.4.3 a). **(OPA 109)**”

Employment Areas are to be preserved for employment-type uses. As provided above, a wide range of employment uses are permitted throughout the Employment Areas, with some limited support commercial uses permitted at strategic locations within the Business Parks. The range of permitted ancillary and accessory commercial uses in Industrial Zones has been restricted in the Zoning By-law in accordance with these UHOP policies, which is further detailed below in the Scale and Design section of this Report. The Prestige Business Park (M3) Zone is applicable to the Red Hill North Business Park and permits a range of light industrial, office, and research and development uses. The Business Park Support (M4) Zone has been applied to the exterior of business parks and permits the same range of industrial and employment uses as the M3 Zone, as well as ancillary uses which are designed to support the business and employees of the employment area. It is important to note that major retail and residential uses are not permitted.

It was not intended that the M4 Zone be widely used in Business Parks, as many of the existing parks are near commercially designated and zoned lands that serve the same function. In review of the remaining criteria as set out in Policy E.5.4.4 c) to e), staff note the following:

- The proposed additional uses of financial establishment, medical clinic, personal services, and limited retail will support existing local businesses, industries and employees of the Upper Red Hill Valley Parkway area. An addendum to the Planning Justification Report prepared by Webb Planning Consultants dated July 12, 2019 was prepared to demonstrate the need for supportive commercial uses for the business and employees within the Employment Area. The addendum

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identified that there is specific demand and a niche market for supportive commercial uses to locate within the business park for the express purpose of offering services catered towards potential clients from existing and planned businesses and the workforce located within the business park, particularly for medical and financial services. It notes that this demand cannot be met within the adjacent commercially zoned lands as they offer exclusive and premium space targeted towards the general public;

- The subject site is located along the exterior of the Red Hill Business Park North, at the intersection of Upper Red Hill Valley Parkway, a designated major arterial road, and Highland Road West, a designated collector road; and,
- The subject site is a single site, thus limiting the impact on the supply of developable lands for employment uses.

Based on the foregoing, staff are of the opinion that the subject criteria have been met.

Scale and Design

- “E.2.7.5 Smaller scale office buildings shall be permitted within all Employment Areas; however, they shall be restricted in function and scale.
- E.2.7.6 Employment Areas shall be planned and designed to be easily accessible by a range of transportation modes including the automobile, transit, and active transportation.”
- E.5.4.5 Offices within the Employment Area – Business Park designation shall comply with the following criteria:
- a) Offices, excluding industrial administrative offices and consulting offices related to land development services, such as surveying, engineering, planning or design, shall be permitted where prestige uses for a business park are permitted by Policy E.5.4.7 c), and where the ancillary uses which serve the businesses and employees of the business park are permitted by Policy E.5.4.4.
 - b) Offices, excluding industrial administrative offices and consulting offices related to land development services, such as surveying, engineering, planning or design, shall be restricted in function, scale and type and shall be limited in size through the Zoning By-law.
 - c) Industrial administrative offices shall be limited to less than 10,000 square metres per free standing building and shall only be permitted

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where prestige uses for a business park are permitted by Policy E.5.4.7 c). **(OPA 64)**

- d) Consulting offices related to land development services, such as surveying, engineering, planning or design, services shall be limited to less than 10,000 square metres per free standing building. **(OPA 64)**

E.5.4.6 Retail establishments shall serve the businesses and employees of the Employment Area, shall be limited to 500 square metres of gross floor area, and shall only be permitted where the supporting uses for the business park are permitted by Policy E.5.4.4.

E.5.4.7 (a) New *development* and *redevelopment* of existing sites shall contribute to a quality image for the business park by incorporating quality building and landscaping designs in those areas adjacent to and visible from public roads, and by complementing the landscape qualities of adjacent sites.

E.5.4.7 (d) A range of compatible employment uses shall be encouraged to locate adjacent to lands designated Neighbourhoods, Institutional or Commercial and Mixed Use. Outdoor storage, assembly and loading areas shall be appropriately located and buffered from these adjacent lands.”

The UHOP contains policies which limit the function, scale and type of office uses and the location and scale of ancillary retail uses. The Business Park Support (M4) Zone has requirements that implement the above noted policies through the requirement of a Minimum Lot Area of 4,000 m² and a maximum gross floor area of 500 m² for an individual retail establishment. Further, the M4 Zone contains the same regulations and urban design standards as those required in the Prestige Business Park (M3) Zone. The specific site planning details required per UHOP Policy E.5.4.7 have been addressed through the review of approved Site Plan Application No. SPA-17-232 (attached as Appendix “C” to Report PED19182).

The proposal provides for a range of uses that are suitable for transition from general industrial uses to the west, to future sensitive land uses (residential) towards the southeast. The proposal provides for an expanded range of economic opportunities in proximity to Upper Red Hill Valley Parkway and will encourage multi-modal transport that supports industry locational and market requirements.

Based on the foregoing, staff are of the opinion that the proposed development complies with the policies of the Urban Hamilton Official Plan.

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Hamilton Zoning Bylaw No. 05-200

The subject property is currently zoned Prestige Business Park (M3) Zone in Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” to Report PED19182.

The Prestige Business Park (M3) Zone permits a range employment uses, including but not limited to manufacturing, research and development, warehousing, transportation logistics, building supply establishments, offices, professional services, commercial vehicle or equipment repair services, sales and rentals, restaurants, hotels, and conference and convention centres.

To permit a broader range of uses that support the businesses and employees of the surrounding employment area, including medical clinics, personal services, and retail, an amendment to the Zoning By-law is required to change the zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4) Zone. The M4 Zone includes the same regulations and urban design standards as required in the existing M3 Zone. Regulations requiring minimum setbacks for manufacturing uses from sensitive land uses also apply. The proposed zoning will be discussed in the Analysis and Rationale section of this Report.

RELEVANT CONSULTATION

The following departments and agencies had no comments or objections to the application:

- Growth Planning Section, Growth Management Division, Planning and Economic Development Department;
- Landscape Architectural Services, Strategic Planning Division, Public Works Department;
- Asset Management, Strategic Planning Division, Public Works Department; and,
- Construction, Strategic Planning Division, Public Works Department.

The following departments and agencies submitted comments:

Development Approvals Section, Growth Management Division, Planning and Economic Development Department advise that provided that the site does not have an increase in imperviousness, additional inlet structures, grading works, servicing works other than what was originally proposed in approved Site Plan Application No. SPA-17-232, then Development Engineering Approvals has no comments or concerns with the Zoning By-Law Amendment from an Engineering perspective.

The proposed application is for a change in zoning that will permit a broader range of employment supportive uses. This change will not alter the development as approved by Site Plan Application No. SPA-17-232.

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Recycling and Waste Disposal, Environmental Services Division, Public Works Department advise that this location is ineligible for municipal waste collection service. The collection of waste materials is required through a private waste hauler. Participation in waste diversion programs including recycling collection and organic waste collection is encouraged. It will be up to the applicant to arrange for a private collection service.

Transit Planning and Infrastructure, Public Works Department advise that there is currently no existing or planned transit on Highland Road West or Upper Red Hill Valley Parkway. Although Transit Planning acknowledge the planned hub on Upper Mount Albion Road and advise that this transit hub is a planned connection of three routes, it does not presently exist, and all future transit plans are subject to budget approval and funding availability.

Upper Red Hill Valley Parkway forms the east boundary of the site with a fully signalized intersection at Highland Road. Stone Church Road East is the major east-west arterial road in the area with existing transit service. Highland Road West is currently being upgraded from a two-lane rural cross section to a three-lane urban cross section with sidewalks on both sides. Dedicated cycle lanes are provided on Stone Church Road and Highland Road and a multipurpose trail is located along the east side of Upper Red Hill Valley Parkway. While transit improvements will further enhance the area, the site is well served by multiple existing transportation modes, and the site provides sufficient parking as determined by approved Site Plan Application No. SPA-17-232.

Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 18 property owners within 120 m of the subject property on January 31, 2019.

A Public Notice Sign was posted on the property on February 14, 2019, and updated on August 21, 2019, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on September 13, 2019.

To date, two letters (attached as Appendix “D” to Report PED19182) were received from the public through this circulation and are summarized in the Analysis and Rationale for Recommendation Section of this Report. One of the respondents has since withdrawn their objection.

Public Consultation Strategy

Pursuant to the City’s Public Consultation Strategy Guidelines, the proponent prepared a Public Consultation Strategy. The strategy follows the City’s circulation and public notice sign posting, with an option for a supplemental letter from the proponent to further explain

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the proposal and seek feedback. Due to the nature of the surrounding properties (employment, commercial, and vacant lands) and limited feedback to the City's Preliminary Circulation, the option for the supplemental letter was not undertaken; however, the proponent has committed to engage in direct dialogue with respondents.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the PPS and conforms to A Place to Grow (2019) as it represents an opportunity for growth in Settlement Areas;
 - ii) It complies with the policies of the Urban Hamilton Official Plan; and,
 - iii) The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing for the development of a range of employment uses and opportunities, making efficient use of land and existing infrastructure within the urban boundary while protecting existing, future, and planned employment uses in the area.

2. The subject lands are located on the northwest corner of the intersection of Highland Road West and Upper Red Hill Valley Parkway. The proposal is for a Zoning By-law Amendment to change the zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4) Zone to permit a broader range of industrial activities and employment support uses to serve the businesses and employees of the surrounding business park and minimize vehicle trips. These additional uses include:
 - medical clinic (limited to a maximum of 3,000 m² per lot);
 - personal services;
 - retail (limited to a maximum of 500 m² per establishment); and
 - financial establishments.

The requested change in zoning provides for four additional uses being sought (financial establishment, medical clinic, personal services and retail). The intent of the M4 Zone is to permit a limited range of commercial uses which are designed to support employees and businesses within the Employment Area in addition to the same range of employment uses. These additional requested uses function as supportive uses to the predominant employment uses and are therefore in keeping with the intent of the Official Plan.

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3. To date, two letters of correspondence have been received through public consultation (attached as Appendix “D” to Report PED19182). The comments can be summarized as follows.

Cumulative Impact

A written submission commented on the cumulative impact of rezoning lands within the Employment Area to permit additional commercial uses. The adjacent lands to the south of the subject lands, opposite Highland Road West, have already successfully been rezoned to the M4 Zone. The concern is that the conversion of additional lands to the M4 Zone will permit additional non-employment commercial uses, which may lead to an oversaturation of commercial support uses within the Employment Area and remove them from the supply of land allocated to employment uses.

It is important to note that the Business Park Support (M4) Zone permits the same range of industrial and employment uses as the Prestige Business Park (M3) Zone. Thus, the range of industrial and employment uses would not be limited or restricted by the subject application, with the exception of alcohol production facilities, aquaponics, cannabis growing and harvesting facilities, and greenhouses which are not permitted in the Business Park Support (M4) Zone. The subject site meets the locational criteria for supportive commercial uses. With respect to an oversaturation of commercial support uses, as the site continues to permit the majority of the existing M3 Zone permissions for employment uses, there would not be a concern with an oversupply of lands zoned exclusively for commercial support uses.

The respondent has since withdrawn their objection per their email sent on August 28, 2019 (attached to Appendix “D” to Report PED19182).

Sensitive Land Use

A written submission expressed concerns regarding potential sensitive land uses locating on this site and being in potential conflict with a proposed funeral home east of the hydro corridor. This proposed development will have no negative impact on the neighbouring future application, as no residential or sensitive land uses are associated with this development. Staff feel these concerns have been satisfactorily addressed.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the lands could be developed in accordance with the Prestige Business Park (M3) Zone, which permits uses including, but not limited to, manufacturing, warehousing, repair service, building or contracting supply

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establishments, building and lumber supply establishments, transportation terminals, research and development, office, communication establishment, and private power generation.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Draft Zoning By-law Amendment

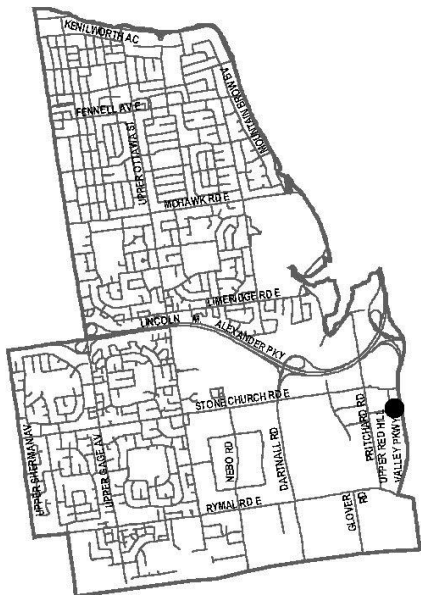
Appendix “C” – Approved Site Plan Application No. SPA-17-232

Appendix “D” – Public Submissions

TV:



● Site Location



Key Map - Ward 6

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-19-004

Date:
Jan. 22, 2019

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
TVVS

Subject Property



560-580 Highland Road West,
Hamilton

Authority: Item _____, Planning Committee
Report PED19XXX
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. 19-_____

**To Amend Zoning By-law No. 05-200, Respecting Lands Located at 560-580
Highland Road West, Hamilton**

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at the meeting held on October 1, 2019;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan.

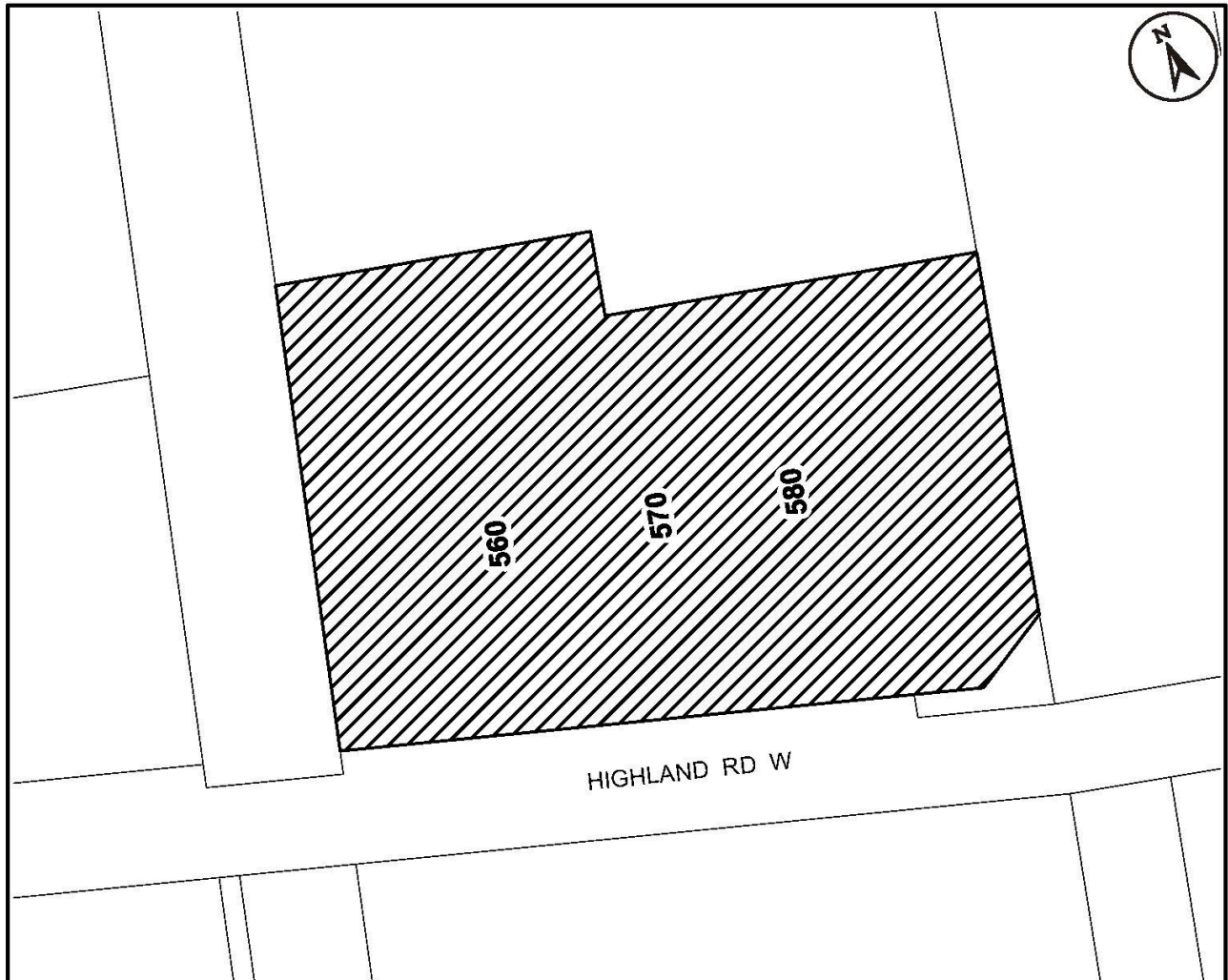
NOW THEREFORE Council of the City of Hamilton amends Zoning By-law No. 05-200 as follows:

1. That Map 1501 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200 is amended by changing the zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4) Zone for the lands identified on the Location Map attached as Schedule "A" to this By-law.
2. 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 this _____, 201_.

Fred Eisenberger
Mayor

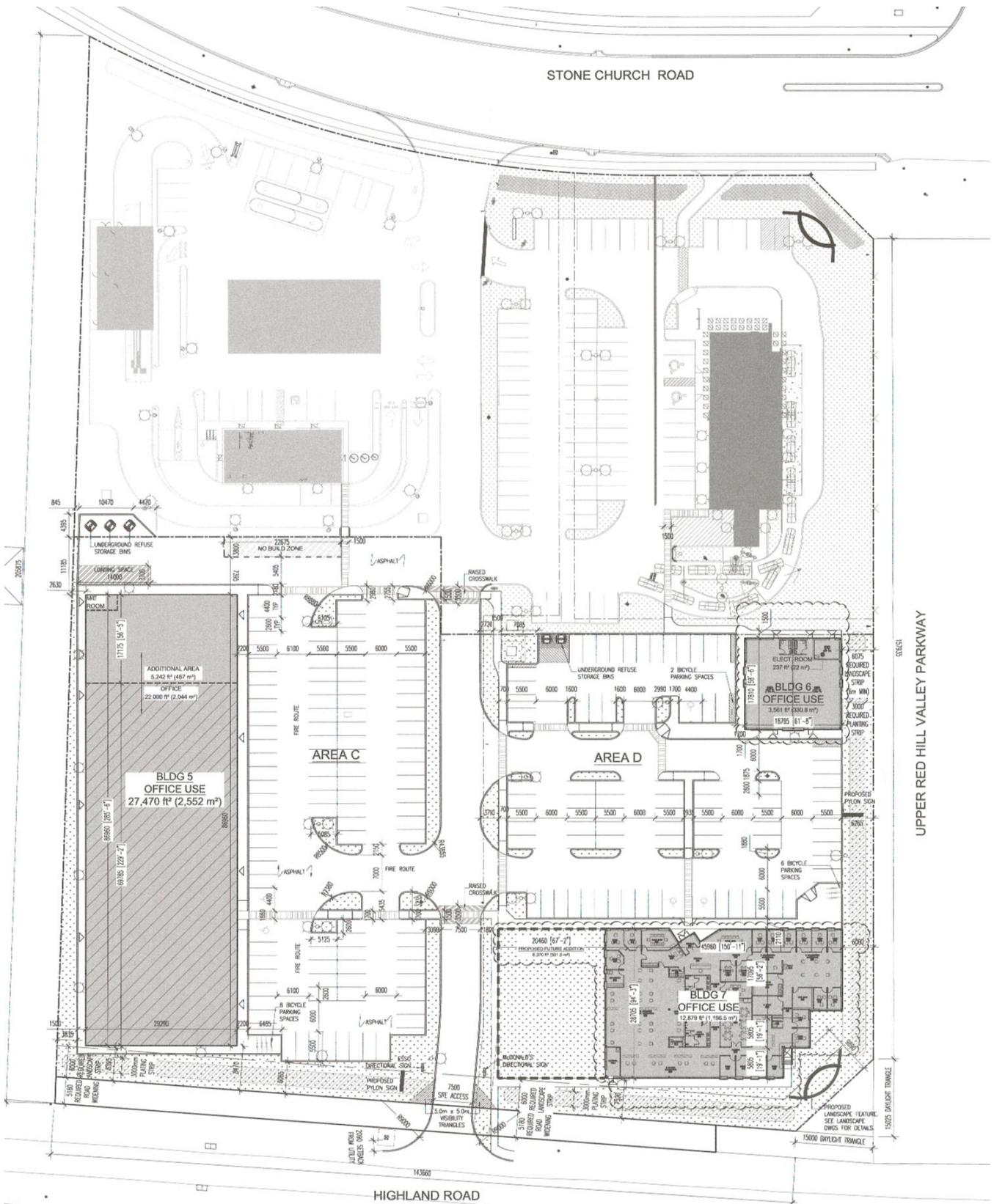
A. Holland
City Clerk



<p>This is Schedule "A" to By-law No. 19- Passed the day of, 2019</p>	<p>----- Mayor ----- Clerk</p>
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<p>Schedule "A"</p> <p>Map Forming Part of By-law No. 19-_____</p> <p>to Amend By-law No. 05-200 Map 1501</p>	<p>Subject Property</p> <p>560-580 Highland Road West, Hamilton</p> <p> Change in Zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4) Zone</p>
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<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-19-004</p>	
<p>Date: Jan. 22, 2019</p>	<p>Planner/Technician: TVVS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		



1 OVERALL SITE PLAN
A1.0 SCALE: 1:500

From: Bill Dermody [REDACTED]
Sent: February 19, 2019 6:31 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: File ZAC-19-004- Lands Located at 560-580 Highland Road West, Hamilton ON

Dear Mr. Vrooman

RE: File ZAC-19-004- Lands Located at 560-580 Highland Road West, Hamilton ON

I act for Personal Choice Funeral Alternatives Inc, the owner of the lands located at 601 Highland Road West, (formerly known as 89 Highland-located at the southeast corner of Highland and Pritchard Roads).

Please accept this as my client's written submission with respect to the above noted file.

My client wishes to ensure that any change in land use will not permit the location of what may be considered to be "sensitive uses" on the property.

It is the intention of my client to locate a facility on its lands at 601 Highland Road West that has required it to apply for and obtain a Certificate of Approval from the Ministry of Environment. The facility on my client's lands will be a Class I industry under the D6 Guideline located within a single building that is expected to operate during daytime hours only with a low risk of fugitive emissions as all products of combustion are presented through a single stack.

However, under the D6 Guideline, the recommended minimum separation distance from sensitive land uses for a Class I industry is 20 m and the potential influence zone is 70 m.

Any change in use or any development proposed on the lands at 560-580 Highland Road West should take this into consideration and should not result in an outcome that conflicts with or interferes with my client's use of its property.

Having said this, my client has high regard for the work being undertaken by the Planning and Economic Development Department and the proponent, as well as its advisors, and would be pleased to discuss its concerns with the Department or the proponent.

Should you or the proponent wish to discuss, I would be pleased to do so.

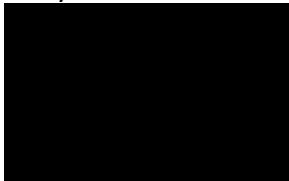
I look forward to the receipt of the Planning Report prepared by staff when available.

Regards

Bill Dermody

William P. Dermody

Lawyer





A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

February 21st, 2019

The City of Hamilton
Planning and Economic Development Department
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

Attn: Mr. Tim Vrooman
Planner I – Suburban Team

Sent via email: Tim.Vrooman@hamilton.ca

Re: Comment Letter for Proposed Rezoning at 560-580 Highland Road West, Hamilton Zoning By-law Amendment File No. ZAC-19-004

Dear Sir,

Our firm acts on behalf of our Client, Multi-Area Developments Inc., who has received notice for the above-mentioned application. Please accept this comment letter regarding the proposed Zoning By-law Amendment for lands municipally known as 560–580 Highland Road West, in Hamilton. The application serves to change the zoning on the subject lands from Prestige Business Park (M3) Zone to Business Park Support (M4) Zone, in order to permit a broader range of permitted uses that support the businesses and employees of the surrounding employment area.

The Business Park Support (M4) Zone is an industrial zone that is designed to provide additional flexibility with regard to permitting commercial uses that are complimentary to, and support the permitted industrial uses within the balance of the Employment Area. While this Zone is essential to the successful operation of the Employment Area; an oversupply of lands Zoned as Business Park Support (M4) has potential to lead to an oversaturation of commercial support uses within the Employment Area, which may result in a reduced supply of lands allocated for employment uses. This may inhibit the City's ability to ensure that a suitable supply of land is available to accommodate their share of projected employment growth, in terms of both the amount of land, and the ability to accommodate a range of employment uses. This may run counter to the Growth Plan (2017) direction that municipalities ensure "the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan".

While considering the above, it is important to contemplate the cumulative impact of rezoning lands within the Employment Area to permit additional commercial uses. The lands adjacent to the south of the subject lands, opposite Highland Road West, have already successfully been rezoned as an M4 Zone from a M3 Zone (ZAC-14-006), albeit with some restrictions. The conversion of additional lands to the M4 Zone will permit additional non-employment commercial uses, which may lead to an oversaturation of commercial support uses within the Employment Area, and remove from the supply of land allocated to employment uses.



Attn: Mr. Tim Vrooman
Re: Comment Letter - Rezoning at 560-580 Highland Road West, Hamilton

February 21st, 2019
Page 2 of 2

Thank you for the opportunity to provide comment on the subject Zoning By-law Amendment Application and I look forward to the City's reply in this regard. Please accept this correspondence as an official request to be notified of further information regarding this file as it becomes available.

Yours very truly,

A handwritten signature in blue ink, appearing to read 'S. Fraser', is written over a light grey rectangular background.

Per: Stephen Fraser, MCIP, RPP
Planner
A. J. Clarke and Associates Ltd.

From: Steve Fraser <[REDACTED]>
Sent: August 28, 2019 12:37 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>; Spencer Skidmore <[REDACTED]>
Cc: Aldo De Santis <[REDACTED]>; Steve Spicer <[REDACTED]>
Subject: RE: 560 - 580 Highland Road Comment Letter

Hi Tim,

Further to the attached objection letter our office filed on behalf of our Client, Multi-Area Developments Inc., please accept this email as an official removal of our objection to this application. Please confirm receipt of this email as confirmation this objection has been removed for our records.

Thanks,

Stephen Fraser B.A.(Hons), MCIP, RPP
Principal, Planner
A. J. Clarke and Associates Ltd.
Tel: 905 528 8761 x242



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 1, 2019
SUBJECT/REPORT NO:	Provincial Policy Statement Review – City of Hamilton Comments (PED19188) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Heather Travis (905) 546-2424 Ext. 4168
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the City of Hamilton supports the Province’s general directions of the Provincial Policy Statement (PPS) to promote efficient use and management of infrastructure, transit-supportive development with a range of housing options, a strong economy, and protection of agricultural lands.
- (b) That the City of Hamilton does not support the proposed policy direction which emphasizes the provision of a market-based supply of housing (policies 1.1.1, 1.4.3, 1.7.1), and further, connects the justification for a settlement area boundary expansion to the satisfaction of market demand (policy 1.1.3.8).
- (c) That the City of Hamilton does not support the following proposed changes, additions and deletions to the PPS:
- (i) Revised policies 1.1.3.6 (built form), 11.3.7 (phasing) and 1.6.7.2 (transportation infrastructure) which change the policy direction from “shall” to “should”. The previous wording should be maintained;
 - (ii) Proposed policy 1.3.2.5 allowing employment land conversions to occur in advance of the Municipal Comprehensive Review, which should be removed;

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- (iii) Revised policy 1.6.6.3 which identifies private communal water and sewage services to be the preferred form of servicing where municipal services are not available, which is contrary to the Rural Hamilton Official Plan. This revision should be removed;
 - (iv) Deletion of policy 1.6.7.5 which requires that transportation and land use considerations should be developed at all stages of the planning process. This policy should be maintained;
 - (v) Deletion of existing policy 2.3.6.1.b) 2) which requires that Minimum Distance Separation (MDS) formulae be applied when non-agricultural uses (excluding residential) locate in prime agricultural areas, which is intended to provide protection to the agricultural community when a new sensitive land use is introduced. This policy should be maintained;
 - (vi) Revised policy 2.5.2.2 which would allow mineral aggregate extraction to take place in certain natural heritage features where not previously permitted. This revision should be removed;
 - (vii) Proposed policy 4.7 which requires planning authorities to expedite certain priority planning applications. This policy should be removed;
 - (viii) Deletion of existing policy 4.9 (monitoring of Official Plan policies) which recognized that the policies of the PPS represented minimum standards. This policy should remain in the Implementation section; and,
 - (ix) Revised definition of Heritage Attributes which is ambiguous in relation to the wording “must be retained”. This revision should be removed.
- (d) That the City of Hamilton requires clarification and / or additional information to implement the following proposed revisions which should be provided to municipalities prior to finalizing the revised PPS:
- (i) If revised policies 1.1.1, 1.4.3, 1.7.1 and 1.1.3.8 are maintained, the Province should provide guidance and clarification on the meaning of “market-based need” and “market demand”, including a methodology for how these terms will be calculated. In addition, the Province should confirm if, and when, a revised Land Needs Assessment Methodology will be released. The revised PPS policies should not be finalized until after municipalities have had an opportunity to comment on the additional information and revised Methodology.

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- (ii) Clarification on the expectations surrounding revised servicing policy 1.6.6.4 which would require municipalities to review long term impacts of individual private services at the time of the Official Plan review, which would require significant resources for municipalities in terms of time and finances. This should not be required as part of the Official Plan review;
 - (iii) Additional information on the role of the Special Advisor on Flooding (Section 3), including what role municipalities and conservation authorities can play in the review;
 - (iv) Information on the expectations surrounding reporting requirements and data standards in relation to proposed policy 4.9; and,
 - (v) Additional information on the implementation of the revised definition of “Conserved” and the impact on a municipality’s ability to formally protect heritage resources over the long term in the absence of the requirement to be retained under the *Ontario Heritage Act*.
- (e) That the City of Hamilton provides the following suggestions / revisions regarding the proposed policies:
- (i) Additional wording should be added to Part IV: Vision for Ontario’s Land Use Planning System and Section 1: Managing and Directing Land Use to recognize the reality of climate change and the need for immediate actions to be taken at the provincial and local level to prevent climate change through a variety of actions, including land use planning, energy conservation and planning, sustainable design, servicing, protection of natural features and water systems, transportation considerations, protection of agricultural land, incentives, and other methods;
 - (ii) The following proposed / revised policies, which address the need to respond to the “impacts of a changing climate”, be revised to also address the need for actions to prevent climate change: 1.1.1(i); 1.1.3.2(d); 1.6.1, 1.6.6.1 (b); 1.6.6.7(c); 1.8.1; 2.2.1(c); and, 3.1.3;
 - (iii) The proposed revision to policy 1.1.3.3 is unclear with regards to what constitutes a “significant” supply and should be amended to remove this reference from the policy;
 - (iv) The proposed new policy 2.1.10 regarding the management of wetlands should be amended to provide clarity on the meaning of the word “manage”, either within the policy or through a new definition;

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- (v) If revised policy 2.5.2.2 is maintained, the policy should be amended to remove the reliance on long-term rehabilitation of a natural heritage feature as justification for removal of that feature through mineral aggregate extraction. Consideration of extraction in a natural heritage feature should instead be based on the ecological value and significance of that feature. If this suggested change is not taken, clarification on how “long-term” rehabilitation is defined is required;
 - (vi) If the amendment to the definition of Heritage Attributes is maintained, the wording should be revised to reduce ambiguity, by including wording that explains the purpose for why a feature or element “must be retained” (i.e. must be retained to inform the heritage value of the protected heritage property, etc);
 - (vii) The new definition of Impacts of a Changing Climate should be revised to remove the words “potential for” and the words “and opportunities” which appear to downplay the significance of climate change which is already occurring; and,
 - (viii) The proposed revision to the definition of Significant should be amended to reduce ambiguity, including the replacement of the word “processes” with “criteria”.
- (f) That the City of Hamilton suggests that guidance documents be developed / updated by the Province to assist municipalities in implementing the following new policy directions:
- (i) Guidance on the type, level and expectations of engagement that should be undertaken for a municipality to ensure that it has satisfied the requirements of policies 1.2.2 and 2.6.5 regarding consultation with Indigenous Communities;
 - (ii) Updated Ministry of Environment, Conservation and Parks (MECP) Guidelines D-1 and D-6 to address issues related to land use compatibility between major facilities and sensitive land uses, in accordance with proposed policy 1.2.6.2; and,
 - (iii) Updated MECP D-5 and B-7 Guidelines regarding planning for water and sewage services and determining negative impact arising from proposed development.
- (g) That the City of Hamilton requests that the Province address the inconsistency in definitions amongst provincial planning documents, where applicable, or include a

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policy in the PPS which states that where a definition within a Provincial Plan exists, the Provincial Plan definition would apply.

- (h) That the City Clerk's Office be directed to forward Report PED19188 to the Ministry of Municipal Affairs and Housing, and this Report is considered the City of Hamilton's formal comments on the Provincial Policy Statement Review.

EXECUTIVE SUMMARY

On July 22, 2019, the Province of Ontario released a revised Provincial Policy Statement (PPS) for review and comment on the Environmental Registry of Ontario. The deadline for the comments is October 21, 2019. The PPS provides broad land use planning direction for the Ontario, with policies relating to efficient use of land and infrastructure, housing, transportation, economic development, and servicing. All land use planning decisions must be consistent with the policies of the PPS.

Staff comments on the proposed revisions are included within this Report and summarized in Appendix "A". Once approved, the recommendations within this Report will be forwarded to the Province as the City's comments on the proposed PPS revisions.

Alternatives for Consideration – See Page 28

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

On July 22, 2019, the Provincial Policy Statement Review – Proposed Policies notice was posted to the Environmental Registry of Ontario (ERO) for a 91-day comment period. The commenting deadline closes on October 21, 2019. The proposed policies are an update to the PPS (2014).

The purpose of this report is to provide comments on the proposed PPS changes. Upon approval by Council, this report, including any modifications, will be forwarded to the province as the City's comments on the proposed changes, in advance of the commenting deadline.

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The PPS is a statement of provincial policies on land use planning and is issued under section 3 of the *Planning Act*. It applies province-wide and sets out the provincial policy direction for matters of provincial interest related to:

- The efficient use and management of land and infrastructure;
- Ensuring the provision of sufficient housing to meet changing needs, including affordable housing;
- Protecting the environment and resources including farmland, natural resources (e.g., wetlands and woodlands) and water;
- Ensuring opportunities for economic development and job creation;
- Ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and,
- Protecting people, property and community resources by directing development away from natural or human-made hazards – such as flood prone areas.

The *Planning Act* requires that decisions on land use planning matters be “consistent with” the PPS. The City implements the policies of the PPS through policies in the Official Plans, Zoning By-laws and other planning-related decisions.

While the PPS provides overall policy direction on matters of provincial interest, other provincial plans apply in specific geographic areas of Ontario and build upon the foundation provided by the PPS. In Hamilton, the Growth Plan 2019, the Greenbelt Plans and the Niagara Escarpment Plan are applicable. These provincial plans are to be read in conjunction with the PPS, and generally take precedence over the policies of the PPS in the case of conflict. Where the policies of the provincial plans address the same or overlapping matters as the PPS policies, applying the more specific provincial plan policies satisfies the requirements of the PPS. This policy context is important, as some of policies that are being proposed in the revised PPS have already been introduced in the Growth Plan 2019 (eg. changes related to settlement area boundary adjustments and employment land conversions) and therefore these policies are already applicable within Hamilton’s Growth Plan area regardless of the PPS revisions.

RELEVANT CONSULTATION

The following departments / divisions provided comments on this report:

- Public Works – Hamilton Water, Source Protection Planning
- Public Health – Healthy and Safe Communities

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ANALYSIS AND RATIONALE FOR RECOMMENDATION

The following are the key areas of proposed policy change and the associated staff comments. A complete review of the proposed policy changes and staff response is included as Appendix “A”. Additional proposed policies from staff are included as Appendix “B”.

1. ‘Market-based’ range of housing types:

The policies of the 2014 PPS required municipalities to plan for the provision of a range and mix of residential units. This requirement remains in the proposed revised policies, but there is a new emphasis on the provision of a ‘market-based’ range of housing supply, as per proposed policies 1.1.1 b), 1.43 a) and 1.7.1 b):

“1.1.1 Healthy, liveable and safe communities are sustained by:

- b) accommodating an appropriate **market-based** range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; (emphasis added).

1.4.3 Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected **market-based needs** of current and future residents of the *regional market area*... (emphasis added)

1.7.1 Long-term economic prosperity should be supported by:

- b) encouraging residential uses to respond to dynamic **market-based needs** and provide necessary housing supply and range of *housing options* for a diverse workforce; (emphasis added).”

Further, proposed policy 1.1.3.8 a) links the requirement to satisfy market demand with the justification for urban (settlement area) boundary expansion:

“1.1.3.8 A planning authority may identify a *settlement area* or allow the expansion of a *settlement area* boundary only at the time of a *comprehensive review* and only where it has been demonstrated that:

- a) sufficient opportunities to accommodate growth and to satisfy **market demand** are not available through *intensification*, *redevelopment* and *designated growth areas* to accommodate the projected needs over the identified planning horizon; (emphasis added).”

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There are implications arising from this shift in focus to a market-based provision of housing supply, some of which are not yet fully quantifiable. In part, planning for a market-based range of housing is responsive to the needs of the population and future residents, by theoretically supplying the types of housing that are desired and required by the population. However, there is a concern that planning based on a market-based approach will result in maintaining a market 'status quo' that is primarily based on a perceived desire for low density housing and will do nothing to encourage a shift to an urban form that is based on increased density.

Further, it is not clear as to who will define the market need and demand, and what methods would be used to arrive at the definition. Market need and market demand are subjective terms that could be defined based on consumer preference or based on Growth Plan policy direction. For example, one could define the market demand based on the past pattern of building permit issuance for new dwellings. Within Hamilton, over the past 5 years, the building permits issued for new residential units, by type, is as follows: Low Density (single and semi-detached) – 33%; Medium Density (towns) – 36%; and, High Density (apartments) – 28%. If one were to review records over a wider time period (i.e 10 or 15 years), these percentages would likely change. Therefore, determining the market demand could be a subjective process, and clarity is required as to how this determination will be made, and by whom.

The market-based approach could have implications on the completion of the Land Needs Assessment (LNA) which is required as part of the City's Municipal Comprehensive Review (MCR). The LNA will determine how much of the City's future growth can be accommodated within the existing urban area, and how much urban expansion land may be required. In the past, there has been variation in how municipalities completed the LNA. Many municipalities utilized a form of a market-based approach in determining future land need requirements, utilizing assumptions based partially on market preferences in determining future housing mix. In 2018, the Province released a Land Needs Assessment Methodology for the Greater Golden Horseshoe. This Methodology was to be utilized by all municipalities in the completion of the LNA as part of the MCR, thereby ensuring consistency in municipal approaches. The 2018 Methodology was not based on a market-need approach, and instead focussed on the overall quantity of housing rather than an assessment of demand and supply by unit type. The approach under the 2018 Methodology could result in an identification for a lesser overall land need (urban expansion area), but with a future housing mix being comprised largely of higher density housing forms.

It is not yet known if the Province will be releasing a revised Land Needs Assessment Methodology which may reflect the proposed direction of the PPS regarding a market-based housing supply. If the Province does make adjustments to the LNA methodology based on a market-based approach, the implication for the City is that the completed

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LNA through the MCR may identify a requirement for a larger urban expansion area than under the previous method.

The City cannot support this revised policy direction without additional information and opportunity for input. The Province should provide guidance and clarification on the meaning of “market-based need” and “market demand”, including a methodology for how these terms will be calculated. In addition, the Province should confirm if, and when, a revised Land Needs Assessment Methodology will be released. The revised PPS policies should not be finalized until after municipalities have had an opportunity to comment on the additional information and revised Methodology. (Recommendations (b) and d(i))

2. Climate change

There is a greater emphasis on the need to respond to the impacts of climate change throughout the proposed policies. A new definition of “Impacts of a changing climate” has been added:

“Impacts of a changing climate: means the potential for present and future consequences and opportunities from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability.”

There is reference throughout the revised policies to preparing for the impacts of a changing climate, as related to land use patterns (policy 1.1.1, 1.1.3.2), provision of infrastructure (1.6.6.1), stormwater management (1.6.6.7), watershed planning (2.2.1) and hazard planning (3.1.3).

Please see Appendix “A” for a full listing and details on wording.

Staff is supportive of the greater recognition throughout the document of the need to respond to the impacts of climate change, including the added definition of “impacts of a changing climate”. However, there are no policies within the document which speak to the importance of taking measures now to prevent or avoid climate change. Seeing as the fight against climate change is a race against time, and actions need to be taken immediately to prevent irreversible impacts from climate change, it is an omission in the policies to not include direction to fight and prevent climate change at both the provincial and local levels through a variety of actions. The City of Hamilton, for example, has declared a Climate Change Emergency and established a Corporate Climate Change Task Force, with a mandate to create a corporate-wide climate change adaptation and mitigation work plan. By only addressing the “impacts of a changing climate” in the policies, it leaves the impression that climate change is an inevitability and the only options now are to address the consequences.

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Staff suggests that new references should be added to the PPS or certain policies should be strengthened to both recognize climate change exists and to fight climate change through a variety of methods. Staff is suggesting additional wording be added to both the Vision and the preamble of Section 1: Building Healthy Communities to recognize that actions to prevent and mitigate the impacts of climate change are necessary (see Appendix “B”). (Recommendation (e)(i)) In addition, staff is recommending that numerous policies throughout the document, which address the need to respond to the “impacts of a changing climate”, be revised to also address the need for actions to prevent climate change. This includes policies related to land use, energy conservation, infrastructure and water resources, amongst others. (Recommendation (e)(ii))

Further, with regard to the proposed definition of Impacts of a Changing Climate, staff suggests that the definition could be strengthened by removing reference to “potential for” present and future impacts, as the word ‘potential’ suggests uncertainty and does not acknowledge that impacts from climate change are already occurring. Further, removing the reference to “opportunities” arising from climate change which downplays the significance of the issue. The definition should read as follows:

“Impacts of a changing climate: means the present and future consequences from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability.” (Recommendation (e)(vii))

3. Employment areas and land use compatibility

New policies related to employment areas have been added:

“1.3.2.2 At the time of the official plan review or update, planning authorities should assess *employment areas* identified in local official plans to ensure that this designation is appropriate to the planned function of the *employment area*.

Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from *sensitive land uses* to maintain the long-term operational and economic viability of the planned uses and function of these areas.

1.3.2.3 Within *employment areas* planned for industrial and manufacturing uses, planning authorities shall prohibit residential and institutional uses that are not ancillary to the primary employment uses in order to maintain land use compatibility.

Employment areas planned for industrial and manufacturing uses should include an appropriate transition to adjacent non-*employment areas*.”

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New policy 1.3.2.2 requires municipalities to assess employment areas at the time of the official plan review to determine that the land use designation is appropriate. Further, both policies speak to the locational relationship between industrial / manufacturing uses and sensitive land uses to ensure that separation or mitigation between the uses is provided in order to protect the viability of the industrial uses. Further the new policy 1.3.2.3 explicitly requires municipalities to prohibit sensitive uses within industrial or manufacturing employment areas.

There are also changes proposed to the policies of section 1.2.6 regarding land use compatibility, particularly separation between sensitive land uses and major facilities (manufacturing uses, transportation corridors etc). The revised policy 1.2.6.1 requires that major facilities and sensitive land uses shall be planned and designed to avoid, or if avoidance is not possible, minimize and mitigate potential adverse effects, whereas the current policy 1.2.6.1 requires sensitive land uses and major facilities to be “designed, buffered and/or separated from each other:

“1.2.6.1 *Major facilities and sensitive land uses* ~~should~~ **shall** be planned to ensure they are appropriately designed, buffered and/or separated from each other and developed to prevent avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.” (deleted text in strikethrough, added text is bolded).”

Further, a new policy 1.2.6.2 has been added:

“1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall ensure that the planning and *development of sensitive land uses* adjacent to existing or planned industrial, manufacturing, or other uses that are particularly vulnerable to encroachment are only permitted if:

- a) alternative locations for the proposed *sensitive land uses* have been evaluated and there are no reasonable alternative locations; and
- b) potential impacts of these uses are minimized and mitigated in accordance with provincial guidelines, standards and procedures.”

The new policy provides direction for situations where avoidance of adverse effects is not possible. The new policy states that in planning for new sensitive land uses adjacent to existing or planned industrial or manufacturing uses, alternative locations must be evaluated and impacts must be mitigated and minimized.

Regarding proposed policies 1.3.2.2 and 1.3.2.3, staff has no concerns with these new policies. Through GRIDS 2 / MCR, the City will be reviewing employment lands,

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consistent with policy 1.3.2.2. Further, the City's UHOP already contains policies prohibiting sensitive uses within employment areas (not solely the areas planned for industrial or manufacturing uses).

The proposed revision to policy 1.2.6.1 addresses the planning of major facilities and sensitive land uses. The revision requires that major facilities and sensitive uses should be planned so that adverse effects are avoided, or if not possible, minimized or mitigated. The previous requirement for appropriate design, buffering and separation has been removed. Further, the in-effect policy requires adverse effects to be mitigated, whereas the proposed revision allows for minimization or mitigation of adverse effects. The new proposed policy 1.2.6.2 provides further direction on the planning of sensitive uses adjacent to industry or manufacturing by requiring that alternative locations be considered. Staff notes that the City's UHOP already contains strong policies in this regard (E.5.2.7.1(b)) which provides for the protection of both sensitive land uses and industrial uses. It is important for both nuisance and public health protection to avoid conflict by establishing appropriate buffer areas between major faculties and sensitive land uses.

Further, the above revised policies reference "provincial guidelines, standards and procedures". The Province's existing guidelines ("D-Series") on compatibility between industrial and sensitive land uses date to the 1990s. Staff note that these guidelines should be updated to provide new direction on this issue particularly in light of the proposed revisions to policy 1.2.6.1 above. (Recommendation (f)(ii))

4. Employment Land Conversion

A new policy regarding employment land conversion has been added:

"1.3.2.5 Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing *employment areas* may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally-significant by a regional economic development corporation working together with affected upper- and single- tier municipalities and subject to the following:

- a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;
- b) the proposed uses would not adversely affect the overall viability of the *employment area*; and
- c) existing or planned *infrastructure* and *public service facilities* are available to accommodate the proposed uses."

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This policy is similar to policy 2.2.5.10 of the Growth Plan 2019 which permits certain employment land conversions to occur in advance of the MCR, provided the lands are not identified as a Provincially Significant Employment Zone. However, the Growth Plan policy includes an additional criteria which is a requirement for the converted lands to maintain a significant number of jobs.

Staff does not support policy 1.3.2.5 regarding conversion of employment lands outside of the MCR. Staff provided similar comments during the review of the new Growth Plan. Staff notes that, at present, the following employment areas have not been identified as PSEZs and therefore would be subject to conversion in advance of the MCR: Flamborough Business Park, Ancaster Business Park, West Hamilton Innovation District (WHID), Dundas industrial area, Hester industrial area. The City is meeting with the province to discuss adding Flamborough, Ancaster and WHID as PSEZs through phase 2 of the Province's identification exercise. (Recommendation (c)(ii))

5. Settlement area boundary adjustments

A new policy has been added to the settlement area policies:

“1.1.3.9 Notwithstanding policy 1.1.3.8, municipalities may permit adjustments of *settlement area* boundaries outside a *comprehensive review* provided:

- a) there would be no net increase in land within the *settlement areas*;
- b) the adjustment would support the municipality's ability to meet *intensification* and *redevelopment* targets established by the municipality;
- c) *prime agricultural areas* are addressed in accordance with 1.1.3.8 (c), (d) and (e); and
- d) the *settlement area* to which lands would be added is appropriately serviced and there is sufficient reserve *infrastructure* capacity to service the lands.”

This policy is very similar to the policy (2.2.8.4) added to the Growth Plan 2019 which allows for adjustments of settlement area boundaries outside of the comprehensive review process. The policy permits these adjustments provided there is no net increase in land within the settlement area, which is interpreted as meaning that the corresponding land area must be removed from the settlement area boundary for every area of land added.

Of note, in the Growth Plan 2019, another new policy (2.2.8.5) was added which permits privately-initiated settlement area boundary expansions (as opposed to 'adjustments') in advance of the MCR, without the requirement for no net increase in land area, and up to a maximum of 40 ha for each application. This policy has not been duplicated in the proposed PPS revisions, meaning that the allowance for settlement area boundary

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expansion (not ‘adjustments’ as per the PPS policy above) is only permitted in Greater Golden Horseshoe municipalities.

Through the City comments on the Growth Plan 2019, staff had expressed concern over the allowance for any settlement area boundary expansions to occur prior to the MCR. However, the more significant concern in the Growth Plan policies was the permission to allow privately-initiated boundary expansions (2.2.8.5) and less concern over the permission for the boundary adjustments (2.2.8.4). As the policies are already finalized in the 2019 Growth Plan, the addition of policy 1.1.3.9 into the PPS does not create significant concern.

6. Planning horizon and land supply

Revisions are proposed to the policies to reflect a change in the planning horizon from twenty to twenty-five years:

“1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to ~~20~~ **25** years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*.

Nothing in policy 1.1.2 limits the planning for *infrastructure* and *public service facilities and employment areas* beyond a ~~20~~ **25**-year time horizon.

1.3.2.7 Planning authorities may plan beyond **2025** years for the long-term protection of employment areas provided lands are not designated beyond the planning horizon identified in policy 1.1.2.” (deleted text in ~~strikethrough~~, added text is **bolded**).”

Further, policy 1.4.1 regarding housing supply is proposed to be changed to an increased requirement for municipalities to maintain a 12 year supply for housing (up from 10) and up to a 5 year serviced land supply:

“1.4.1 To provide for an appropriate range and mix of *housing options* and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall:

a) maintain at all times the ability to accommodate residential growth for a minimum of ~~40~~ **12** years through *residential intensification* and

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redevelopment and, if necessary, lands which are *designated and available* for residential development; and

- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.”

Regarding the proposed change in the planning horizon from 20 to 25 years, staff is not concerned about this change. In relation to the City’s ongoing GRIDS 2 / MCR process which is planning to the year 2041, staff notes that policy 1.1.2 above states that “where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.” The Growth Plan 2019 establishes a time horizon of 2041 for land use planning in the Greater Golder Horseshoe. Therefore, the proposed change to the PPS policy will not have an impact on the planning horizon of GRIDS 2 / MCR. The proposed change to the PPS is a long range planning change that will allow flexibility in the future when the Province updates the Growth Plan forecasts after this MCR.

Regarding the proposed change to the land supply and serviced supply requirements, staff has no immediate concerns with this change. These requirements are based on units available through intensification and redevelopment as well as new units proposed through Registered, Draft and Pending Plans of Subdivision. The following chart identifies the 2018 unit supply in the City’s Vacant Residential Land Inventory (VRLI):

Planning Status:	Units
Registered Plans of Subdivision	4,632
Draft Approved Plans of Subdivision	11,458
Pending Plans of Subdivision	5,112
Potential Development outside of a Plan of Subdivision	9,568
Total	30,770

As noted in the table above, the City’s VRLI identifies a total unit supply of 30,770 units. Based on an average of approximately 2,400 new units being constructed per year (annual average of building permits for new units), the City’s overall land supply would be approximately 12.5 years based on the VRLI supply. Of important note, the VRLI

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supply does not include units created through intensification, which would increase this supply further.

With regard to serviced land supply requirements, generally the units within Registered and Draft Approved Plans of Subdivision are considered to be serviced supply. With the units noted above in Registered and Draft Approved Plans, plus an additional 1,815 units in 2019 Priority Processing for Draft Plan Approval, the total serviced supply in the VRLI is 17,905 units. Again, based on an average of 2,400 new units being constructed each year, this would equate to a serviced land supply of 7.3 years, not including future new intensification units not captured by the VRLI.

While the City's intensification unit supply is being updated through the GRIDS 2 / MCR intensification update, and therefore exact numbers are not known at this time, with the combination of intensification and greenfield unit supply, the City will not have an issue conforming to the extended supply requirements.

7. Air rights and transit-supportive development

The definition of transit-supportive has been modified to add reference to air rights development, in proximity to transit stations and corridors. Further the housing policies (1.4.3) include reference to providing an appropriate range of housing options and densities through transit-supportive development including potential air rights development. Air rights development refers to the use of the space ("air") above a railyard, rail line or other transit corridor for development, including potential residential, mixed use, or park development.

Further, policy 1.1.3.3 is proposed to be revised as follows:

"1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for ***transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment*** where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs."

Staff supports the addition of the recognition of air rights development as providing opportunity for transit supportive development but note the concept of air rights development over transit areas has not been proposed in Hamilton to date.

With regard to the proposed revision to policy 1.1.3.3 above, staff supports the promotion of opportunities for transit-supportive development and intensification, but notes that the proposed revision to policy 1.1.3.3 is unclear with regards to what constitutes a "significant" supply and range of housing through intensification and

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redevelopment. The word significant in this regard could be interpreted very broadly and is open to subjective interpretation. Staff suggests removing this language from the revised policy. (Recommendation (e)(iii))

8. Transportation

The PPS proposes to delete policy 1.6.7.5 that requires that transportation and land use integration be considered at all stages of the planning process. A planning process has many facets ranging from the initial Official Plan policies that are applied on a city-wide level down to an individual site assessment. In land use planning decisions, at any stage of the planning process, it is important to ensure that land use supports transportation systems and vice versa and that individual developments contribute to the City's overall planning and transportation goals and financial sustainability.

Staff does consider transportation and land use matters together. However, with the recent changes to the LPAT, the tribunal does not have to consider these relationships between transportation and land use decisions and the impact on each other. Staff suggests this policy be retained. (Recommendation (c)(iv))

9. Cultural heritage

The changes in relation to cultural heritage are reflected in a number of revised definitions. Some of the changes raise questions as to the intent behind the change and the implementation of the revised definition. The proposed revisions to the definitions are below (deleted text in ~~strikethrough~~, added text is **bolded**):

Conserved: means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained ~~under the Ontario Heritage Act~~. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment **that has been approved or adopted by the planning authority or decision-maker**. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

Heritage attributes: means the principal features or elements that contribute to a protected heritage property's cultural heritage value or interest, and **that must be retained**. **Attributes** may include the property's built, **constructed**, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (~~including~~**g.** significant views or vistas to or from a protected heritage property).

Significant: means

e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. **Processes for determining cultural**

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heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*. National and international criteria are established by the certifying bodies ~~for the important contribution they make to our understanding of the history of a place, an event, or a people.~~

Staff provides the following comments on these revised definitions:

Conserved – The removal of the wording “under the Ontario Heritage Act” establishes more options to conserve heritage resources than formal designation under the Ontario Heritage Act. While adding flexibility to conserve each heritage resource on a case by case basis, this may also weaken a municipality’s ability to formally protect heritage resources over the long term. Staff requires further information on the anticipated application of this revision prior to confirming support for this change. (Recommendation (d)(v))

Heritage Attributes – The added wording of “must be retained” increases ambiguity. Does this imply that only attributes that are essential to the continued existence of the structure “must be retained” because they are critical to the building’s survival? For example, non-structural features such as windows may not be fundamental to a building’s existence but do contribute to an understanding of its cultural heritage value. This change raises concern that such features would not be considered as heritage attributes since they could be removed without jeopardizing the building’s structural existence and may not satisfy the “must be retained” part of the definition. Further, there is a question as to what extent attributes must be retained. Staff finds that this sentence is incomplete and would benefit from added wording explaining the purpose for why a feature or element “must be retained” (ie. must be retained in order to inform the heritage value of the protected heritage property, etc).

Staff further notes that this definition of “heritage attributes” is not consistent with the definition in the *Ontario Heritage Act* (including the changes introduced from Bill 108) as the *Ontario Heritage Act* does not include the statement “must be retained”. Furthermore, the *Ontario Heritage Act* enables a Municipal Council to consent to applications for the alteration of heritage attributes, thus, heritage attributes may not always be fully retained. Adding the “must be retained” wording may limit Council’s ability to review and consider applications for alterations. Staff does not support the proposed change to this definition, but should it be maintained, clarity as to the intent of “must be retained” is required (as per above). (Recommendations (c)(ix) and (e)(vi))

Significant – The revision to the definition raises concern that the addition of the wording “processes for determining cultural heritage value or interest are established by the Province...” means that a heritage resource is only “significant” if it meets certain Provincial processes/criteria. Before the addition of this wording, it was possible for municipalities to determine if a resource has cultural heritage value (ie. through a heritage inventory, etc.). It is not clear if this is still possible. The wording of this added

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sentence is ambiguous and its intent needs to be clarified. Further, the word “processes” may be the wrong word and should be changed to “criteria”. A “criteria” would help to determine if a resource has cultural heritage value while a “process” would indicate how to arrive at its recognition. (Recommendation (e)(viii))

10. Natural heritage

A new policy has been added to section 2.1 – Natural Heritage regarding wetlands not identified as provincially significant:

“2.1.10 Municipalities may choose to manage *wetlands* not subject to policy 2.1.4 and 2.1.5, in accordance with guidelines developed by the Province.”

This policy appears to be addressing a gap in the existing policies related to the protection of non-significant wetlands. Non-significant wetlands play an important ecological role.

There is also a proposed amendment to the policies under section 2.5 – Mineral Aggregate Resources related to extraction within certain natural heritage features. The second paragraph in the policy below is new:

“2.5.2.2 Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.

Outside of the *Greenbelt Area*, extraction may be considered in the natural heritage features listed in section 2.1.5, 2.1.6 and 2.1.7, provided that the long-term rehabilitation can demonstrate no *negative impacts* on the natural features or their *ecological functions*.”

The effect of this addition to the policy would allow for mineral aggregate extraction to be considered in certain natural heritage features (except for coastal wetlands and Provincially Significant Wetlands in southern Ontario) provided the long-term rehabilitation can demonstrate no negative impacts.

Regarding the new proposed policy 2.1.10, staff is supportive of the general direction of this policy as it recognizes the importance of protecting non-significant wetlands. However, staff notes that the policy is not worded clearly as it is not clear what is meant by the phrase “manage” wetlands. It would be beneficial to add a definition of “manage” in this context either within the policy itself or as an added definition. The policy indicates that guidelines will be developed, and staff notes that these guidelines should be developed in consultation with municipalities. (Recommendation (e)(iv))

Staff is not supportive of the addition of a new clause to policy 2.5.2.2 which weakens the protection for natural heritage features. This policy applies outside of the Greenbelt

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Area only. Within Rural Hamilton, there are no areas identified in the Rural Hamilton Official Plan as potential aggregate resource areas located outside of the Greenbelt, and therefore this policy change will likely not have a significant impact within the City. However, if the Province is going to consider the removal of natural heritage features for aggregate, decisions should be based on the significance of the feature, not its long-term rehabilitation potential. There are also questions about implementation, for example, how is “long-term rehabilitation” defined? The rehabilitation could be so far in the future (50-100 years or more) that it is almost impossible to fully predict the success of the rehabilitation. In addition, there are no mandatory timelines for when rehabilitation must begin. Staff is not supportive of the inclusion of this policy, but recommend that if this policy is to be considered, removal of a natural heritage feature should be based on the ecological value and significance of the feature and not on rehabilitation potential. (Recommendations (c)(vi) and (e)(v))

11. Natural Hazards and Special Advisor on Flooding

Section 3 of the PPS addresses Public Health and Safety, including policy direction on natural hazards (e.g. flood hazards, karst areas, unstable soils). The revised PPS policies released for review include the following note at the beginning of Section 3:

“(Note: policies in this section related to natural hazards are subject to ongoing review by the Province’s Special Advisor on flooding. Further changes may be considered as a result of this review.)”

The description of the proposed changes on the Environmental Registry notes that the current policies related to natural and human made hazards will be maintained while work by the Special Advisor is underway. There is no indication of the timing of this work, how the review of the Special Advisor will be undertaken, or when results are expected for release.

Staff notes that there is a lack of information surrounding the review by the Special Advisor and that further information should be provided, including what role municipalities and conservation authorities can play in this review. Natural hazard planning is even more important in light of the potential impacts of climate change bringing more severe storms and potential flood risk. (Recommendation (d)(iii)).

12. Agriculture

A revision has been made to proposed policy 2.3.6.1 regarding the introduction of non-agricultural uses in prime agricultural areas, with the deletions noted below in strikethrough:

“2.3.6.1 Planning authorities may only permit non-agricultural uses in *prime agricultural areas* for:

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- a) extraction of *minerals, petroleum resources and mineral aggregate resources*, ~~in accordance with policies 2.4 and 2.5;~~ or
- b) limited non-residential uses, provided that all of the following are demonstrated:
 - 1. the land does not comprise a *specialty crop area*;
 - ~~2. the proposed use complies with the *minimum distance separation formulae*;~~
 - ~~3.~~ **2.** there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land ~~to be designated~~ to accommodate the proposed use; and”

The deletion of interest is the removal of the requirement for new non-agricultural uses within the prime agricultural area to comply with the Minimum Distance Separation (MDS) formula. The MDS formula identifies required setbacks between sensitive land uses and livestock facilities.

Staff does not support the deletion of this policy. When a new sensitive land use is introduced, the application of MDS setbacks to the location of the new use provides a protection to existing agricultural operations. Maintaining the viability of agricultural operations is a key goal of the PPS and the Rural Hamilton Official Plan. This requirement should be maintained. (Recommendation (c)(v))

13. Servicing

Changes are proposed to the servicing policies, particularly for rural areas without municipal sewage and water services. The policies of Section 1.6.6 – Sewage, Water and Stormwater identify a servicing hierarchy for the preferred method of providing services to new development. The existing PPS policies as well as the proposed revisions generally identify the preferred order of servicing as follows (most preferred to least preferred): municipal services, private communal services, individual on-site services, partial services (combination of municipal / communal and individual services). While this general hierarchy has been maintained in the proposed revisions, the changes appear to remove the flexibility for the municipality to support the type of servicing preferred within its jurisdiction. The changes are as follows (deleted text in ~~strikethrough~~, added text is **bolded**):

“1.6.6.1 Planning for *sewage and water services* shall:

- a) ~~direct and~~ accommodate ~~expected~~ **forecasted** growth or development in a manner that promotes the efficient use and optimization of existing:
 - 1. *municipal sewage services and municipal water services*; and

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2. *private communal sewage services and private communal water services*, where *municipal sewage services and municipal water services* are not available **or feasible**;
- e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. **For clarity, where *municipal sewage services and municipal water services* are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.**
- 1.6.6.3 Where *municipal sewage services and municipal water services* are not provided ~~available~~, municipalities may allow the use of **planned or feasible *private communal sewage services and private communal water services* are the preferred form of servicing for multi- unit/lot development to support protection of the environment and minimize potential risks to human health and safety.**
- 1.6.6.4 Where *municipal sewage services and municipal water services* or *private communal sewage services and private communal water services* are not provided ~~available~~, **planned or feasible**, *individual on-site sewage services and individual on-site water services* may be used provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*. In *settlement areas*, these ***individual on-site sewage services and individual on-site water services*** may ~~only~~ be used for infilling and minor rounding out of existing development.
- At the time of the official plan review or update, planning authorities should assess the long-term impacts of *individual on-site sewage services and individual on-site water services* on the environmental health and the character of rural *settlement areas*...and the feasibility of other forms of servicing set out in policies 1.6.6.2 and 1.6.6.3.**
- 1.6.6.5 *Partial services* shall only be permitted in the following circumstances:
- a) where they are necessary to address failed *individual on-site sewage services and individual on-site water services* in existing development; or
- b) within *settlement areas*, to allow for infilling and minor rounding out of existing development on *partial services* provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*.

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Where *partial services* have been provided to address failed services in accordance with subsection (a), infilling on existing lots of record in *rural areas* in municipalities may be permitted where this would represent a logical and financially viable connection to the existing *partial service* and provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*. In accordance with subsection (a), the extension of *partial services* into *rural areas* is only permitted to address failed *individual on-site sewage* and *individual on-site water services* for existing development.”

The primary area of concern with these policy changes is the change in the language which appears to remove the flexibility for municipalities to determine the preferred form of servicing within their boundaries. For example, the wording of policy 1.6.6.3 has been changed from “municipalities may allow the use of” private communal services to private communal services “are the preferred form of servicing for multi-lot / unit development” where municipal services are not available. This requirement is contrary to the current direction of the Rural Hamilton Official Plan (RHOP) which does not support the use of private communal services due to financial risk to the municipality should these systems fail. Staff does not support the re-wording of policy 1.6.6.3. (Recommendation (c)(iii))

The additional paragraph added to policy 1.6.6.4 above regarding individual on-site services raises concerns and requires clarification. The addition to the policy would require municipalities to assess the long term impacts of individual on-site services on the health and character of Rural Settlement Areas (RSAs) at the time of an OP conformity or update. Most of the City’s 19 RSAs are serviced by individual systems. The requirement to assess the long term impacts of the services within each of these RSAs is likely to be a significant undertaking in terms of gathering and assessing data, undertaking field work on private property, etc. There is also a financial cost to this work and who is responsible for paying for this work to be completed. There are 19 RSAs and these assessments would take longer to complete than the OP conformity or updates.

Staff does not support tying these assessments to the OP updates/conformity. Additional information on this requirement is needed to fully understand the implications for the municipality to undertake such assessments. (Recommendation (d)(ii))

While the change to policy 1.6.6.5 regarding partial services (combination of municipal and individual on-site services) is supported because it allows the municipality to use the test of ‘no negative impact’ when evaluating development, it is noted that the Province (MECP) must release updated D-5 and B-7 Guidelines to assist municipalities with identifying and evaluating negative impact. The current guidelines date to 1996 and do not address sensitive surface and groundwater features. (Recommendation (f)(iii))

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14. “Shall” to “should”

There are several policies which have been modified through a change in the direction from “shall” to “should”. In planning policy, the difference between a ‘shall’ direction and a ‘should’ direction is significant, as ‘shall’ represents a mandatory requirement while ‘should’ represents an encouraged direction.

The following are examples of this type of proposed change:

“1.1.3.6 New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and ~~shall~~**should** have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure* and *public service facilities*.

1.1.3.7 Planning authorities ~~shall~~**should** establish and implement phasing policies to ensure:

- a) that specified targets for *intensification* and *redevelopment* are achieved prior to, or concurrent with, new development within *designated growth areas*; and
- b) the orderly progression of development within *designated growth areas* and the timely provision of the *infrastructure* and *public service facilities* required to meet current and projected needs.

1.6.7.2 Efficient use ~~shall~~**should** be made of existing and planned *infrastructure*, including through the use of *transportation demand management* strategies, where feasible.”

For the policies above, the direction being provided by the policies relates to efficient use of land and infrastructure. These are important themes and especially critical as municipalities throughout the province are grappling with financial challenges and the future unknown implications of climate change. The directions of these policies to promote efficient use of land through compact form and mixed density and efficient use of existing and planned infrastructure can assist with addressing these challenges.

With a change from “shall” to “should” and coupled with recent LPAT reform, policy directions have changed from being “required” to “suggestions.” The LPAT will have the ability to consider developments lower in density which do not make efficient use of land, infrastructure or public service facilities. In many cases, this change in wording has shifted planning approvals from a municipal led approach to a developer led one.

The importance of retaining “shall” rather than “should” is even more important because the province is proposing to delete policy 4.9 which expressly permits municipalities to be more restrictive than the PPS, where no conflicts occur.

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It is staff's opinion that, for the policies identified above, the 'shall' direction of the existing policies should be retained. (Recommendation (c)(i))

15. Consultation with Indigenous Communities

Proposed revisions to policy 1.2.2 regarding consultation with Indigenous communities has strengthened the policy with new language changing the consultation from an 'encouragement' to a 'shall' (requirement):

"1.2.2 Planning authorities **shall** engage with Indigenous communities and coordinate on land use planning matters." (emphasis added)

A similar change is made with regard to policy 2.6.5 which states that planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.

This language is stronger than the policy language in the Growth Plan 2019 (policies 5.2.3.3 and 5.2.3.6) which encourages planning authorities to engage with First Nations and Metis communities.

It is staff's common practice to engage with members of the Indigenous community on land use planning matters. Staff routinely engages with the Indigenous community on planning studies including long range planning (official plan review, growth management strategy), secondary plans, and other special planning studies.

To ensure that engagement is meaningful and productive and there is a consistent approach amongst municipalities, staff suggests the Province provide guidelines or direction on the type, level and expectations of engagement that should be undertaken for a municipality to satisfy this policy. (Recommendation (f)(i))

16. Expediting Applications

A new policy has been added to the implementation section regarding streamlining the approval of development approvals for priority applications:

"4.7 Planning authorities shall take action to support increased housing supply and facilitate a timely and streamlined process for local development by:

- a) identifying and fast-tracking priority applications which support housing and job-related growth and development; and
- b) reducing the time needed to process residential and priority applications to the extent practical."

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The policy requires municipalities to take action to identify and fast track priority applications which support housing and job-related growth and to reduce the time needed to process these applications.

Staff does not support the inclusion of this policy which directs municipalities on how to allocate already limited resources in the fast-tracking of certain applications. All applications are a 'priority' so the City has been using an Open for Business approach for several years including streamlining all planning processes, assigning special staff teams to process large commercial and industrial site plans, providing guidelines (e.g. tree protection guidelines, etc.) to ensure applicants understand what the City requires. Further, staff notes that under Bill 108, the legislated timelines for decision making on development applications would already be reduced and the ability to reduce these timelines even further for certain applications is not realistic. Staff recommends that this proposed policy be removed. (Recommendation (c)(vii))

17. Implementation and Interpretation

There are several changes proposed to section 4 – Implementation and Interpretation. Most of the changes relate to the moving of many the existing section 4 policies to the 'front' of the Plan, being Part I: Preamble, Part II: Legislative Authority, or Part III: How to Read the PPS. These front sections set the context for the PPS, but do not form part of the policies under Part V.

One of the policies which has been deleted from section 4 and is now found only in Part III is former policy 4.9:

“4.9 The policies of this Provincial Policy Statement represent minimum standards. This Provincial Policy Statement does not prevent planning authorities and decision-makers from going beyond the minimum standards established in specific policies, unless doing so would conflict with any policy of this Provincial Policy Statement.”

Another existing policy that has been modified is former policy 4.15 (now renumbered to 4.9):

“4.9 Municipalities are encouraged to ~~establish performance indicators to monitor~~ **and report on** the implementation of the policies in their official plans, **in accordance with any reporting requirements, data standards and any other guidelines that may be issued by the Minister.** (deleted text in ~~strikethrough~~, added text is **bolded**).”

Staff has concerns about the removal of policy 4.9 out of the Implementation section. This section states that municipalities can go beyond the minimum standards of the PPS as long as municipalities do not conflict with any PPS policy. This policy is important to municipalities, to ensure that regional and local priorities are addressed.

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Hamilton relies on this policy to protect locally significant natural areas and species through our Environmentally Significant Area policies. Further, it is a clear statement, particularly a Local Appeal Tribunal (LPAT) hearings, that a municipality has the authority to develop policies that are more restrictive than what the PPS states. Staff recommends that this policy be retained in the PPS in its current location (4.9). (Recommendation (c)(viii))

The importance of retaining this policy is even more important because the language of many policies have been revised to change from “shall” to “should”.

Regarding the proposed policy 4.9 (formerly policy 4.15), staff supports the requirement for monitoring and reporting on implementation of Official Plan policies. However, staff has concerns about the addition to this policy which reads as if the Province will be telling municipalities how to monitor and report on their own municipal planning documents. Without the benefit of knowing what these provincial reporting requirements might entail, it is difficult to comment on this policy. More information is required. (Recommendation (d)(iv))

18. Consistency of definitions

There are several revisions proposed to definitions in the PPS. Many of these definitions are also found in the Growth Plan and Greenbelt Plan. It has long been a concern of staff that there is inconsistency in the definitions utilized in the different provincial planning documents. One of the outcomes of the Co-ordinated Provincial Plan Review which commenced in 2015 and culminated in 2017 was an improvement in the consistency of definitions amongst the documents. Staff notes that it is concerning that new and amended definitions are now being proposed in the PPS which are not reflected in the updated Growth Plan 2019 which was recently released in May of this year, nor in the 2017 Greenbelt Plan. The following are examples of definitions which are proposed for revision in the PPS but have not been revised in the other recently updated Plans:

- Built heritage resources
- Conserved
- Cultural heritage resources
- Habitat of endangered species and threatened species
- Negative impacts
- On-farm diversified uses
- Public service facilities
- Transit-supportive

The Province needs to address the inconsistency in definitions amongst provincial planning documents, where applicable. Alternatively, a policy can be included in the

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PPS which states that where a definition within a Provincial Plan exists, the Provincial Plan definition would apply. (Recommendation (g))

ALTERNATIVES FOR CONSIDERATION

Council could direct staff to modify or add to the comments which will be forwarded to the Province as the City's official comments on the PPS changes.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Summary of proposed PPS policy changes

Appendix "B" – Additional policy changes proposed by staff

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~~strikethrough text~~ = text to be deleted

Bolded text = text to be added

Section 1.1 – Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
<p>1.1.1 Healthy, liveable and safe communities are sustained by:</p> <p>b) accommodating an appropriate market-based range and mix of residential types (including secondssingle-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;</p>	<p>1.1.1 Healthy, liveable and safe communities are sustained by:</p> <p>b) accommodating an appropriate market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;</p>	<p><u>More information is required.</u></p> <p>What does market-based range of housing mean and how is it determined?</p> <p>What are the impacts of this new policy direction on the Land Needs Assessment Methodology?</p> <p>Will the Province be releasing a revised Methodology, and if so, when?</p>
<p>1.1.1 Healthy, liveable and safe communities are sustained by:</p> <p>e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;</p>	<p>1.1.1 Healthy, liveable and safe communities are sustained by:</p> <p>e) promoting the integration of land use planning, growth management, <i>transit-supportive</i> development, <i>intensification</i> and <i>infrastructure</i> planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;</p>	<p><u>No comment</u></p>
<p>1.1.1 Healthy, liveable and safe communities are sustained by:</p>	<p>1.1.1 Healthy, liveable and safe communities are sustained by:</p>	<p><u>Support with revisions</u></p>

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
<p>h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate i) preparing for the regional and local impacts of a changing climate.</p>	<p>h) promoting development and land use patterns that conserve biodiversity; and i) preparing for the regional and local <i>impacts of a changing climate</i>.</p>	<p>The increased emphasis on preparing for the impacts of a changing climate is positive but emphasis needs to be added on the need for action(s) to avoid and mitigate climate change. The policy should be rewritten to first identify the requirement to take actions to prevent climate change, and second, prepare for the impacts of climate change.</p>
<p>1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 2025 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a <i>provincial plan</i>, that time frame may be used for municipalities within the area.</p> <p>Within <i>settlement areas</i>, sufficient land shall be made available through <i>intensification</i> and <i>redevelopment</i> and, if necessary, <i>designated growth areas</i>.</p> <p>Nothing in policy 1.1.2 limits the planning for <i>infrastructure</i> and <i>public service facilities</i> and employment areas beyond a 2025-year time horizon.</p>	<p>1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a <i>provincial plan</i>, that time frame may be used for municipalities within the area.</p> <p>Within <i>settlement areas</i>, sufficient land shall be made available through <i>intensification</i> and <i>redevelopment</i> and, if necessary, <i>designated growth areas</i>.</p> <p>Nothing in policy 1.1.2 limits the planning for <i>infrastructure</i> and <i>public service facilities</i> and <i>employment areas</i> beyond a 25-year time horizon.</p>	<p><u>No comment</u></p> <p>Does not impact current long range planning exercise (GRIDS2 / MCR) which is planning to the horizon year of 2041 as per the requirements of the Growth Plan.</p>

Section 1.1.3 Settlement Areas

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
<p>1.1.3.2 Land use patterns within <i>settlement areas</i> shall be based on: a) densities and a mix of land uses which:</p> <p>d) prepare for the impacts of a changing climate;</p>	<p>1.1.3.2 Land use patterns within <i>settlement areas</i> shall be based on densities and a mix of land uses which:</p> <p>d) prepare for the <i>impacts of a changing climate</i>;</p>	<p><u>Support with revisions</u></p> <p>The increased emphasis on preparing for the impacts of a changing climate is positive but emphasis needs to be added on the need for action(s) to avoid and mitigate climate change.</p>
<p>1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including <i>brownfield sites</i>, and the availability of suitable existing or planned <i>infrastructure</i> and <i>public service facilities</i> required to accommodate projected needs.</p>	<p>1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for <i>transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment</i> where this can be accommodated taking into account existing building stock or areas, including <i>brownfield sites</i>, and the availability of suitable existing or planned <i>infrastructure</i> and <i>public service facilities</i> required to accommodate projected needs.</p>	<p><u>Revision to the policy is required.</u></p> <p>Clarification is required as to what constitutes a “significant” supply and range of housing through intensification and redevelopment? The word significant in this regard could be interpreted very broadly and is open to subjective interpretation.</p>
<p>1.1.3.6 New development taking place in <i>designated growth areas</i> should occur adjacent to the existing built-up area and shallshould have a compact form, mix of uses and densities that allow for the efficient use of land, <i>infrastructure</i> and <i>public service facilities</i>.</p>	<p>1.1.3.6 New development taking place in <i>designated growth areas</i> should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, <i>infrastructure</i> and <i>public service facilities</i>.</p>	<p><u>Do not support</u></p> <p>Policy has been weakened. Compact form and mix of densities should be a requirement (“shall”) and not be optional (“should”).</p> <p>With a change from “shall” to “should” along with recent LPAT reform, policy directions have changed from being required and implemented to “suggestions.” The LPAT will have the ability</p>

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
		to consider if the suggested approach is appropriate. In many cases, this change in wording has shifted the planning from a municipal led approach to a developer led one.
<p>1.1.3.7 Planning authorities shallshould establish and implement phasing policies to ensure:</p> <p>a) that specified targets for <i>intensification</i> and <i>redevelopment</i> are achieved prior to, or concurrent with, new development within <i>designated growth areas</i>; and</p> <p>b) the orderly progression of development within <i>designated growth areas</i> and the timely provision of the <i>infrastructure</i> and <i>public service facilities</i> required to meet current and projected needs.</p>	<p>1.1.3.7 Planning authorities should establish and implement phasing policies to ensure:</p> <p>a) that specified targets for <i>intensification</i> and <i>redevelopment</i> are achieved prior to, or concurrent with, new development within <i>designated growth areas</i>; and</p> <p>b) the orderly progression of development within <i>designated growth areas</i> and the timely provision of the <i>infrastructure</i> and <i>public service facilities</i> required to meet current and projected needs.</p>	<p><u>Do not support</u></p> <p>Policy has been weakened. Phasing is an important municipal tool to address servicing, land need etc.</p> <p>With a change from “shall” to “should” along with recent LPAT reform, policy directions have changed from being required and implemented to “suggestions.” The LPAT will have the ability to consider if the suggested approach is appropriate. In many cases, this change in wording has shifted the planning from a municipal led approach to a developer led one.</p>
<p>1.1.3.8 A planning authority may identify a <i>settlement area</i> or allow the expansion of a <i>settlement area</i> boundary only at the time of a <i>comprehensive review</i> and only where it has been demonstrated that:</p> <p>a) sufficient opportunities to to accommodate growth and to satisfy market demand are not available through <i>intensification</i>, <i>redevelopment</i> and <i>designated growth areas</i> to accommodate the projected needs over the identified planning horizon;</p>	<p>1.1.3.8 A planning authority may identify a <i>settlement area</i> or allow the expansion of a <i>settlement area</i> boundary only at the time of a <i>comprehensive review</i> and only where it has been demonstrated that:</p> <p>a) sufficient opportunities to accommodate growth and to satisfy market demand are not available through <i>intensification</i>, <i>redevelopment</i> and <i>designated growth areas</i> to accommodate the projected needs over the identified planning horizon;</p>	<p><u>More information is required.</u></p> <p>Who will determine the “market demand” and what will it be based on?</p> <p>What is the impact on land supply / requirements?</p> <p>What are the impacts of this new policy direction on the Land Needs Assessment Methodology?</p>

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
<p>1.1.3.8 A planning authority may identify a <i>settlement area</i> or allow the expansion of a <i>settlement area</i> boundary only at the time of a <i>comprehensive review</i> and only where it has been demonstrated that:</p> <p>e) impacts from new or expanding <i>settlement areas</i> on agricultural operations which are adjacent or close to the <i>settlement area</i> are avoided, and where avoidance is not possible, impacts are minimized and mitigated to the extent feasible in accordance with provincial guidelines.</p> <p>In undertaking a <i>comprehensive review</i> the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary expansion or development proposal</p>	<p>1.1.3.8 A planning authority may identify a <i>settlement area</i> or allow the expansion of a <i>settlement area</i> boundary only at the time of a <i>comprehensive review</i> and only where it has been demonstrated that:</p> <p>e) impacts from new or expanding <i>settlement areas</i> on agricultural operations which are adjacent or close to the <i>settlement area</i> are avoided, and where avoidance is not possible, impacts are minimized and mitigated to the extent feasible in accordance with provincial guidelines. In undertaking a <i>comprehensive review</i> the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary expansion or development proposal</p>	<p>Will the Province be releasing a revised Methodology, and if so, when?</p> <p><u>No comment</u></p> <p>The policy has been revised to add the requirement to avoid impacts on agricultural areas and minimize / mitigate if avoidance is not possible.</p> <p>The last sentence that has been added is already in the PPS within the definition of comprehensive review, and has simply been relocated.</p>
<p>New Policy</p>	<p>1.1.3.9 Notwithstanding policy 1.1.3.8, municipalities may permit adjustments of <i>settlement area</i> boundaries outside a <i>comprehensive review</i> provided:</p> <p>a) there would be no net increase in land within the <i>settlement areas</i>;</p> <p>b) the adjustment would support the municipality's ability to meet <i>intensification</i></p>	<p><u>No comment</u></p> <p>This policy is similar to a policy already introduced through the 2019 Growth Plan.</p>

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
	<p>and <i>redevelopment</i> targets established by the municipality;</p> <p>c) <i>prime agricultural areas</i> are addressed in accordance with 1.1.3.8 (c), (d) and (e); and</p> <p>d) the <i>settlement area</i> to which lands would be added is appropriately serviced and there is sufficient reserve <i>infrastructure</i> capacity to service the lands.</p>	

Section 1.2 Coordination

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
<p>1.2.2 Planning authorities are encouraged to shall engage with Indigenous communities and coordinate on land use planning matters with Aboriginal communities.</p>	<p>1.2.2 Planning authorities shall engage with Indigenous communities and coordinate on land use planning matters.</p>	<p><u>Support, but more information is needed.</u></p> <p>The Province should provide guidance material on the type, level and expectations of engagement that should be undertaken in order for a municipality to satisfy this policy.</p>

Section 1.2.6 Land Use Compatibility

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
<p>1.2.6.1 <i>Major facilities and sensitive land uses</i> shouldshall be planned to ensure they are appropriately designed, buffered and/or separated from each other and developed to prevent avoid, or if avoidance is not possible, minimize and mitigate any potential</p>	<p>1.2.6.1 <i>Major facilities and sensitive land uses</i> shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential <i>adverse effects</i> from odour, noise and other contaminants, minimize risk to public health and safety, and</p>	<p><u>More information is needed.</u></p> <p>The City's UHOP already has policies in this regard which provide protection to both new facilities as well as sensitive uses.</p>

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
<p><i>adverse effects</i> from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of <i>major facilities in accordance with provincial guidelines, standards and procedures.</i></p>	<p>to ensure the long-term operational and economic viability of <i>major facilities</i> in accordance with provincial guidelines, standards and procedures.</p>	<p>It is very important for both nuisance and public health protection to avoid conflict by establishing appropriate buffer areas between major facilities and sensitive land uses. Revised “provincial guidelines, standards or procedures” should be released as existing D-series guidelines on compatibility and separation of uses date from the 1990s.</p>
<p>New Policy</p>	<p>1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall ensure that the planning and <i>development of sensitive land uses</i> adjacent to existing or planned industrial, manufacturing, or other uses that are particularly vulnerable to encroachment are only permitted if:</p> <p>a) alternative locations for the proposed <i>sensitive land uses</i> have been evaluated and there are no reasonable alternative locations; and</p> <p>b) potential impacts of these uses are minimized and mitigated in accordance with provincial guidelines, standards and procedures.</p>	<p><u>More information is needed</u></p> <p>See comments above.</p>

Section 1.3 Employment

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
1.3.1 Planning authorities shall promote economic development and competitiveness by: a) providing for an appropriate mix and range of employment and, institutional, and mixed uses to meet long-term needs;	1.3.1 Planning authorities shall promote economic development and competitiveness by: a) providing for an appropriate mix and range of employment , institutional, and mixed uses to meet long-term needs;	<u>No comment</u>
1.3.1 Planning authorities shall promote economic development and competitiveness by: c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;	1.3.1 Planning authorities shall promote economic development and competitiveness by: c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;	<u>No comment</u> Economic Development already serves this function. In addition, the City's ERASE (Environmental Remediation and Site Enhancement) program is an important tool and incentive that addresses investment and reinvestment in employment sites.

Section 1.3.2 Employment Areas

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
New policy	1.3.2.2 At the time of the official plan review or update, planning authorities should assess <i>employment areas</i> identified in local official plans to ensure that this designation is appropriate to the planned function of the <i>employment area</i> .	<u>No comment</u> The City will be completing a review of employment areas as part of the MCR.

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
	<p><i>Employment areas</i> planned for industrial and manufacturing uses shall provide for separation or mitigation from <i>sensitive land uses</i> to maintain the long-term operational and economic viability of the planned uses and function of these areas.</p>	
<p>New policy</p>	<p>1.3.2.3 Within <i>employment areas</i> planned for industrial and manufacturing uses, planning authorities shall prohibit residential and institutional uses that are not ancillary to the primary employment uses in order to maintain land use compatibility.</p> <p><i>Employment areas</i> planned for industrial and manufacturing uses should include an appropriate transition to adjacent non-<i>employment areas</i>.</p>	<p><u>No comment</u></p> <p>The UHOP already contains policies in this regard.</p>
<p>New policy</p>	<p>1.3.2.5 Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing <i>employment areas</i> may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally-significant by a regional economic development corporation working together with affected upper- and single- tier municipalities and subject to the following:</p>	<p><u>Do not support</u></p> <p>This policy is consistent with the direction of the Growth Plan 2019 which permits employment land conversion to occur outside of the Municipal Comprehensive Review (only within employment areas that are not identified as Provincially Significant).</p>

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
	a) there is an identified need for the conversion and the land is not required for employment purposes over the long term; b) the proposed uses would not adversely affect the overall viability of the <i>employment area</i> ; and c) existing or planned <i>infrastructure and public service facilities</i> are available to accommodate the proposed uses.	
1.3.2.7 Planning authorities may plan beyond 2025 years for the long-term protection of employment areas provided lands are not designated beyond the planning horizon identified in policy 1.1.2.	1.3.2.7 Planning authorities may plan beyond 25 years for the long-term protection of employment areas provided lands are not designated beyond the planning horizon identified in policy 1.1.2.	<u>Support</u> The increase in the planning horizon is appropriate for number of reasons, including the recognition that planning processes are complex and take time to complete, it provides more stability in the protection of employment lands, particularly when development of these lands occurs over the long term.

Section 1.4 Housing

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
1.4.1 To provide for an appropriate range and mix of housing types <i>options</i> and densities required to meet projected requirements of current and future residents of the <i>regional market area</i> , planning authorities shall: a) maintain at all times the ability to accommodate residential growth for a minimum of 40 12 years through <i>residential intensification and redevelopment</i> and, if necessary, lands	1.4.1 To provide for an appropriate range and mix of <i>housing options</i> and densities required to meet projected requirements of current and future residents of the <i>regional market area</i>, planning authorities shall: a) maintain at all times the ability to accommodate residential growth for a minimum of 12 years through <i>residential intensification and redevelopment</i> and, if	<u>More information required</u> While the city currently has adequate supply to accommodate the increased forecast (12 years), a concern could arise out of the policy shift to the accommodation of “market based” demand. Depending on how “market demand” is determined, the City’s supply, by unit type, may not be adequate. As noted in response to

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
<p>which are <i>designated and available</i> for residential development; and b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate <i>residential intensification and redevelopment</i>, and land in draft approved and registered plans.</p> <p>Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate <i>residential intensification and redevelopment</i>, and land in draft approved and registered plans.</p>	<p>necessary, lands which are <i>designated and available</i> for residential development; and b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate <i>residential intensification and redevelopment</i>, and land in draft approved and registered plans.</p> <p>Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate <i>residential intensification and redevelopment</i>, and land in draft approved and registered plans.</p>	<p>policy 1.4.3 below, more information is required.</p>
<p>1.4.3 Planning authorities shall provide for an appropriate range and mix of <i>housing types</i>requirementsoptions and densities to meet projected market-based needs of current and future residents of the <i>regional market area</i> by:</p> <p>a) establishing and implementing minimum targets for the provision of housing which is <i>affordable to low and moderate income households</i> and which aligns with applicable housing and homelessness plans. However,</p>	<p>1.4.3 Planning authorities shall provide for an appropriate range and mix of <i>housing options</i> and densities to meet projected market-based needs of current and future residents of the <i>regional market area</i> by:</p> <p>a) establishing and implementing minimum targets for the provision of housing which is <i>affordable to low and moderate income households</i> and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier</p>	<p><u>More information is required.</u></p> <p>What does market-based range of housing mean and how is it determined?</p> <p>What are the impacts of this new policy direction on the Land Needs Assessment Methodology?</p> <p>Will the Province be releasing a revised Methodology, and if so, when?</p>

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;	municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;	
1.4.3 b) permitting and facilitating: 1. all forms of <i>housing options</i> required to meet the social, health, economic and well- being requirements of current and future residents, including <i>special needs</i> requirements and needs arising from demographic changes and employment opportunities ; and 2. all form types of <i>residential intensification</i> , including second additional residential units, and <i>redevelopment</i> in accordance with policy 1.1.3.3;	1.4.3 b) permitting and facilitating: 1. all <i>housing options</i> required to meet the social, health, economic and well- being requirements of current and future residents, including <i>special needs</i> requirements and needs arising from demographic changes and employment opportunities; and 2. all types of <i>residential intensification</i> , including additional residential units, and <i>redevelopment</i> in accordance with policy 1.1.3.3;	<u>No comment</u>
New sub-policy	1.4.3 e) requiring <i>transit-supportive</i> development and prioritizing <i>intensification</i> , including potential air rights development, in proximity to transit, including corridors and stations	<u>No comment</u>

Section 1.6 Infrastructure and Public Service Facilities

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
<p>1.6.1 Infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be provided in a coordinated, an efficient and cost-effective manner that considers prepares for the impacts from of a changing climate change while accommodating projected needs. Planning for infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be coordinated and integrated with land use planning and growth management so that they are:</p> <p>a) financially viable over their life cycle, which may be demonstrated through asset management planning; and</p> <p>b) available to meet current and projected needs.</p>	<p>1.6.1 <i>Infrastructure and public service facilities</i> shall be provided in an efficient manner that prepares for the <i>impacts of a changing climate</i> while accommodating projected needs. Planning for <i>infrastructure, and public service facilities</i> shall be coordinated and integrated with land use planning and growth management so that they are:</p> <p>a) financially viable over their life cycle, which may be demonstrated through asset management planning; and</p> <p>b) available to meet current and projected needs.</p>	<p><u>Support with revisions</u></p> <p>Although this policy change is largely language changes only, the PPS does not include policies that identify measures municipalities need to take to fight climate change. This policy could be strengthened by requiring infrastructure / public service facilities to be provided in a manner that mitigates / avoids climate change.</p>

Section 1.6.6 Sewage, Water and Stormwater

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
<p>1.6.6.1 Planning for <i>sewage and water services</i> shall:</p> <p>a) direct and accommodate expected forecasted growth or development in a manner that promotes the efficient use and optimization of existing: 1. <i>municipal sewage services and municipal water services</i>; and</p>	<p>1.6.6.1 Planning for <i>sewage and water services</i> shall:</p> <p>a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing: 1. <i>municipal sewage services and municipal water services</i>; and</p>	<p><u>Do Not Support</u></p> <p>The City does not support the use of private communal systems. This requirement is contrary to the current direction of the Rural Hamilton Official Plan (RHOP) which does not support the use of private communal services</p>

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
2. <i>private communal sewage services and private communal water services</i> , where <i>municipal sewage services and municipal water services</i> are not available or feasible ;	2. <i>private communal sewage services and private communal water services</i> , where <i>municipal sewage services and municipal water services</i> are not available or feasible;	due to financial risk to the municipality should these systems fail. .
1.6.6.1 Planning for <i>sewage and water services</i> shall: b) ensure that these systems are provided in a manner that: 1. can be sustained by the water resources upon which such services rely; 2. prepares for the impacts of a changing climate ; 3. is feasible, and financially viable and complies with all regulatory requirements over their lifecycle ; and 4. protects human health and safety , and the natural environment;	1.6.6.1 Planning for <i>sewage and water services</i> shall: b) ensure that these systems are provided in a manner that: 1. can be sustained by the water resources upon which such services rely; 2. prepares for the <i>impacts of a changing climate</i> ; 3. is feasible and financially viable over their lifecycle; and 4. protects human health and safety, and the natural environment;	<u>Support with revisions</u> This policy could be strengthened by requiring the provision of such services in a manner that mitigates / avoids climate change.
1.6.6.1 Planning for <i>sewage and water services</i> shall: e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. For clarity, where <i>municipal sewage services and municipal water services</i> are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.	1.6.6.1 Planning for <i>sewage and water services</i> shall: e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. For clarity, where <i>municipal sewage services and municipal water services</i> are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.	<u>Do Not Support</u> See the comments respecting policy 1.6. 6.1 a).
1.6.6.2 <i>Municipal sewage services and municipal water services</i> are the preferred form	1.6.6.2 <i>Municipal sewage services and municipal water services</i> are the preferred	<u>No comment</u>

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
<p>of servicing for <i>settlement areas</i> to support protection of the environment and minimize potential risks to human health and safety. Intensification and redevelopment Within <i>settlement areas</i> onwith existing <i>municipal sewage services</i> and <i>municipal water services</i> should, intensification and redevelopment shall be promoted, wherever feasible to optimize the use of the services.</p>	<p>form of servicing for <i>settlement areas</i> to support protection of the environment and minimize potential risks to human health and safety. Within <i>settlement areas</i> with existing <i>municipal sewage services</i> and <i>municipal water services</i>, <i>intensification and redevelopment</i> shall be promoted wherever feasible to optimize the use of the services.</p>	
<p>1.6.6.3 Where <i>municipal sewage services</i> and <i>municipal water services</i> are not providedavailable, municipalities may allow the use of planned or feasible <i>private communal sewage services</i> and <i>private communal water services</i> are the preferred form of servicing for multi- unit/lot development to support protection of the environment and minimize potential risks to human health and safety.</p>	<p>1.6.6.3 Where <i>municipal sewage services</i> and <i>municipal water services</i> are not available, planned or feasible <i>private communal sewage services</i> and <i>private communal water services</i> are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety.</p>	<p><u>Do not support.</u></p> <p>See the comments respecting policy 1.6.6.1.a).</p>
<p>1.6.6.4 Where <i>municipal sewage services</i> and <i>municipal water services</i> or <i>private communal sewage services</i> and <i>private communal water services</i> are not providedavailable, planned or feasible, <i>individual on-site sewage services</i> and <i>individual on-site water services</i> may be used provided that site conditions are suitable for the long-term provision of such services with no <i>negative impacts</i>. In <i>settlement areas</i>, theseindividual on-site sewage services and individual on-site water services may only be used for infilling and minor rounding out of existing development.</p>	<p>1.6.6.4 Where <i>municipal sewage services</i> and <i>municipal water services</i> or <i>private communal sewage services</i> and <i>private communal water services</i> are not available, planned or feasible, <i>individual on-site sewage services</i> and <i>individual on-site water services</i> may be used provided that site conditions are suitable for the long-term provision of such services with no <i>negative impacts</i>. In <i>settlement areas</i>, <i>individual on-site sewage services</i> and <i>individual on-site water services</i> may be used for infilling and minor rounding out of existing development.</p>	<p><u>Do Not Support in part</u></p> <p>Staff do not support tying assessments that determine the long term impacts of individual on-site services on the health and character of Rural Settlement Areas (RSAs) to the OP reviews or updates. The length of time that it would take would be longer than the time needed to complete the OP Review.</p> <p>More information is required</p> <p>Additional details are required to determine what is the extent of the assessments, who</p>

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
<p>At the time of the official plan review or update, planning authorities should assess the long-term impacts of <i>individual on-site sewage services</i> and <i>individual on-site water services</i> on the environmental health and the character of rural <i>settlement areas</i>. Where planning is conducted by an upper-tier municipality, the upper-tier municipality should work with lower-tier municipalities at the time of the official plan review or update to assess the long-term impacts of <i>individual on-site sewage services</i> and <i>individual on-site water services</i> on the environmental health and the desired character of rural <i>settlement areas</i> and the feasibility of other forms of servicing set out in policies 1.6.6.2 and 1.6.6.3.</p>	<p>At the time of the official plan review or update, planning authorities should assess the long-term impacts of <i>individual on-site sewage services</i> and <i>individual on-site water services</i> on the environmental health and the character of rural <i>settlement areas</i>. Where planning is conducted by an upper-tier municipality, the upper-tier municipality should work with lower-tier municipalities at the time of the official plan review or update to assess the long-term impacts of <i>individual on-site sewage services</i> and <i>individual on-site water services</i> on the environmental health and the desired character of rural <i>settlement areas</i> and the feasibility of other forms of servicing set out in policies 1.6.6.2 and 1.6.6.3.</p>	<p>pays and what is the impact on guidance on this requirement is needed</p>
<p>1.6.6.5 <i>Partial services</i> shall only be permitted in the following circumstances:</p> <p>a) where they are necessary to address failed <i>individual on-site sewage services</i> and <i>individual on-site water services</i> in existing development; or</p> <p>b) within <i>settlement areas</i>, to allow for infilling and minor rounding out of existing development on <i>partial services</i> provided that site conditions are suitable for the long-term provision of such services with no <i>negative impacts</i>.</p> <p>Where <i>partial services</i> have been provided to address failed services in accordance</p>	<p>1.6.6.5 <i>Partial services</i> shall only be permitted in the following circumstances:</p> <p>a) where they are necessary to address failed <i>individual on-site sewage services</i> and <i>individual on-site water services</i> in existing development; or</p> <p>b) within <i>settlement areas</i>, to allow for infilling and minor rounding out of existing development on <i>partial services</i> provided that site conditions are suitable for the long-term provision of such services with no <i>negative impacts</i>.</p>	<p><u>Support, with qualifications</u></p> <p>Updated guidelines are required from the MECP to assist municipalities with identifying and evaluation negative impact.</p>

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
<p>with subsection (a), infilling on existing lots of record in <i>rural areas</i> in municipalities may be permitted where this would represent a logical and financially viable connection to the existing <i>partial service</i> and provided that site conditions are suitable for the long-term provision of such services with no <i>negative impacts</i>. In accordance with subsection (a), the extension of <i>partial services</i> into <i>rural areas</i> is only permitted to address failed <i>individual on-site sewage</i> and <i>individual on-site water services</i> for existing development.</p>	<p>Where <i>partial services</i> have been provided to address failed services in accordance with subsection (a), infilling on existing lots of record in <i>rural areas</i> in municipalities may be permitted where this would represent a logical and financially viable connection to the existing <i>partial service</i> and provided that site conditions are suitable for the long-term provision of such services with no <i>negative impacts</i>. In accordance with subsection (a), the extension of <i>partial services</i> into <i>rural areas</i> is only permitted to address failed <i>individual on-site sewage</i> and <i>individual on-site water services</i> for existing development.</p>	
<p>1.6.6.7 Planning for stormwater management shall:</p> <p>a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;</p> <p>New sub-policy</p>	<p>1.6.6.7 Planning for stormwater management shall:</p> <p>a) be integrated with planning for <i>sewage and water services</i> and ensure that systems are optimized, feasible and financially viable over the long term;</p>	<p><u>No comment</u></p>
<p>1.6.6.7 Planning for stormwater management shall:</p> <p>c) minimize erosion and changes in water balance, and erosion prepare for the impacts of a changing climate through the effective management of stormwater;</p>	<p>1.6.6.7 Planning for stormwater management shall:</p> <p>c) minimize erosion and changes in water balance, and prepare for the <i>impacts of a changing climate</i> through the effective management of stormwater;</p>	<p><u>Support with revisions</u></p> <p>This policy could be strengthened by requiring planning for stormwater management in a manner that mitigates / avoids climate change.</p>
<p>1.6.6.7 Planning for stormwater management shall:</p>	<p>1.6.6.7 Planning for stormwater management shall:</p>	<p><u>No comment</u></p>

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
d) not increase mitigate risks to human health and, safety and, property damage and the environment ;	d) mitigate risks to human health, safety, property and the environment;	
1.6.6.7 Planning for stormwater management shall: f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency , and low impact development.	1.6.6.7 Planning for stormwater management shall: f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.	<u>No comment</u>

Section 1.6.7 Transportation Systems

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
1.6.7.2 Efficient use shall should be made of existing and planned <i>infrastructure</i> , including through the use of <i>transportation demand management</i> strategies, where feasible.	1.6.7.2 Efficient use should be made of existing and planned <i>infrastructure</i> , including through the use of <i>transportation demand management</i> strategies, where feasible.	<u>Do not support</u> The policy should remain as a 'shall' direction.
1.6.7.5 Transportation and land use considerations shall be integrated at all stages of the planning process.	Policy deleted in its entirety	<u>Do Not support</u> This policy should be retained. The consideration of land use decisions and transportation are critical in decision making processes to support strong function communities that are efficiently serviced and financially sustainable.

Section 1.6.8 Transportation and Infrastructure Corridors

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
New policy	1.6.8.5 The co-location of linear <i>infrastructure</i> should be promoted, where appropriate.	<u>No comment</u>

Section 1.6.10.1 Waste Management

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
1.6.10.1 <i>Waste management systems</i> need to be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives. Planning authorities should consider the implications of development and land use patterns on waste generation, management and diversion.	1.6.10.1 <i>Waste management systems</i> need to be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives.	<u>No comment</u> It is not clear why this sentence would be removed.

Section 1.6.11 Energy Supply

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
1.6.11.1 Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, district energy, and renewable energy systems and alternative energy systems to accommodate current and projected needs.	1.6.11.1 Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, district energy, and <i>renewable energy systems and alternative energy systems</i> to accommodate current and projected needs.	<u>No comment</u> Combined with previous policy 1.6.11.2 below.
1.6.11.2 Planning authorities should promote renewable energy systems and alternative	Policy deleted in its entirety	<u>No comment</u>

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
energy systems . where feasible, in accordance with provincial and federal requirements.		Intent of policy has been captured in revised policy 1.6.11.1 above.

Section 1.7 Long-Term Economic Prosperity

Proposed Policy Change	Revised Policy	Staff Comments & Suggested Modifications
1.7.1 Long-term economic prosperity should be supported by: b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;	1.7.1 Long-term economic prosperity should be supported by: b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of <i>housing options</i> for a diverse workforce;	<u>More information is required.</u> What does dynamic market-based range of housing mean and how is it determined? What are the impacts of this new policy direction on the Land Needs Assessment Methodology? Will the Province be releasing a revised Methodology, and if so, when?
1.7.1 Long-term economic prosperity should be supported by: i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and promoting maintaining and improving the sustainability of agri-food network and agri-product businesses by protecting agricultural resources, and minimizing land use conflicts;	1.7.1 Long-term economic prosperity should be supported by: i) sustaining and enhancing the viability of the <i>agricultural system</i> through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the <i>agri-food network</i>	<u>No comment</u> Policy has been reworded but intent remains the same. Reflects language of Growth Plan and Greenbelt Plan using "Agricultural system".
1.7.1 Long-term economic prosperity should be supported by:	1.7.1 Long-term economic prosperity should be supported by:	<u>No comment</u>

Proposed Policy Change	Revised Policy	Staff Comments & Suggested Modifications
j) promoting energy conservation and providing opportunities for development of renewable increased energy supply systems and alternative energy systems , including district energy	j) promoting energy conservation and providing opportunities for increased energy supply	The intent of this policy is captured in policy 1.6.11.1 above.

Section 1.8 Energy Conservation, Air Quality and Climate Change

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for impacts of a changing climate change adaptation through land use and development patterns which: e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;	1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for <i>impacts of a changing climate</i> through land use and development patterns which: e) encourage <i>transit-supportive</i> development and <i>intensification</i> to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;	<u>Support with revisions</u> The increased emphasis on preparing for the impacts of a changing climate is positive. However, greater emphasis on the need to take actions to prevent / fight climate change is required, as opposed to simply responding to impacts.
1.8.1 f) promote design and orientation which 1. maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation; and 2. maximizes opportunities for the use of renewable energy systems and alternative energy systems; and	1.8.1 f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation;	<u>No comment</u> The intent of this policy is captured in policy 1.6.11.1 above.

Section 2.1 Natural Heritage

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
New policy	2.1.10 Municipalities may choose to manage <i>wetlands</i> not subject to policy 2.1.4 and 2.1.5, in accordance with guidelines developed by the Province. New policy	<u>Support, but more information is needed.</u> This policy appears to be addressing a gap in the policy related to protecting non-significant wetlands. Staff support this approach as it is important to recognize the importance ecological role of non-significant wetlands. However, the policy is not clear. What does “manage wetlands” refer to? More information is required.

Section 2.2 Water

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
New policy 2.2.1 c)	2.2.1 Planning authorities shall protect, improve or restore the <i>quality and quantity of water</i> by: c) <i>evaluating and preparing for the impacts of a changing climate to water resource systems at the watershed level;</i>	<u>Support with revisions</u> The policy needs to be rewritten to identify the need to protect and conserve the water resource system as an important component in the fight against climate change.

Section 2.3 Agriculture

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
2.3.2 Planning authorities shall designate <i>prime agricultural areas</i> and <i>specialty crop areas</i> in accordance with guidelines developed by the Province, as amended from time to time.	2.3.2 Planning authorities shall designate <i>prime agricultural areas</i> and <i>specialty crop areas</i> in accordance with guidelines	<u>No comment</u>

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
<p>Planning authorities are encouraged to use an <i>agricultural system</i> approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the <i>agri-food network</i>.</p>	<p>developed by the Province, as amended from time to time. Planning authorities are encouraged to use an <i>agricultural system</i> approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the <i>agri-food network</i>.</p>	<p>The “agricultural system” approach has already been established through the Greenbelt Plan and Growth Plan.</p>
<p>2.3.3.3 New land uses, in <i>prime agricultural areas</i>, including the creation of lots, and new or expanding livestock facilities shall comply with the <i>minimum distance separation formulae</i>.</p>	<p>2.3.3.3 New land uses, in <i>prime agricultural areas</i>, including the creation of lots, and new or expanding livestock facilities shall comply with the <i>minimum distance separation formulae</i>.</p>	<p><u>No comment</u> Clarification only. MDS also applies to rural lands through existing policy 1.1.5.9.</p>
<p>2.3.6.1 Planning authorities may only permit non-agricultural uses in <i>prime agricultural areas</i> for:</p> <p>a) extraction of <i>minerals, petroleum resources</i> and <i>mineral aggregate resources</i>, in accordance with policies 2.4 and 2.5; or b) limited non-residential uses, provided that all of the following are demonstrated:</p> <ol style="list-style-type: none"> 1. the land does not comprise a <i>specialty crop area</i>; 2. the proposed use complies with the <i>minimum distance separation formulae</i>; 2. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and 	<p>2.3.6.1 Planning authorities may only permit non-agricultural uses in <i>prime agricultural areas</i> for:</p> <p>a) extraction of <i>minerals, petroleum resources</i> and <i>mineral aggregate resources</i>; or b) limited non-residential uses, provided that all of the following are demonstrated:</p> <ol style="list-style-type: none"> 1. the land does not comprise a <i>specialty crop area</i>; 2. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to accommodate the proposed use; and ... 	<p><u>Do not Support</u></p> <p>There are sensitive lands uses, other than residential, that could locate in the rural area that should be subject to MDS. The application of MDS setbacks is intended to provide protection to the agricultural community when a new sensitive land use is introduced.</p> <p>Any lands required for non-residential uses should be designated as Rural in the RHOP. The reference to the word designated should be retained so applications to the Committee of adjustment or a rezoning application cannot be approved without the need for an OPA. Further, it will assist in the long term protection of prime agricultural lands for their intended purpose.</p>

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
2.3.6.2 Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be avoided, and where avoidance is not possible, minimized and mitigated to the extent feasible and informed by provincial guidelines.	2.3.6.2 Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be avoided, and where avoidance is not possible, minimized and mitigated to the extent feasible and informed by provincial guidelines.	<u>No comment.</u>

Section 2.5 Mineral Aggregate Resources

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
<p>2.5.2.2 Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.</p> <p>Outside of the <i>Greenbelt Area</i>, extraction may be considered in the natural heritage features listed in section 2.1.5, 2.1.6 and 2.1.7, provided that the long-term rehabilitation can demonstrate no <i>negative impacts</i> on the natural features or their <i>ecological functions</i>.</p>	<p>2.5.2.2 Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.</p> <p>Outside of the <i>Greenbelt Area</i>, extraction may be considered in the natural heritage features listed in section 2.1.5, 2.1.6 and 2.1.7, provided that the long-term rehabilitation can demonstrate no <i>negative impacts</i> on the natural features or their <i>ecological functions</i>.</p>	<p><u>Do not support</u></p> <p>This policy allows mineral aggregate extraction to be considered in certain natural heritage features (except for coastal wetlands and Provincially Significant Wetlands in southern Ontario) provided the long-term rehabilitation can demonstrate no negative impacts.</p> <p>Staff do not support the addition of this policy since:</p> <ol style="list-style-type: none"> 1. it is unclear as to what 'long term rehabilitation' means; 2. it will disrupt or destroy the natural heritage system and functions of this area with a promise to restore the features sometime in the future (e.g. 25 years); and,

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
		3. This policy no longer provides a balance between heritage protection and the need for aggregate resources.
<p>2.5.2.4 <i>Mineral aggregate operations</i> shall be protected from <i>development</i> and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing <i>mineral aggregate operations</i> shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the <i>Planning Act</i>. Where the <i>Aggregate Resources Act</i> applies, processes under the <i>Aggregate Resources Act</i> shall address the depth of extraction of new or existing <i>mineral aggregate operations</i> or their expansions. When a license for extraction or operation ceases to exist, policy 2.5.2.5 continues to apply.</p>	<p>2.5.2.4 <i>Mineral aggregate operations</i> shall be protected from <i>development</i> and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing <i>mineral aggregate operations</i> shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the <i>Planning Act</i>. Where the <i>Aggregate Resources Act</i> applies, processes under the <i>Aggregate Resources Act</i> shall address the depth of extraction of new or existing <i>mineral aggregate operations</i> or their expansions. When a license for extraction or operation ceases to exist, policy 2.5.2.5 continues to apply.</p>	<p><u>No comment</u></p>

Section 2.6 Cultural Heritage and Archaeology

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
<p>2.6.5 Planning authorities shall engage with Indigenous communities and consider the their interests of Aboriginal communities in conserving when identifying, protecting and managing cultural heritage and archaeological resources.</p>	<p>2.6.5 Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.</p>	<p><u>More information required.</u></p> <p>To ensure that engagement is meaningful and productive and there is a consistent approach amongst municipalities, staff suggest the Province provide guidelines or direction on the</p>

		type, level and expectations of engagement that should be undertaken for a municipality to satisfy this policy.
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Section 3.1 Natural Hazards

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
3.1.3 Planning authorities shall consider prepare for the potential-impacts of a changing climate change that may increase the risk associated with natural hazards.	3.1.3 Planning authorities shall prepare for the <i>impacts of a changing climate</i> that may increase the risk associated with natural hazards.	<u>Support with revisions</u> The increased emphasis on preparing for the impacts of a changing climate is positive. However, greater emphasis on mitigation / prevention of climate change is required throughout the policies (see previous comments).

Section 3.2 Human-Made Hazards

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
New policy	3.2.3 Planning authorities should support, where feasible, on-site and local re-use of excess soil through planning and development approvals while protecting human health and the environment.	<u>No comment</u>

Section 4.0 Implementation and Interpretation

Proposed Policy Change	New/Revised Policy	Staff Comments & Suggested Modifications
<p>New policy</p>	<p>4.7 Planning authorities shall take action to support increased housing supply and facilitate a timely and streamlined process for local development by:</p> <p>a) identifying and fast-tracking priority applications which support housing and job-related growth and development; and b) reducing the time needed to process residential and priority applications to the extent practical.</p>	<p><u>Do not support</u></p> <p>All applications are a 'priority' so the City has been using an Open for Business approach for several years including streamlining all planning processes, assigning special staff teams to process large commercial and industrial site plans, providing guidelines (e.g. tree protection guidelines, etc.) to ensure applicants understand what the City requires.</p>
<p>4.9 The policies of this Provincial Policy Statement represent minimum standards. This Provincial Policy Statement does not prevent planning authorities and decision makers from going beyond the minimum standards established in specific policies, unless doing so would conflict with any policy of this Provincial Policy Statement.</p>	<p>Policy deleted in its entirety.</p>	<p><u>Do not support</u></p> <p>This policy is an important implementation direction that should not be removed from this Section.</p> <p>The importance of retaining this policy is even more important because the language of many policies have been revised to change from "shall" to "should".</p>
<p>4.9 Municipalities are encouraged to establish performance indicators to monitor and report on the implementation of the policies in their official plans, in accordance with any reporting requirements, data standards and any other guidelines that may be issued by the Minister.</p>	<p>4.9 Municipalities are encouraged to monitor and report on the implementation of the policies in their official plans, in accordance with any reporting requirements, data standards and any other guidelines that may be issued by the Minister.</p>	<p><u>More information is required.</u></p> <p>Until reporting requirements and data standards are released by the Province, it is difficult to evaluate the impact of this policy change.</p>

Section 6.0 Definitions

Proposed Definition Change	New/Revised Definition	Staff Comments
New Definition – Agricultural system	Agricultural System: A system comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components: a) an agricultural land base comprised of <i>prime agricultural areas</i> , including <i>specialty crop areas</i> , and <i>rural lands</i> that together create a continuous productive land base for agriculture; and b) an <i>agri-food network</i> which includes <i>infrastructure</i> , services, and assets important to the viability of the agri- food sector.	<u>Support</u> Consistent with Greenbelt Plan and Growth Plan
New Definition – Agri-food network	Agri-food network: Within the <i>Agricultural System</i> , a network that includes elements important to the viability of the agri-food sector such as regional <i>infrastructure</i> and transportation networks; on-farm buildings and infrastructure; agricultural services, farm markets, distributors, and primary processing; and vibrant, agriculture-supportive communities.	<u>Support</u> Consistent with Greenbelt Plan and Growth Plan
Areas of archaeological potential: means areas with the likelihood to contain <i>archaeological resources</i> . Methods Criteria to identify archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. The <i>Ontario Heritage Act</i> requires archaeological potential to be confirmed by a licensed archaeologist	Areas of archaeological potential: means areas with the likelihood to contain <i>archaeological resources</i> . Criteria to identify archaeological potential are established by the Province. The <i>Ontario Heritage Act</i> requires archaeological potential to be confirmed by a licensed archaeologist through archaeological assessment and/or fieldwork.	<u>No comment</u>

Proposed Definition Change	New/Revised Definition	Staff Comments
through archaeological assessment and/or fieldwork.		
<p>Built heritage resource: means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Aboriginal Indigenous community. Most built heritage resources are generally located on property that has been designated under Parts IV or V of the <i>Ontario Heritage Act</i>, or has been included on local, provincial, federal and/or federal international registers.</p>	<p>Built heritage resource: means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. Most built heritage resources are located on property that has been designated under Parts IV or V of the <i>Ontario Heritage Act</i>, or has been included on local, provincial, federal and/or international registers.</p>	<p><u>No comment</u></p> <p>Note: The Greenbelt Plan and Growth Plan maintain the previous definition. The Provincial Plans should have consistent definitions.</p>
<p>Conserved: means the identification, protection, management and use of <i>built heritage resources, cultural heritage landscapes</i> and <i>archaeological resources</i> in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved or adopted by the planning authority or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.</p>	<p>Conserved: means the identification, protection, management and use of <i>built heritage resources, cultural heritage landscapes</i> and <i>archaeological resources</i> in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved or adopted by the planning authority or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.</p>	<p><u>More information is required.</u></p> <p>The removal of the wording “under the Ontario Heritage Act” establishes more options to conserve heritage resources than formal designation under the Ontario Heritage Act. While adding flexibility to conserve each heritage resource on a case by case basis, this may also weaken a municipality’s ability to formally protect heritage resources over the long term. Clarity is required on the intent of this change.</p> <p>Note: The Greenbelt Plan and Growth Plan maintain the previous definition. The Provincial Plans should have consistent definitions.</p>
<p>Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having</p>	<p>Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as</p>	<p><u>No comment</u></p>

Proposed Definition Change	New/Revised Definition	Staff Comments
<p>cultural heritage value or interest by a community, including an AberiginalIndigenous community. The area may involveinclude features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designatedCultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the <i>Ontario Heritage Act</i> villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by, or have been included on federal and/or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site) registers, or protected through official plan, zoning by-law, or other land use planning mechanisms.</p>	<p>having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. <i>Cultural heritage landscapes</i> may be properties that have been determined to have cultural heritage value or interest under the <i>Ontario Heritage Act</i>, or have been included on federal and/or international registers, or protected through official plan, zoning by-law, or other land use planning mechanisms.</p>	<p>Note: The Greenbelt Plan and Growth Plan maintain the previous definition. The Provincial Plans should have consistent definitions.</p>
<p>Endangered species: means a species that is listed or categorizedclassified as an “Endangered Species” on the Ontario Ministry of Natural Resources’ official Species at Risk in Ontario List, as updated and amended from time to time.</p>	<p>Endangered species: means a species that is classified as “Endangered Species” on the Species at Risk in Ontario List, as updated and amended from time to time.</p>	<p><u>No comment</u> Similar to definition in the Greenbelt Plan.</p>
<p>Habitat of endangered species and threatened species: means) habitat within</p>	<p>Habitat of endangered species and threatened species: means-habitat within the</p>	<p><u>No comment</u></p>

Proposed Definition Change	New/Revised Definition	Staff Comments
<p>the meaning of Section 2 of the Endangered Species Act, 2007</p> <p>a) with respect to a species listed on the Species at Risk in Ontario List as an endangered or threatened species for which a regulation made under clause 55(1)(a) is in force, the area prescribed by that regulation as the habitat of the species; or</p> <p>b) with respect to any other species listed on the Species at Risk in Ontario List as an endangered or threatened species, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by the Ontario Ministry of Natural Resources; and</p> <p>places in the areas described in clause (a) or (b), whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences.</p>	<p>meaning of Section 2 of the Endangered Species Act, 2007.</p>	<p>Note: although the intent is the same, the Greenbelt Plan maintains the previous definition. The Provincial Plans should have consistent definitions.</p>
<p>Heritage attributes: means the principal features or elements that contribute to a <i>protected heritage property's</i> cultural heritage value or interest, and that must be retained. Attributes may include the property's built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including e.g. significant views or vistas to or from a <i>protected heritage property</i>)</p>	<p>Heritage attributes: means the principal features or elements that contribute to a <i>protected heritage property's</i> cultural heritage value or interest, and that must be retained. Attributes may include the property's built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g. significant views or vistas to or from a <i>protected heritage property</i>)</p>	<p><u>Do not support</u></p> <p>The added wording of "must be retained" increases ambiguity.</p> <p>This definition of "heritage attributes" is not consistent with the definition in the Ontario Heritage Act (including the changes introduced from Bill 108) as the Ontario Heritage Act does not include the statement "must be retained". Furthermore, the Ontario Heritage Act enables</p>

Proposed Definition Change	New/Revised Definition	Staff Comments
		Municipal Council to consent to applications for the alteration of heritage attributes, thus, heritage attributes may not always be fully retained. Adding the “must be retained” wording may limit Council’s ability to review and consider applications for alterations.
New Definition – Housing Options	Housing options: means a range of housing types such as, but not limited to single-detached, semi-detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, multi- residential buildings and uses such as, but not limited to life lease housing, co- ownership housing, co-operative housing, community land trusts, <i>affordable</i> housing, housing for people with <i>special needs</i> , and housing related to employment, institutional or educational uses.	<u>No comment on the definition</u> No comment on the definition does not imply that staff support the policy framework where the term is used.
New Definition – Impacts of changing climate	Impacts of a changing climate: means the potential for present and future consequences and opportunities from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability.	<u>Support with revisions</u> Staff suggest removing the words “potential for” and the words “and opportunities” which appear to downplay the significance of climate change which is already occurring. The definition would read: Impacts of a changing climate: means the present and future consequences from changes in weather patterns at local and regional levels including

Proposed Definition Change	New/Revised Definition	Staff Comments
		extreme weather events and increased climate variability.
Major facilities: means facilities which may require separation from <i>sensitive land uses</i> , including but not limited to airports, manufacturing uses , transportation infrastructure and corridors, <i>rail facilities</i> , <i>marine facilities</i> , sewage treatment facilities, <i>waste management systems</i> , oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.	Major facilities: means facilities which may require separation from <i>sensitive land uses</i> , including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, <i>rail facilities</i> , <i>marine facilities</i> , sewage treatment facilities, <i>waste management systems</i> , oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.	<u>No comment</u>
Municipal sewage services: means a sewage works within the meaning of section 1 of the <i>Ontario Water Resources Act</i> that is owned or operated by a municipality, including centralized and decentralized systems.	Municipal sewage services: means a sewage works within the meaning of section 1 of the <i>Ontario Water Resources Act</i> that is owned or operated by a municipality, including centralized and decentralized systems.	<u>No comment</u>
Municipal water services: means a municipal drinking-water system within the meaning of section 2 of the <i>Safe Drinking Water Act, 2002</i> , including centralized and decentralized systems.	Municipal water services: means a municipal drinking-water system within the meaning of section 2 of the <i>Safe Drinking Water Act, 2002</i> , including centralized and decentralized systems.	<u>No comment</u>
Negative impacts: means a) in regard to policy 1.6.6.4 and 1.6.6.5, potential risks to human health and safety and degradation to the <i>quality and quantity of water, sensitive surface water features and sensitive ground water features</i> , and their related <i>hydrologic functions</i> , due to single, multiple or successive <i>development</i> . <i>Negative impacts</i> should be assessed through environmental studies including	Negative impacts: means a) in regard to policy 1.6.6.4 and 1.6.6.5, potential risks to human health and safety and degradation to the <i>quality and quantity of water, sensitive surface water features and sensitive ground water features</i> , and their related <i>hydrologic functions</i> , due to single, multiple or successive <i>development</i> . <i>Negative impacts</i> should be assessed through environmental studies including	<u>Support, with qualifications</u> MECP Guidelines (which date from 1996) need to be updated to assist municipalities with evaluating negative impacts. Note: The Greenbelt Plan and Growth Plan maintain the previous definition. The Provincial Plans should have consistent definitions.

Proposed Definition Change	New/Revised Definition	Staff Comments
hydrogeological or water quality impact assessments, in accordance with provincial standards; ...	hydrogeological or water quality impact assessments, in accordance with provincial standards; ...	
On-farm diversified uses: means uses that are secondary to the principal agricultural use of the property, and are limited in area. <i>On-farm diversified uses</i> include, but are not limited to, home occupations, home industries, <i>agri-tourism uses</i> , and uses that produce value-added agricultural products. Ground-mounted solar facilities are permitted in prime agricultural areas and specialty crop areas only as on-farm diversified uses.	On-farm diversified uses: means uses that are secondary to the principal agricultural use of the property, and are limited in area. <i>On-farm diversified uses</i> include, but are not limited to, home occupations, home industries, <i>agri-tourism uses</i> , and uses that produce value-added agricultural products. Ground-mounted solar facilities are permitted in <i>prime agricultural areas</i> and <i>specialty crop areas</i> only as <i>on-farm diversified uses</i> .	<u>No comment</u> Note: The Greenbelt Plan and Growth Plan maintain the previous definition. The Provincial Plans should have consistent definitions.
Partial services: means a) <i>municipal sewage services</i> or <i>private communal sewage services</i> and combined with individual on- site water services ; or b) <i>municipal water services</i> or <i>private communal water services</i> and combined with individual on-site sewage services.	Partial services: means a) <i>municipal sewage services</i> or <i>private communal sewage services</i> combined with <i>individual on- site water services</i> ; or b) <i>municipal water services</i> or <i>private communal water services</i> combined with <i>individual on-site sewage services</i> .	<u>No comment</u> Clarification only.
Planned corridors: means corridors or future corridors which are required to meet projected needs, and are identified through <i>provincial plans</i> , preferred alignment(s) determined through the <i>Environmental Assessment Act</i> process, or identified through planning studies where the Ontario Ministry of Transportation, Metrolinx, Ontario Ministry of Energy, Northern Development and Mines or Independent Electricity System Operator (IESO) or any successor to those ministries or entities is actively pursuing the identification of a corridor. Approaches for the protection of	Planned corridors: means corridors or future corridors which are required to meet projected needs, and are identified through <i>provincial plans</i> , preferred alignment(s) determined through the <i>Environmental Assessment Act</i> process, or identified through planning studies where the Ontario Ministry of Transportation, Metrolinx, Ontario Ministry of Energy, Northern Development and Mines or Independent Electricity System Operator (IESO) or any successor to those ministries or entities is actively pursuing the identification of a corridor. Approaches for the protection of	<u>No comment</u> Consistent with Growth Plan, 2019

Proposed Definition Change	New/Revised Definition	Staff Comments
<i>planned corridors</i> may be recommended in guidelines developed by the Province.	<i>planned corridors</i> may be recommended in guidelines developed by the Province.	
Public service facilities: means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, long- term care services , and cultural services. <i>Public service facilities</i> do not include <i>infrastructure</i> .	Public service facilities: means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, long- term care services, and cultural services. <i>Public service facilities</i> do not include <i>infrastructure</i> .	<u>No comment</u> Note: The Greenbelt Plan and Growth Plan maintain the previous definition. The Provincial Plans should have consistent definitions.
Residential intensification: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes: a) redevelopment, including the redevelopment of <i>brownfield sites</i> ; b) the development of vacant or underutilized lots within previously developed areas; c) infill development ; d) development and introduction of new housing options within previously developed areas; e) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and f) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, second additional residential units and, rooming houses, and other housing options.	Residential intensification: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes: a) redevelopment, including the redevelopment of <i>brownfield sites</i> ; b) the development of vacant or underutilized lots within previously developed areas; c) infill development ; d) development and introduction of new <i>housing options</i> within previously developed areas; e) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and f) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, additional residential units, rooming houses, and other <i>housing options</i> .	<u>No comment</u>

Proposed Definition Change	New/Revised Definition	Staff Comments
<p>Significant: means e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act. National and international criteria are established by the certifying bodies for the important contribution they make to our understanding of the history of a place, an event, or a people</p>	<p>Significant: means e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes for determining cultural heritage value or interest are established by the Province under the authority of the <i>Ontario Heritage Act</i>. National and international criteria are established by the certifying bodies</p>	<p><u>Support, with revisions</u></p> <p>The wording of this added sentence is ambiguous and its intent needs to be clarified.</p> <p>The word “processes” may be the wrong word and possibly should be “criteria”. A “criteria” would help to determine if a resource has cultural heritage value while a “process” would indicate how to arrive at its recognition.</p>
<p>Special needs: means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of <i>special needs</i> housing may include, but are not limited to, long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.</p>	<p>Special needs: means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of <i>special needs</i> housing may include, but are not limited to, long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.</p>	<p><u>No comment</u></p>
<p>Threatened species: means a species that is listed or categorized classified as a “Threatened Species” on the Ontario Ministry of Natural Resources’ official Species at Risk in Ontario List, as updated and amended from time to time.</p>	<p>Threatened species: means a species that is classified as a “Threatened Species” on the Species at Risk in Ontario List, as updated and amended from time to time.</p>	<p><u>No comment</u></p> <p>Similar to definition in Greenbelt Plan.</p>
<p>Transit-supportive: in regard to land use patterns, means development that makes</p>	<p>Transit-supportive: in regard to land use patterns, means development that makes</p>	<p><u>No comment</u></p>

Proposed Definition Change	New/Revised Definition	Staff Comments
<p>transit viable, optimizes investments in transit infrastructure, and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities, including air rights development, in proximity to transit stations, corridors and associated elements within the <i>transportation system</i>. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.</p>	<p>transit viable, optimizes investments in transit infrastructure, and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities, including air rights development, in proximity to transit stations, corridors and associated elements within the <i>transportation system</i>. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.</p>	<p>Note: The Growth Plan maintain the previous definition. The Provincial Plans should have consistent definitions.</p>

Staff proposed policy additions:

Part IV: Vision for Ontario's Land Use Planning system

Proposed Policy Change by Staff	Description of staff proposal	Rationale
New paragraph (staff suggestion)	Add a new paragraph to this section which speaks to the need for immediate actions to be taken at the provincial and local level to prevent climate change through a variety of actions which may include land use planning, energy conservation and planning, sustainable design, protection of natural areas, water systems and agricultural lands, servicing, transportation considerations, incentives, and other methods to fight climate change.	The addition of this wording recognizes that climate change exists. It further supports the policies related to climate change mitigation.
New wording for Paragraph 6 (staff suggestion)	Add the following words “and the environment, including the effects of climate change related to heat/cold, flooding, etc.” at the end of the sentence “It is equally important to protect the overall health and safety of the population.”	The addition of this wording recognizes that climate change exists. It further supports the policies related to climate change mitigation and adaptation.
New wording for Paragraph 7 (staff suggestion)	Revise the paragraph as follows: “Taking actions to mitigate climate change and conserve land and resources avoids the need for costly remedial measures to correct problems and supports economic and environmental principles.”	The addition of this wording recognizes that climate change exists. It further supports the policies related to climate change mitigation.

Section 1.1 – Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

Proposed Policy Change by Staff	Description of staff proposal	Rationale
<p>Added wording in the Preamble (staff suggestion)</p>	<p>Add the following words “, including from the effects of climate change,” before “and facilitating economic growth” so the sentence reads as follows:</p> <p>Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, including from the effects of climate change, and facilitating economic growth.</p>	<p>The addition of this wording recognizes that climate change exists. It further supports the policies related to climate change mitigation and adaptation.</p>



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 17, 2019
SUBJECT/REPORT NO:	Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176)
WARD(S) AFFECTED:	Wards 1 and 8
PREPARED BY:	Timothy Lee (905) 546-2424 Ext. 1249 Senior Planner, Policy Planning and Zoning By-law Reform
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That Report PED19176 (City Initiative CI-19-D - Accessory Dwelling Units - Pilot Project for Wards 1 and 8) to establish a Temporary Use By-law to amend Section 19 – Residential Conversion zone regulations in City of Hamilton Zoning By-law No. 6593, to provide for alternative zoning by-law standards on a temporary basis for three years to facilitate the creation of accessory units in single detached and two family dwellings, as part of the Low Density Rental Housing Licensing Pilot Project in Wards 1 and 8, be received; and,
- (b) That Report PED19176, together with any written submissions and input from delegations of the Low Density Rental Housing Licensing Pilot Project received at Planning Committee, be referred to staff for consideration and incorporated into a further report and amending By-law to be presented to a future Planning Committee.

EXECUTIVE SUMMARY

Staff of the Licensing and By-law Services Section of the Planning and Economic Development Department were directed to look into a Rental Housing Licensing Pilot Project for Wards 1 and 8 (Planning Committee Report 18-015, December 19, 2018).

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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It is proposed, through the Rental Housing Pilot Project, that residential properties with fewer than five rental units will be required to obtain a Rental Business Owner Licence. The licence would be granted once the property demonstrates conformity/compliance with the applicable provisions of Hamilton Zoning By-law No. 6593, the Ontario Building Code (OBC) and the Fire Code of Ontario. This compliance/conformity requirement would be achieved through a Building Permit application. Based on preliminary stakeholder feedback on a Rental Housing Licensing regime, a concern has been raised that an unintended consequence will be the removal of existing rental units that do not comply with the in-force zoning provisions. Given that staff are in the process of developing updated zoning provisions for accessory dwelling units for community consultation, the need for an interim measure was identified, which is the nature of Report PED19176. A proposed Temporary Use By-law, attached as Appendix “A” to Report PED19176, to amend Section 19 – Residential Conversion in Hamilton Zoning By-law No. 6593 is being recommended by staff as an appropriate interim measure that will enable staff to assess the proposed alternative zoning regulations for accessory dwelling units.

At present, establishing an Accessory Dwelling Unit requires meeting Section 19 – Residential Conversion zone regulations or seek a Minor Variance approval through the Committee of Adjustment, or Rezoning. To assist with the Pilot Project, the proposed Temporary Use By-law (See Appendix “A” to Report PED19176.) amends the conversion regulations associated with a single detached dwelling and two-family dwellings. The proposed amendments ensure rental units are maintained and contribute to housing supply, while integrating with the surrounding community. The Temporary Use By-law is proposed to be in effect for up to 36-months until the completion of the New Residential Zones project which will bring residential zones into Hamilton Zoning By-law No. 05-200, including permitting Second Dwelling Units city-wide.

The proposed Zoning By-law amendments, as listed below, only apply to single detached dwellings and two-family dwellings for Wards 1 and 8:

Existing Regulation	Temporary Exemption
“B”, “B-1”, “B-2”, “C”, “D”, “R-2”, “DE” “DE-2”, “DE-3”, “E”, “E-1”, “E-2”, and “E-3” Districts	
Minimum 65 m ² for each dwelling unit	No minimum size requirement
Minimum lot area - 270 m ²	Minimum lot area reduced to 200 m ²
For lands east of Highway 403 in Ward 1 only	
	Add a new regulation to exempt existing legally established single and two-family dwellings with no parking from the current zoning standards.

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The first step is for Report PED19176 to be received for information for information, and any written submissions and input resulting from the Low Density Rental Housing Licensing Pilot Project be considered and incorporated into a further report, including any zoning by-law changes.

Alternatives for Consideration – See Page 13

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None

Staffing: None

Legal: Subsection 39 of the *Planning Act* allows a municipality to pass Temporary Use By-law for a 3 year period with an extension of up to another 3 years.

Subsection 34(19.1) of the *Planning Act* restricts appeals of any by-law passed under Section 34 relating to second dwelling units. A Temporary Use by-law is passed under Subsection 34 and therefore no appeals of the by-law are permitted under the Planning Act.

HISTORICAL BACKGROUND

1.0 Section 19 – Residential Conversion Regulations in Hamilton Zoning By-law No. 6593

A staff report was brought forward to the January 1991 City of Hamilton Planning and Development Committee which included the *Housing Intensification Strategy Report*. The Strategy Report provided information respecting the opportunity to revise and update the in-force zoning regulations to facilitate the conversion of dwelling units to permit Accessory Units. The Report also identified advantages and disadvantages of residential conversion, including benefits to the community. The report mentioned that Accessory Dwelling Units were a cost-effective solution to increase housing supply by homeowners without governmental investment; Accessory Dwellings were a way to utilize existing hard and soft infrastructure such as roads, sewers, and water services; and, implemented the concept of sustainable development by promoting a more compact urban form. This study resulted in an amendment to the City of Hamilton Zoning By-law No. 6593 and the creation of Section 19 – Residential Conversion Requirements zone regulations which was approved through By-law No. 92-281.

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Section 19 of the Zoning By-law allows residential conversions based on Zone Districts. The table below shows Accessory Dwelling Units are permitted in association with Single Detached Dwellings, and Two Family and Multiple Dwellings by Zone Districts.

Single Detached Dwellings (Section 19.1)	Two Family Dwelling, Multiple Dwellings (Section 19.2)
"AA", "B", "B-1", "B-2", "C", "D", "R-2", "DE", "DE-2", "DE-3", "E", "E-2", "E-3" Districts	"DE", "DE-2", "DE-3", "E", "E-2", "E-3" Districts

At the December 18, 2018 Planning Committee meeting, staff was directed to explore a Rental Housing Licensing Pilot Project for Wards 1 and 8 by the Licensing and By-law Services Section of the Planning and Economic Development Department.

The Pilot Project will require residential properties with fewer than five rental units to obtain a Rental Business Owner Licence which would be granted upon review of zone regulations in Hamilton Zoning By-law No. 6593, the Ontario Building Code (OBC) and the Fire Code of Ontario through the submission of a Building Permit application.

In response to Council's direction, Planning and Economic Development Department staff have received preliminary feedback from stakeholders that a possible unintended consequence of the Licencing regime would be the removal of rental market housing units that have been created but do not comply with zoning. Specifically, the current minimum unit size (65 m²) and the minimum lot area (270 m²) have been identified as barriers to the legalization and/or creation of accessory dwelling units. To assist with the Pilot Project and facilitate input, it is proposed a Temporary Use By-law be passed to relax the lot area and unit size requirements. The Temporary Use By-law (See Appendix "A") would amend zone regulations associated with a single detached dwelling and two-family dwellings.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

1.0 Provincial Legislation and regulations

Bill 108 (More Homes, More Choice Act, 2019) received Royal Assent on June 6, 2019 and is a response by the Provincial Government to increase housing supply. One such method is direct municipalities to permit up to two Second Dwelling Units in single detached, semi-detached, and rowhouses in all municipalities in Ontario through its Official Plans and Zoning By-laws.

In addition, the provincial Government introduced a companion regulation to address parking and age of dwelling unit which the commenting period has recently ended. The proposed Temporary Use By-law provides relief from certain Residential Conversion regulations because of the Pilot Project.

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2.0 Provincial Policy

1.1 Provincial Policy Statement 2014 (PPS)

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development which the UHOP has implemented. Section 1 – Building Strong Healthy Communities – requires a municipality to include policies in their Official Plan to address affordable housing (Policy 1.4.3.a) and the provision of housing for special needs groups (Policy 1.4.3.b.1.). Healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential, institutional, recreation, park and open space, and other uses to meet long-term needs.

The proposed Temporary Use By-law is consistent with the PPS in that it allows for Accessory Dwelling Units in single detached dwellings with more flexible Zoning By-law regulations.

1.2 Proposed Provincial Policy Statement 2019

The Province released the draft Provincial Policy Statement (2019) on July 22, 2019, and the three-month comment period ends on October 21, 2019. The proposed PPS 2019 proposes to accommodate a mix of residential types such as (additional residential units and housing for older persons) and living arrangements that should be employed in intensification and accommodating supply and range of housing options through intensification.

1.3 Growth Plan for the Greater Golden Horseshoe (A Place to Grow, 2019)

The Growth Plan contains similar policies to the PPS that requires a municipality, though the completion of a Housing Strategy, to identify affordable housing for current and future populations.

Policy 2.2.6.1 a) i) requires that municipalities plan to achieve certain density targets for both inside and outside the built boundary. To achieve these targets, municipalities must identify a diverse range and mix of housing options and densities, including second units and affordable housing to meet projected needs of current and future residents. This is also identified under Policy 1.2.1: Guiding Principles. This includes second units to serve all sizes, incomes, and ages of households (Policy 2.2.1.4).

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The proposed Temporary Use By-law conforms to the Growth Plan by encouraging the establishment of Accessory Dwelling Units in Hamilton and providing more flexible Zone regulations.

2.0 Urban Hamilton Official Plan (UHOP)

Housing policies in Volume 1 of the UHOP identifies the need for a range of housing types, forms, and densities to meet the social, health and well-being requirements of all current and future residents (Policy B.3.2.1.1). Further, the goal includes increasing Hamilton's housing stock based on tenure, affordability throughout the urban area of the City (Policies B.3.2.1.4 and B.3.2.1.6).

Additional general housing policies where Policy B.3.2.4.1 states the development of a full range of housing forms, types, and densities shall be provided for and promoted throughout the City of Hamilton through residential intensification and new development. Residential Intensification policies also speak to integration of new development with the existing neighbourhood and consider scale, bulk, and massing.

Under the general land use provision, Policy C.3.2.2d) and Policy E.3.2.3a) states Second Dwelling Units shall be permitted within single and semi-detached dwellings provided it complies with all applicable policies and the Zoning By-law.

Additional Policies can also be found in respective Secondary Plans in Volume 2 of the UHOP. The proposed Temporary Use By-law conforms to the policies of the UHOP as it provides relief from Zone regulations to simplify establishing Accessory Dwelling Units.

2.1 Ainslie Wood Westdale Secondary Plan:

Accessory Dwelling Units are permitted in the Low Density Residential 2 designation as identified in Policy B.6.2.5.4a)i) and generally development must be compatible with the surrounding existing neighbourhood as directed under Policy B.6.2.5.2a), b), and c).

Existing policies in the Secondary Plan provides further support to the proposed Zoning By-law as Accessory Dwelling Units are a recognized form of housing that is permitted within ground related housing, and general amendments to Section 19 of Hamilton Zoning By-law No. 6593 support these policies to encourage Accessory Dwelling Units to be established.

2.2 Strathcona Secondary Plan:

Under Policy B.6.6.5.2 – General Residential Policies of the Secondary Plan, residential development and infill development shall reflect and enhance the character of the residential areas and provide for a broad range and mix of housing types and

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opportunities in terms of built form and tenure. Under Subsection g), all development proposals shall consider compatibility with adjacent uses including its scale and character of the existing residential neighbourhood.

3.0 City of Hamilton Official Plan

Certain lands affected by the proposed Temporary Use By-law (See Appendix “A”) to the north and west of York Boulevard and Queen Street North are not included within the UHOP as there was no decision (Non-decision No. 113) made by the Ministry regarding the adoption of the Setting Sail Secondary Plan into the UHOP because at the time the Ministry was reviewing the UHOP and the Setting Sail Secondary Plan was still under appeal. The lands are currently designated “West Harbour” on Schedule “A” Land Use Concept of the City of Hamilton Official Plan, identifying the area as the West Harbour (Setting Sail) Secondary Plan.

3.1 West Harbour (Setting Sail) Secondary Plan:

Accessory dwellings are considered under Policy A.6.3.3.1.12, as development in the Low Density Residential areas new development in the existing neighbourhood should consider scale, type, and character. The proposed Temporary Use By-law provides certain relief from Residential Conversion Zone regulations while maintaining the intent of the Secondary Plan policy.

4.0 Zoning By-laws

Briefly, the current zone regulations under Section 19 of Hamilton Zoning By-law No. 6593 which area applicable to the Pilot Project area permit accessory units subject to the following requirements:

- One Accessory Dwelling Unit is permitted in a single detached dwelling under Section 19 (1) for “B”, “B-1”, “B-2”, “C”, “D”, and “R-2” Districts;
- One or more Accessory Dwelling Units are also permitted in Two-Family Dwellings, Three-Family Dwellings, and Multiple Dwellings under Section 19(2) for “DE” “DE-2”, “DE-3”, “E”, “E-1”, “E-2”, and “E-3” Districts;
- Each dwelling unit (i.e. the principal dwelling and the accessory dwelling unit) must have a floor area of at least 65 square metres;
- The minimum lot size shall be 270 square metres;
- The external appearance and character of the dwelling shall be preserved;

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- There shall be no outside stairway other than an exterior exit;
- Parking requirements, access driveway, and manoeuvring space shall be provided in accordance with Section 18A of the Zoning By-law; and,
- A minimum of 50% of the front yard shall be landscaped.

The intent of these regulations is to permit Accessory Dwelling Units based on the minimum lot size requirement and minimum gross floor area of each dwelling unit to meet Ontario Building Code requirements and to maintain the appearance and character of the dwelling.

As part of the proposed Temporary Use By-law (See Appendix “A”), certain Zone regulations are amended to provide relief for homeowners wishing to establish an Accessory Dwelling Units. This Temporary Use By-law is part of the implementation of the Low Density Rental Dwelling Licensing Pilot Project which reduces the number of regulations which should assist landlords in legalizing their Accessory Dwelling Units.

RELEVANT CONSULTATION

The following Sections and Departments were consulted:

Licensing and By-law Services, Planning and Economic Development Department

Investment In Affordable Housing Section, Healthy and Safe Communities Department

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

1.0 Licensing By-law for Low Density Rental Housing Wards 1 and 8 – Pilot Project Area

The purpose of this Pilot Project, led by the Licensing and By-law Services Section, is to implement a low density rental housing licensing program for buildings containing 5 rental units or less in two Pilot Project areas of Wards 1 and 8. A license shall only be granted upon successful review of the zone regulations under Hamilton Zoning By-law No. 6593, the Ontario Building Code (OBC), and the Ontario Fire Code.

To support the Pilot Project, the proposed Temporary Use By-law (See Appendix “A”) was initiated to provide relief to certain zone regulations in Section 19 – Residential Conversion Requirements in Hamilton Zoning By-law No. 6593. The recommendation is to receive Report PED19176 and to consider any written submissions and input from delegations received at Planning Committee. This input would be addressed in a future

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report and amending Temporary Use Zoning By-law to be presented to Planning Committee for Consideration. It is anticipated that a report on the Pilot Project will be brought forward to Planning Committee in the near future where the opportunities for written comments and input from delegations will exist.

The following is an analysis of the Zone regulations amended through the proposed By-law.

2.0 Temporary Use By-law

Section 19.(1) of Zoning By-law No. 6593 permits Accessory Dwelling Units within existing single detached dwelling based on certain regulations. Similarly, Section 19.(2) permits Accessory Dwelling Units within existing Two-Family Dwellings, Three-Family Dwellings, and Multiple Dwellings. Generally, the same regulations apply to both Sections.

The proposed Temporary Use by-law provides relief to certain zone regulations to facilitate residential conversion of single detached dwelling under Section 19.(1) and single detached dwellings and two family dwellings in Section 19.(2) that have been commonly modified through Minor Variance applications. Examples include reduction in minimum floor area for each dwelling unit and minimum lot size requirements.

2.1 Existing Zoning By-law regulations and Proposed Amendments

The following table identifies the existing Zone regulations under Sections 19.(1) and 19.(2) in Hamilton Zoning By-law No. 6593, whether the zone regulation is amended through the proposed Temporary Use By-law, and the rationale for the amendment (or not amended). A more thorough discussion on Parking Requirements and Manoeuvring can be found under Subsection 2.2 of this Report. The draft Temporary Use By-law can be found in Appendix “A” of this Report.

Regulation	Temporary Exemption	Rationale
“B”, “B-1”, “B-2”, “C”, “D”, “R-2”, “DE” “DE-2”, “DE-3”, “E”, “E-1”, “E-2”, and “E-3” Districts		
Minimum 65 m ² for each dwelling unit Subsection 19.(1)(i), 19.(2)(i) and 19.2 (v)(2) – in part	Yes	The intent of the minimum floor area of 65 square metres is to ensure the dwelling unit is not too small and undersized.

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Regulation	Temporary Exemption	Rationale
No change to the external appearance (e.g. not adding a door to the front of the house Sections 19.(1)(iii) and 19.(2)(ii)	No	Limited changes to the external appearance to the front façade facing the street (i.e. windows and doors to meet OBC requirements) but not permitting two doors facing the street.
No outside stairway, except for an exterior exit. Sections 19.(1)(iv) and 19.(2)(iii)	No	The intent is for dwelling units to be integrated into the neighbourhood fabric. Also addresses the issue of privacy and overlook.
Minimum 50% of front and yards to be landscaped (excludes asphalt, pavers, concrete, gravel, etc.). Sections 19.(1)(v)(2) and 19.(2)(vi)(2)	No	It is important to balance the need for parking spaces with front yard landscaping to minimize paving over the majority or entire front yards. From a climate change perspective, it is important to maintain as much permeable surface as possible. Also maintains the general appearance of the lot from the street.
<i>Parking and Manoeuvring</i>		
2 spaces per dwelling unit, allowed as tandem Table 1, Section 18A	Yes – in part	Affects only in Ward 1 east of Highway 403 to recognize lots with little space to accommodate an extra parking space. See discussion on parking.
Manoeuvring space (6 m) required, but Manoeuvring space for one dwelling unit may be permitted off-site. Sections 19.(1)(v)(2) and 19.(2)(vi)(2)	Yes – in part	Affects only in Ward 1 east of Highway 403 to recognize lots with little space to accommodate an extra parking space.. See discussion on parking.

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Regulation	Temporary Exemption	Rationale
New regulation for certain areas to exempt existing single and two-family dwellings with no parking from the current zoning standards.	To be added	Affects only in Ward 1 east of Highway 403 to recognize lots with little space to accommodate an extra parking space.. See discussion on parking.
“B”, “B-1”, “B-2”, “C”, “D”, and “R-2” Districts		
Minimum lot area for single-detached dwelling 270 m ² . Section 19.(1)(ii)	Yes, , to reduce lot area to 200 m ² .	An amendment allows smaller residential lots to also permit an Accessory Dwelling Unit.
“DE” “DE-2”, “DE-3”, “E”, “E-1”, “E-2”, and “E-3” Districts		
Minimum 270 m ² of lot area for one to three dwelling units. Section 19.(2)(v)(1)	Yes, to reduce lot area to 200 m ² .	In these zoning districts, up to two additional dwelling units are permitted provided the lot area is 270 m ² . An exemption allows smaller lots the opportunity for residential conversion.
Minimum 450 m ² of lot area for more than three dwelling units. Section 19.(2)(v)(2)	No	The intent is to provide a minimum lot area to accommodate the building containing more than three dwelling units, associated parking lot and driveway, building setbacks from the property line, and to address issues of privacy and overlook.
Setback requirements of the applicable zoning district in which the residential building is located shall apply to any extensions or enlargements. Section 19.(2)(iv)	No	The intent is to require a minimum setback from the property line especially for larger residential buildings containing numerous dwelling units. Also address privacy and overlook.

Other zone regulations with respect to encroachment of certain architectural features such as ramps, chimneys, bay windows, ornamental projections, alcoves, and vestibules,

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amongst others, are not part of the proposed Temporary Use By-law and are not listed in the above table.

2.2 *Parking Requirements and Parking Arrangement / Manoeuvring*

Under Section 18A of Hamilton Zoning By-law No. 6593, a single detached dwelling containing 8 habitable rooms (i.e. bedroom, living, study room) or less requires two parking spaces. Further, under Section 18A(14h)(i), the two required parking spaces can be arranged in tandem (i.e. cars can be parked in a single-file on a single-car driveway) but only apply to single detached dwellings.

When a homeowner establishes an Accessory Dwelling Unit within the single detached dwelling through the Section 19 – Residential Conversion zone regulations, the single detached dwelling becomes a converted single detached dwelling containing two dwelling units. Additional rooms in the accessory dwelling unit are not counted as part of the habitable rooms for the single detached dwelling. For the purposes of calculating parking requirements, requirements under Two Family Dwelling are used. Based on Table 1 of Section 18A, the number of required parking spaces for the property remains at two for the property (1 parking space for each dwelling unit). This equates to two required parking spaces.

Whereas tandem parking is permitted for Single Detached Dwellings, tandem parking is not permitted for a converted single detached dwelling containing two dwelling units. For example, cars can be parked in a single file with the presence of a single detached dwelling. However, with a converted single detached dwelling, this permission is lost, and unobstructed manoeuvring must therefore be provided for each vehicle. The following is a table summarizing the various parking requirement and combinations.

	Single Detached Dwelling	Converted Single Detached Dwelling containing two dwelling units
Parking Requirement	2.0 parking spaces	1.0 parking spaces per dwelling unit
Total Number of Parking Spaces Required	2.0 parking spaces	2.0 parking spaces
Tandem Parking?	Yes	No

Generally, newer residential communities, such as in Hamilton Mountain, may be able to accommodate two or more cars on a driveway that are unobstructed and have full manoeuvrability onto the street. For example, a two-car driveway/garage can

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accommodate two vehicles parked side by side. However, in older communities, such as near the Downtown, where residential lots may not have a driveway onsite, or have a single-car driveway, there is greater difficulty to accommodate the second vehicle that is unobstructed to the street. Variances that have been requested have been for reduction in parking requirements or increase the percentage of paved surface in the front yard to accommodate the second parking spot.

To recognize the unique lot fabric and lack of onsite parking in communities such as Strathcona, (See Schedule “A1” of Appendix “A”), the proposed Temporary Use By-law includes a regulation where parking requirements are deemed to comply for existing legally established single detached dwellings, and where the number and location of the parking spaces are also legally established (See Appendix “A”). In other words, for the purposes of calculating parking requirements, the single detached dwelling use is maintained which also continues to permit tandem parking.

For the remainder of the Pilot Project area (See Schedules “A2” and “B” of Appendix “A”), parking requirements remain status-quo and is not part of the amendment as residential lots are generally wider, and existing driveway may be widened to accommodate the parking space for the accessory dwelling units should additional parking is required while maintaining the minimum landscaped area for the front yard. Further, these are infrequent requests for variances in the remainder of the Pilot Project Area.

The modification to the parking requirements would apply to single detached dwellings in the “B”, “B-1”, “B-2”, “C” and “D” Districts under Section 19.(1), and single detached dwellings and two family dwellings in the “DE” “DE-2”, “DE-3”, “E”, “E-1”, “E-2”, and “E-3” Districts under Section 19.(2) that are legally established with no parking on-site. This exemption does not apply to three family dwellings and multiple dwellings.

ALTERNATIVES FOR CONSIDERATION

- Option 1 – Staff would address second dwelling units as part of the residential zones in Zoning By-law No. 05-200. Existing zone regulations under Section 19: Residential Conversion would continue to exist.
- Option 2 – Change the length of the proposed Temporary Use By-law to less than 36 months.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

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APPENDICES AND SCHEDULES ATTACHED

Appendix “A” Draft Zoning By-law – Proposed Temporary Use By-law for Second Dwelling Units in Hamilton Zoning By-law No. 6593.

Authority:
Wards 1, 8
Bill No.

CITY OF HAMILTON

BY-LAW NO. 19-XXX

To Amend Zoning By-law No. 6593 Respecting Second Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Garth Street, Upper Wellington Street, and the former Hamilton/Glanbrook Municipal boundary.

WHEREAS, Zoning By-law No. 6593 (Hamilton) was enacted on the 25th day of July, 1950, which was approved by the Ontario Municipal Board dated the 7th day of December, 1951 (File No, P.F.C. 3821);

WHEREAS subsection 39(3) of the *Planning Act* provides that Council may by by-law grant further periods of time that the temporary use is in effect for a period not more than three years;

WHEREAS this By-law adds a Temporary Use expiring three years from the date of the passing of this By-law [DATE TO BE ADDED] respecting a pilot project to modify certain clauses of Section 19 of Zoning By-law No. 6593 respecting Residential Conversion requirements for accessory dwelling units and applying to certain lands within Wards 1 and 8; and,

WHEREAS this By-law conforms with the Urban Hamilton Official Plan and Hamilton Official Plan;

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

1. That Sheet Numbers W11, W12, W13, W14, W15, W21, W22, W23, W24, W25 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended by adding Site Specific S-1787 to lands zoned:
 - (i) "C" (Urban Protected Residential) District;
 - (ii) "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District;
 - (iii) "E" (Multiple Dwellings, Lodges, Clubs, etc.) District; and,
 - (iv) "DE" (Low Density Multiple Dwellings) District;

on the lands extent and boundaries of which are shown on a plan hereto annexed as Schedule "A1", but excluding lands zoned "D/S-1745" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified.

To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Garth Street, Upper Wellington Street, and the former Hamilton/Glanbrook Municipal boundary.

2. That Sheet Numbers E6, E7, E8, E9, E9a, E9b, E9c, E9d, E9e, W6, W7, W8, W9, W9a, W9b, W9c, W9d, W9e, W15, W16, W17, W17a, W17b, W17c, W17d, W17e, W21, W22, W23, W24, W25, W31, W32, W33, W34, W39, W40, W41, W42, W45, W46, W47, W48, W50, W51, and W52 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended by adding Site Specific S-1788 to lands zoned:
- a) "B" (Suburban Agriculture and Residential, etc.) District;
 - b) "B-1" (Suburban Agriculture and Residential, etc.) District;
 - c) "B-2" (Suburban Residential) District;
 - d) "C" (Urban Protected Residential) District;
 - e) "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District;
 - f) "DE" (Low Density Multiple Dwellings) District;
 - g) "R-2" (Urban Protected Residential One and Two Family Dwellings, etc.) District; and,
 - h) "E" (Multiple Dwellings, Lodges, Clubs, etc.) District.

on the lands extent and boundaries of which are shown on a plan hereto annexed as Schedules "A2" and "B".

3. "S-1787" and "S-1788"
- a) That Section 19.(1) – Residential Conversion Requirements provisions for Single Family Detached dwellings, as contained in Section 19 of Zoning By-law No. 6593, applicable to the subject lands identified in Schedules "A1", "A2", and "B", be modified to include the following special requirements:
 - i) That Sections 19.(1)(i) shall not apply.
 - ii) That section 19.(1)(ii) be modified by deleting the number "270" and replacing it with the number "200", so the clause reads as follows:

"The applicable zoning district regulations for a single family detached dwelling shall apply, except the minimum lot are shall be 200 m²,"
 - b) That Section 19.(2) – Residential Conversion Requirements provisions for single family detached dwellings, and Two Family Dwellings, as contained in Section 19 of Zoning By-law No. 6593, applicable to the subject lands identified

To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Garth Street, Upper Wellington Street, and the former Hamilton/Glanbrook Municipal boundary.

on Schedules "A1", "A2", and "B", be modified to include the following special requirements:

- i) That Section 19.(2)(i) shall not apply.
- ii) That Section 19.(2)(v)(1) be modified by deleting the number "270" and replacing it with the number "200", so the clause reads as follows:

"a minimum lot area of 200 m² shall be provided and maintained for one to three dwelling units;"

4. "S-1787"

That Sections 19.(1) and (2) – Residential Conversion Requirements provisions for Single Family Detached dwellings, and Two Family Dwellings, as contained in Section 19 of Zoning By-law No. 6593, applicable to the subject lands (Schedule "A1"), be modified to include the following special requirements:

- a) Notwithstanding any other provisions of this by-law, the parking requirements in Tables 1 and 2 of Sections 18A(1)(a) and (b) shall be deemed to comply upon establishing accessory dwelling unit(s) within an existing legally established accessory dwelling unit in a single family detached dwelling or Two-Family dwellings, in cases where the number and location of the parking spaces for the single family detached dwelling and Two Family dwellings have been legally established existing on the effective date of this by-law.

- 5. That Sheet Numbers E6, E7, E8, E9, E9a, E9b, E9c, E9d, E9e, W6, W7, W8, W9, W9a, W9b, W9c, W9d, W9e, W15, W16, W17, W17a, W17b, W17c, W17d, W17e, W11, W12, W13, W14, W15, W21, W22, W23, W24, W25, W31, W32, W33, W34, W39, W40, W41, W42, W45, W46, W47, W48, W50, W51, W52 of the District Maps is amended by adding S-1787 and S-1788 to the lands referred to in Sections 1 and 2 of this By-law.
- 6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the *Planning Act*.

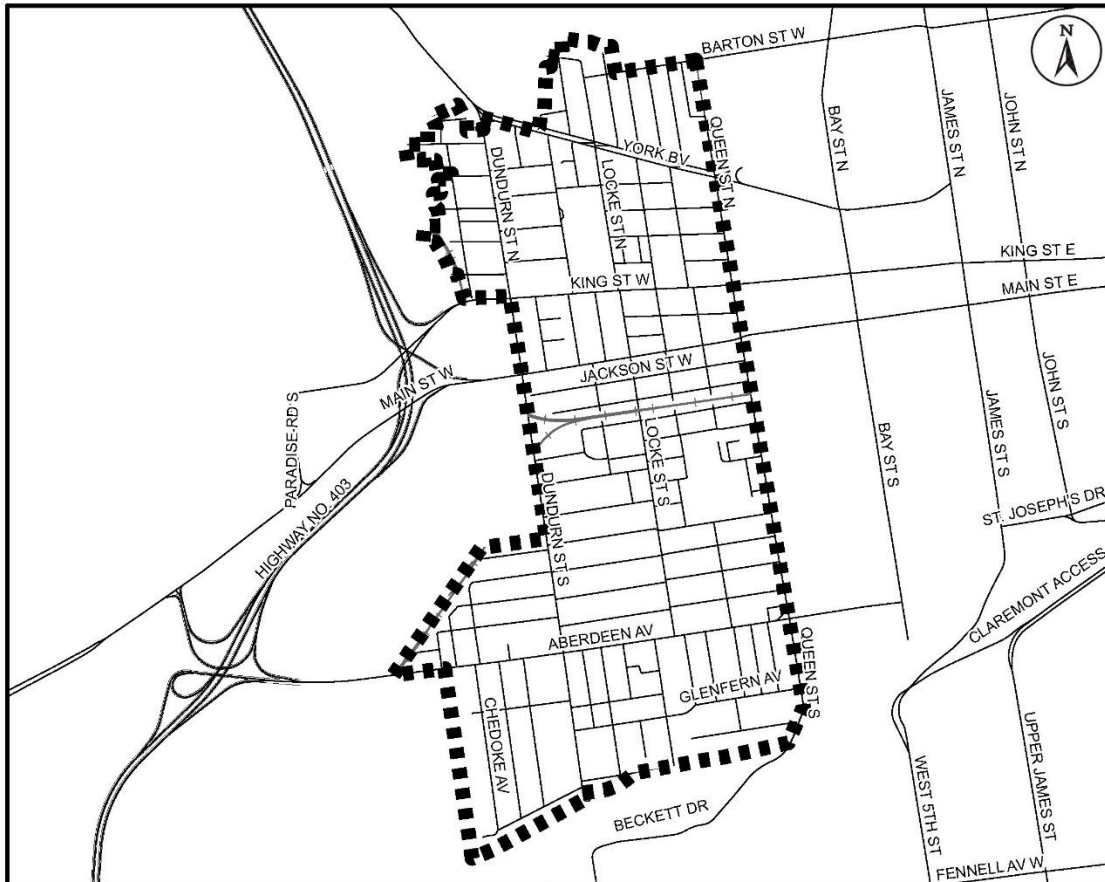
To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Garth Street, Upper Wellington Street, and the former Hamilton/Glanbrook Municipal boundary.

PASSED this XX day of XX, 2019.

Fred Eisenberger
Mayor

Andrea Holland
City Clerk

To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Garth Street, Upper Wellington Street, and the former Hamilton/Glanbrook Municipal boundary.



This is Schedule "A1" to By-law No. 19-

Passed the day of, 2019

Mayor

Clerk

Schedule "A1"

Map forming Part of
By-law No. 19-_____

to Amend By-law No. 6593

Subject Area

■ ■ ■ Geographic Area Subject to By-law No. 19__

By-law affecting lands zoned:
"C" (Urban Protected Residential, etc.) District;
"D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District;
"E" (Multiple Dwellings, Lodges, Clubs, etc.) District; and,
"DE" (Low Density Multiple Dwellings) District

By adding Site Specific Number "S-1787".

Scale:
N.T.S

File Name/Number:
CI-19-D

Date:
August 12, 2019

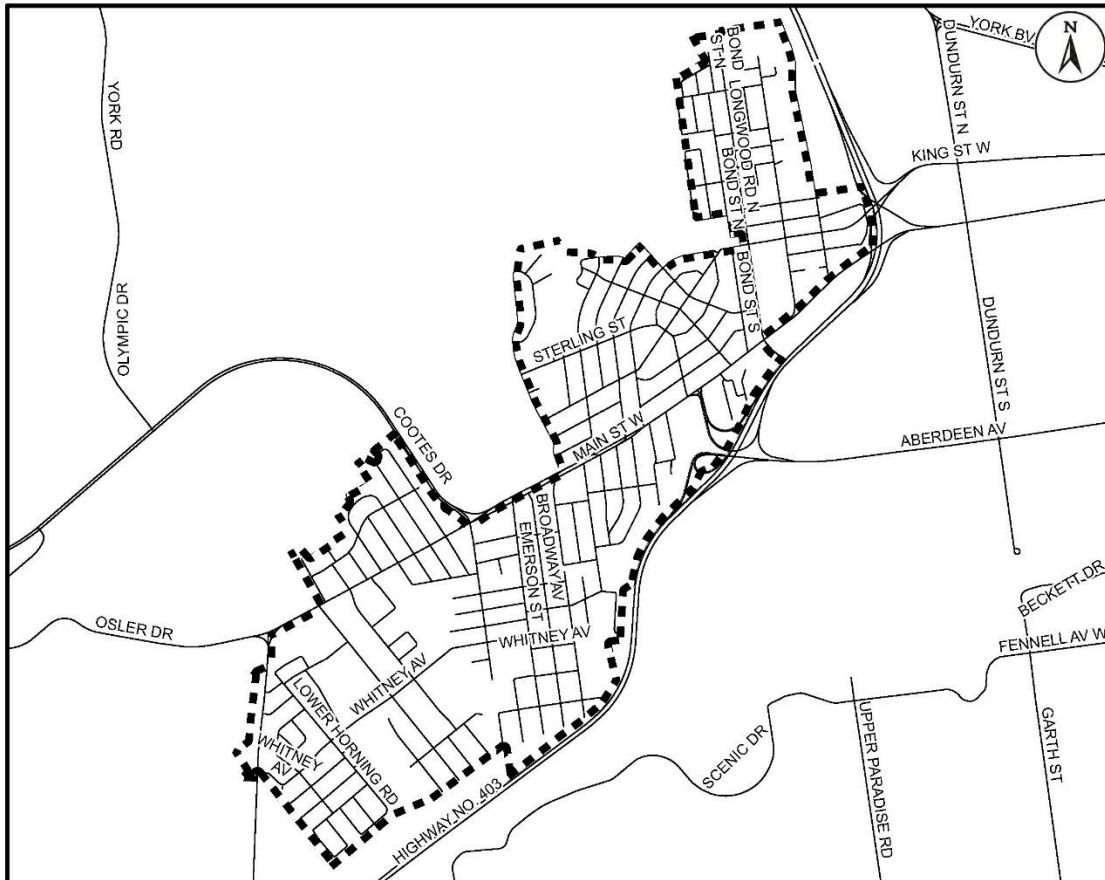
Planner/Technician:
TL/VIS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Garth Street, Upper Wellington Street, and the former Hamilton/Glanbrook Municipal boundary.



This is Schedule "A2" to By-law No. 19-

Passed the day of, 2019

Mayor

Clerk

Schedule "A2"

Map forming Part of
By-law No. 19-_____

to Amend By-law No. 6593

Subject Area

■ ■ ■ ■ Geographic Area Subject to By-law No. 19 _____

By-law affecting lands zoned:

- "C" (Urban Protected Residential, etc.) District;
- "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District
- "E" (Multiple Dwellings, Lodges, Clubs, etc.) District

By adding Site Specific Number "S-1788".

Scale:
N.T.S.

File Name/Number:
CI-19-D

Date:
August 12, 2019

Planner/Technician:
TL/VVS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

To Amend Zoning By-law No. 6593 Respecting Accessory Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Garth Street, Upper Wellington Street, and the former Hamilton/Glanbrook Municipal boundary.



This is Schedule "B" to By-law No. 19-
 Passed the day of, 2019

 Mayor

 Clerk

Schedule "B"

**Map forming Part of
 By-law No. 19-_____**

to Amend By-law No. 6593

Subject Area

■ ■ ■ ■ Geographic Area Subject to By-law No. 19__

By-law affecting lands zoned:
 "B" (Suburban Agriculture and Residential, etc.) District;
 "B-1" (Suburban Agriculture and Residential, etc.) District;
 "B-2" (Suburban Residential) District;
 "C" (Urban Protected Residential, etc.) District;
 "D" (Urban Protected Residential - One and
 Two-Family Dwellings, etc.) District;
 "R-2" (Urban Protected Residential One and
 Two Family Dwellings, etc.) District;
 "DE" (Low Density Multiple Dwellings) District, and,
 "E-2" (Multiple Dwellings) District

By adding Site Specific Number "S-1788" .

Scale: N.T.S	File Name/Number: CI-19-D	
Date: August 12, 2019	Planner/Technician: TL/V.S	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

CITY OF HAMILTON

MOTION

Planning Committee Meeting: September 17, 2019

MOVED BY COUNCILLOR DANKO.....

SECONDED BY COUNCILLOR CLARK.....

Electric Vehicle Charging Stations in New Developments

WHEREAS, the City of Hamilton has declared a Climate Emergency and is moving towards a zero-carbon economy;

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to investigate options available through the planning approvals process to require an appropriate number of Electric Vehicle Charging Stations to be included as part of the parking requirement for new development, and report back to the Planning Committee; and,
- (b) That staff be directed to review the City's by-laws, including the Municipal and Private Property By-law and On-Street Parking By-law, and report back with recommendations for ensuring that the City has appropriate tools and mechanisms in place to prohibit and enforce the parking of non-electric vehicles at Electric Vehicle Charging Stations in municipal parking lots and on-street parking spaces.

CITY OF HAMILTON

MOTION

Planning Committee Meeting: October 1, 2019

MOVED BY COUNCILLOR FARR.....

SECONDED BY.....

Use of Surplus Parking Spaces by Third Parties in Downtown Hamilton

WHEREAS, in 1999 in response to the demolition of commercial buildings and associated loss of economic activity and erosion of the tax base, the City of Hamilton amended the Zoning By-law No. 6593 for the Downtown to prohibit any parking lots;

WHEREAS, the 2001 Downtown Secondary Plan and implementing Zoning By-law prohibited any new surface parking lots in the Downtown;

WHEREAS, in 2017, Planning staff were directed to investigate and report back on changes to the Institutional Zones to ensure that the planning permissions reflect the general intent of the Institutional zones with respect to land use permissions;

WHEREAS, in 2017 at the request of the Chief Planner the University of Waterloo Planning programme undertook a “best practises” review of intuitional zoning by-law regulations in the Greater Golden Horseshoe to reflect the changing role of places of worship, including issues relating to financial sustainability;

WHEREAS, the 2018 Downtown Secondary Plan and associated Zoning By-law retained the prohibition on new surface parking lots in the Downtown but revised the zoning regulations for multiple dwellings to permit surplus structured parking for existing multiple dwelling sites to be used for “commercial parking” purposes;

WHEREAS, there are existing places of worship in the downtown with legally established parking areas that provide parking in an amount that exceed the day to day needs of the place of worship;

WHEREAS, surface parking lots in the Downtown are being redeveloped for residential, commercial and park purposes thereby decreasing the overall supply of parking; and, And Whereas the use of surplus parking spaces by third parties would assist in the meeting the need for parking in the downtown;

THEREFORE BE IT RESOLVED:

- (a) As part of the Institutional Zoning By-law review that Planning staff report back on options and opportunities to allow for places of worship to utilize surplus parking by third parties;
- (b) That staff be authorized to schedule a public meeting of the Planning Committee to consider the proposed zoning by-law changes; and,
- (c) That staff report back no later than Q1, 2020.

CITY OF HAMILTON MOTION

Planning Committee: October 1, 2019

MOVED BY MAYOR F. EISENBERGER.....

SECONDED BY COUNCILLOR

Construction Hoarding

WHEREAS, significant development is occurring throughout the City of Hamilton, and the City wants to ensure that new development contributes positively to the image and quality of life of Hamilton, including during the construction period;

WHEREAS, development in existing urban areas often requires the erection of construction hoarding around the site for many months;

WHEREAS, construction hoarding is regulated provincially by the Ministry of Labour, and the City’s regulatory authority is limited to issues associated with general property standards;

WHEREAS, construction hoarding is often located in the public realm, and often bears Branding Signs, in accordance with the City’s Sign By-law;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to include in the update to the City’s Construction Management Plan Guidelines, language to encourage developers to incorporate art or other means of beautifying construction hoarding, particularly in the case of infill development where there are existing residents and businesses located close by; and,
- (b) That staff be directed to review the City’s Sign By-law, and any related City by-laws, and report back to the Planning Committee with options for charging an additional fee for construction hoarding located on the public realm that includes construction branding or advertising, with such funds to be directed toward providing public art or other beautification of construction hoarding.