



**City of Hamilton
PLANNING COMMITTEE
AGENDA**

Meeting #: 21-018
Date: November 16, 2021
Time: 9:30 a.m.
Location: Due to the COVID-19 and the Closure of City Hall (CC)

All electronic meetings can be viewed at:

City's Website:
<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:
<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

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

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- 13.1. Outstanding Business List
- 13.1.a. Items to be Removed:
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14. PRIVATE AND CONFIDENTIAL

- 14.1. Instructions - Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Zoning By-law Amendment Application (ZAC-14-003) for Lands Located at 195 Wellington Street South, Hamilton (LS21038/PED18054(a)) (Ward 2)
Pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021; and, Section 239(2), Sub-sections (e), (f) and (k) 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 municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

14.2. Ontario Land Tribunal Appeals of the Commercial and Mixed Use Zones (UHOPA 69 and Zoning By-law No. 17-240) and Transit Oriented Development Zones (Zoning By-law No. 16-265) (LS18008(c)/PED18050(b)) (City Wide)

15. ADJOURNMENT



PLANNING COMMITTEE MINUTES

21-017

November 2, 2021

9:30 a.m.

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

Present: Councillors J.P. Danko (Chair)
B. Johnson (1st Vice Chair), J. Farr (2nd Vice Chair), M. Pearson,
L. Ferguson, M. Wilson and J. Partridge

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Public Notices at Infill Construction Sites (PED21202) (City Wide) (Item 7.1)

(Wilson/Pearson)

That the draft By-law attached as Appendix "A" to Report PED21202, requiring public notices to be posted at infill construction sites, which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted on April 1, 2022.

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

2. Revisions to the Pre-Christmas Free Parking Program for Business Improvement Areas (BIAs) (PED21210) (Ward 1) (Item 7.2)

(Wilson/Pearson)

That the annual Pre-Christmas Free Parking Program, approved by City Council on June 25, 2003, and amended from time to time, be further amended as follows:

- (a) That on-street parking be free at all times from November 24 to December 24 annually, and limited to two hours in duration for the Westdale Business Improvement Area.

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

3. Hamilton Municipal Heritage Committee Report 21-008 (Added Item 7.3)

(Partridge/Pearson)

(a) Heritage Permit Application HP2021-043, Under Part V of the *Ontario Heritage Act*, for Demolition of a Circa 1980 Detached Garage, 19 Mill Street South, Waterdown (PED21205) (Ward 15) (Item 8.1)

- (i) Implementation of the alterations, in accordance with this approval, shall be completed no later than November 30, 2023. If the alterations are not completed by November 30, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- (ii) That the property owner shall submit a fencing option, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to any application for a Building Permit and / or the commencement of any alterations;
- (iii) That appropriate notice of the Council decision be served on the owner of 19 Mill Street South, Waterdown, as required under Section 42 of the *Ontario Heritage Act*.

(b) Waterdown Village Built Heritage Inventory Project Recommendations (PED21201) (Ward 15) (Item 8.2)

That staff be directed to list the properties identified in Appendix "A", to Report 21-008, on the Municipal Heritage Register as non-designated properties that Council believes to be of cultural heritage value or interest in accordance with Section 27 of the *Ontario Heritage Act*.

- (c) **Recommendation to Designate 1099 King Street East, Hamilton (Jimmy Thompson Memorial Pool) Under Part IV of the *Ontario Heritage Act* (PED21211) (Ward 3) (Item 8.3)**
- (i) That City Council state its intention to designate under Part IV, Section 29 of the *Ontario Heritage Act*, the property at 1099 King Street East, Hamilton (Jimmy Thompson Memorial Pool) in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes of 1099 King Street East, Hamilton, attached as Appendix “B” to Report PED21211;
 - (ii) That the Clerk be directed to give notice of intention to designate the property at 1099 King Street East, Hamilton as a Property of Cultural Heritage Value or Interest in accordance with the requirements of section 29 of the *Ontario Heritage Act* subject to the following:
 - (1) If there are no objections to the designation in accordance with the *Ontario Heritage Act*, City Council directs staff to introduce the necessary by-law to designate 1099 King Street East, Hamilton to be of cultural heritage value or interest to City Council; or,
 - (2) If there are objections in accordance with the *Ontario Heritage Act*, City Council directs staff to report back to Council to allow Council to consider the objection and make a decision on whether or not to withdraw the notice of intention to designate the property.
- (d) **Heritage Permit Application HP2021-044, under Part V of the *Ontario Heritage Act* for the demolition of 983 Beach Boulevard, Hamilton (PED21208) (Ward 5) (Item 8.4)**
- (i) That Heritage Permit Application HP2021-044, for the demolition of the Part V designated heritage building and construction of a new single detached dwelling for lands located at 983 Beach Boulevard, under Section 42 of the *Ontario Heritage Act*, be approved with the following conditions:
 - (1) Implementation of the demolition and construction of the new dwelling, in accordance with this approval, shall be completed no later than November 30, 2023. If the alterations are not completed by November 30, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;

- (2) That material specifications for the wood cladding proposed for the new dwelling and front of the new garage and cladding for the proposed addition be consistent with the Hamilton Beach Heritage Conservation District (HCD) guidelines and submitted for review, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
- (3) That the existing leaded glass window in the front gable be salvaged prior to demolition and reincorporated into the front gable of the new dwelling;
- (4) That the existing wrought iron fence in the front yard be repaired and maintained in its current location;
- (ii) That appropriate notice of the Council decision be served on the owner of 983 Beach Boulevard, Hamilton, as required under Section 42 of the *Ontario Heritage Act*.

(e) Inventory & Research Working Group Meeting Notes – August 23, 2021 (Item 10.1)

- (i) That the property located at 537 King Street East, be added to the Municipal Heritage Register and to the staff work plan for heritage designation under the *Ontario Heritage Act* ; and
- (ii) That the property located at 99 Creighton Road, Dundas to be added to the Municipal Heritage Register.

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

4. Application for Zoning By-law Amendment for Lands Located at 365 Springbrook Avenue and Part of Block 121, Plan 62M-1161 (Ancaster) (PED21203) (Ward 12) (Item 9.1)

(Ferguson/Partridge)

- (a) That Amended Zoning By-law Amendment Application ZAR-21-015, by GSP Group Inc., on behalf of John and Geraldine Bouwers & LIV

Communities, Owners, for a change in zoning from the Agricultural “A” Zone to the Residential “R4-714 Zone, Modified (Blocks 1 and 2) and from the Residential “R4-563” Zone, Modified, to the Residential “R4-714” Zone, Modified (Block 3) to facilitate the development of two future residential lots for single detached dwellings, as shown on Appendix “A”, attached to Report PED21203, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED21203, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019, as amended);
- (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan and the Meadowlands Neighbourhood IV Secondary Plan.

(b) *That there were no public submissions received regarding the application.*

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

5. Outdoor Dining Districts Extension (Item 11.1)

(Farr/Johnson)

WHEREAS, early in the pandemic, Council - through GIC motion(S) - supported a local "Outdoor Dining Districts" initiative to permit restaurants the ability to easily accommodate safe outdoor dining on public road allowances and other spaces (both public and private);

WHEREAS, the Outdoor Dining Districts initiative complemented and expanded upon the City's pre-COVID on-street temporary patio program;

WHEREAS, the council born program proved to be extremely successful with over 200 establishments taking advantage of the streamlined and cost effective safe outdoor dining spaces in 2021;

THEREFORE BE IT RESOLVED:

That the appropriate staff be requested to report back to Council with options and the necessary policy or by-law changes to maintain the Outdoor Dining Districts program on a permanent basis, alongside the existing on-street temporary patio program

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

6. Pier 8 and Cops Pier - Haida Improvements (Item 11.2)

(Farr/Johnson)

WHEREAS, A considerable amount of private and public investments continue on the West Harbour including Pier 8; and

WHEREAS; The Haida plays an historic and ongoing significant role as it relates to community building, tourism attraction to the greater investments.

THEREFORE BE IT RESOLVED:

That the appropriate staff from the Planning and Economic Development Department reach out to Parks Canada **and the HMCS Haida Board of Directors** regarding any plans or potential investment by the federal government into an enhanced entrance and gateway to the HMCS Haida National Historic Site that would better integrate with the City's significant investment in the enhanced public space along Pier 8 and the Cops Pier.

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

7. 412 Southcote Road Development Agreement (Added Item 11.3)

(Ferguson/Pearson)

WHEREAS, recommendation (a)(ii) of Report PED16235, approved by Planning Committee on January 31, 2017 and Council on February 8, 2017, requires that 412 Southcote Road be developed per a required Consent Agreement with a restriction of the rear 14 metre portion of the property to be held vacant and free of structural encumbrances; and,

WHEREAS, staff have deemed Condition 56 to be satisfied;

THEREFORE BE IT RESOLVED:

That Condition 56 continue to be deemed satisfied and that said restriction be removed from the required Consent Agreement, in order to allow for the construction of a single family dwelling on the subject lands.

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

8. Demolition Permit – 270 Shaver Road (Added Item 11.4)

(Ferguson/Pearson)

That the Chief Building Official be authorized to issue a demolition permit for 270 Shaver Road, Ancaster, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act*, subject to the following conditions:

- (a) That within 5 years of the demolition of the existing house, the applicant has applied for and received a building permit for a replacement building on this property and erected the replacement building on the property;
- (b) That the said building permit specifies that if the replacement building is not erected within the five years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:
 - (i) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes; and
 - (ii) is a lien or charge on the property until paid; and

- (c) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

6.1 Delegation Requests respecting Outdoor Dining Districts Extension (Item 11.1) (For Today's meeting)

(a) Virtual Delegations

- (i) Cristina Geissler, Concession Street BIA
- (ii) Tracy McKinnon, Westdale Village BIA and Stoney Creek BIA

(b) Written Submissions

- (i) Susan Braithwaite, International Village BIA

2. CONSENT ITEMS (Item 7)

7.3 Hamilton Municipal Heritage Committee Report 21-008

3. NOTICES OF MOTION (Item 12)

12.1 412 Southcote Road Development Agreement

12.2 Demolition Permit – 270 Shaver Road

(Pearson/Johnson)

That the agenda for the November 2, 2021 meeting be approved, as amended.

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

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

(i) October 19, 2021 (Item 4.1)

(Ferguson/Pearson)

That the Minutes of the October 19, 2021 meeting be approved, as presented.

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(d) DELEGATION REQUESTS (Item 6)

(i) Delegation Requests respecting Outdoor Dining Districts Extension (Item 11.1) (For Today's meeting) (Added Item 6.1)

(Wilson/Farr)

That the following Delegation Requests be approved for today's meeting:

(a) Virtual Delegations

(i) Cristina Geissler, Concession Street BIA

- (ii) Tracy McKinnon, Westdale Village BIA and Stoney Creek BIA

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(e) PUBLIC HEARINGS / DELEGATIONS (Item 9)

In accordance with the *Planning Act*, Chair Danko advised those viewing the virtual meeting that the public had been advised of how to pre-register to be a virtual delegate at the Public Meetings on today's agenda.

In accordance with the provisions of the *Planning Act*, Chair Danko 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 before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Land Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

- (i) Application for Zoning By-law Amendment for Lands Located at 365 Springbrook Avenue and Part of Block 121, Plan 62M-1161 (Ancaster) (PED21203) (Ward 12) (Item 9.1)**

(Ferguson/Pearson)

That the staff presentation be waived.

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

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

(Ferguson/Pearson)

That the delegation from Nancy Friedday with GSP Group Inc., be received.

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Ferguson/Partridge)

That the public meeting be closed.

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Ferguson/Partridge)

- (a) That Amended Zoning By-law Amendment Application ZAR-21-015, by GSP Group Inc., on behalf of John and Geraldine Bouwers & LIV Communities, Owners, for a change in zoning from the Agricultural "A" Zone to the Residential "R4-714 Zone, Modified (Blocks 1 and 2) and from the Residential "R4-563" Zone, Modified, to the Residential "R4-714" Zone, Modified (Block 3) to facilitate the development of two future residential lots for single detached dwellings, as shown on Appendix "A", attached to Report PED21203, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED21203, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019, as amended);

- (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan and the Meadowlands Neighbourhood IV Secondary Plan.

(Ferguson/Partridge)

That the recommendations in Report PED21203 be **amended** by adding the following sub-section (b):

- (b) *That there were no public submissions received regarding the application.***

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 4.

(Pearson/Johnson)

That the Delegations respecting Outdoor Dining Districts Extension (Item 11.1) (Added Item 9.2) and Item 11.1 respecting Outdoor Dining Districts Extension be heard after Item 12.2.

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(f) NOTICES OF MOTION (Item 12)

- (i) 412 Southcote Road Development Agreement (Added Item 12.1)**

(Ferguson/Pearson)

That the Rules of Order be waived to allow for the introduction of a Motion respecting 412 Southcote Road Development Agreement.

Result: Motion CARRIED by a 2/3's majority vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 7.

(ii) Demolition Permit – 270 Shaver Road (Added Item 12.2)

(Ferguson/Pearson)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Demolition Permit – 270 Shaver Road.

Result: Motion CARRIED by a 2/3's majority vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 8.

(g) PUBLIC HEARINGS / DELEGATIONS (Item 9) – Continued

(i) Delegation Requests respecting Outdoor Dining Districts Extension (Item 11.1) (Added Item 9.2)

The following Delegation was not in attendance when called upon to speak:

9.2(a) (ii) Cristina Geissler, Concession Street BIA

The following Delegation addressed the Committee respecting Outdoor Dining Districts Extension:

(a) Virtual Delegations

- (ii) Tracy McKinnon, Westdale Village BIA and Stoney Creek BIA

(Wilson/Farr)

That the above Delegation be received.

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Wilson/Farr)

That the following Written Delegation be received.

- (i) Susan Braithwaite, International Village BIA

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 5.

(i) ADJOURNMENT (Item 15)

(Pearson/Partridge)

That there being no further business, the Planning Committee be adjourned at 10:34 a.m.

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator

Friday, August 6, 2021

To Medallion management,

We are your tenants living at 195 Wellington Street South in Hamilton. We have organized together to form a tenant committee. We are concerned about your company's plans to demolish the northeast section of the building and evict 32 units from the D-Block, in order to build a new high-rise tower. Those of us in the D-Block are worried about becoming homeless. Those of us in the A-, B-, and C-Blocks are worried about our family, friends and neighbours in the D-Block, and about our own inconvenience and hardship at the prospect of living through years of construction right next to us – noise, dust, rodents, etc. We are also concerned that Medallion may decide to tear down other sections of the building in future to construct more towers.

We have been following the application process for this development, and we are aware that at the LPAT case management hearing on June 14, 2021, your lawyers indicated that you were close to reaching a deal with the City of Hamilton to approve this development. From this, we can only conclude that Medallion is proceeding with the development application and intends to evict us from the D-Block.

In a letter about the redevelopment dated March 24, 2014 from Medallion Senior Development Manager Howard Paskowitz to 195 Wellington St S tenants, Medallion states “we will accommodate all displaced tenants before construction on this project commences.”

In 2016, a reporter from the Hamilton Spectator asked Medallion about displacement of tenants at 195 Wellington St S. Medallion [stated](#) only a “handful of units” would be demolished and assured us displaced tenants would “absolutely” have first right of refusal to rent units once construction is complete.

We have received conflicting messages from Medallion staff in the building in the last month. Some of us have been told the development project is not going ahead. Some of us have been promised the first opportunity to purchase a condo in the new building. Some of us have been told the new building will be rentals and we will be given a new unit at the same rent. Some of us have been ignored and left in the dark.

Could you please clarify your intentions by addressing the following questions:

1. Is Medallion proceeding with its original plan to evict tenants from 32 units in the D-block, in order to build a new tower? Which unit #s are planned to be demolished?
2. What is the approximate timeline for evictions, demolition, and construction?
3. What is Medallion proposing to do to help tenants facing demoviction? Financial compensation? Temporary housing during construction? Units in the new building at the same rent?
4. What is Medallion proposing to do to help tenants in the A, B, and C Blocks who will have to deal with years of construction noise, dust, rodents, etc.?

5. Why is Medallion renting out units in the D-Block to new tenants when they become available? This is not right. They should be kept empty. Why isn't Medallion letting D-Block tenants move into units in the A,B,C Block when they become available, at the same rent, rather than renting these units out to new tenants?

We are worried about our future. We deserve to know the truth. We are working-class people. Many of us have been paying rent to you for years. We can't afford to be displaced. We can't afford the rents in a new apartment, hundreds of dollars more per month.

Respectfully, we ask that you respond to this letter by Friday, August 13, 2021, or we will be forced to take further actions.

Please see the attached petition for signatories for this letter.

Sincerely,

195 Wellington St S Tenant Committee
wellingtontenants@riseup.net
195 Wellington St S
Hamilton ON, L8N 1Y1

We, the undersigned tenants of 195 Wellington Street South, would like to add our names to the attached letter regarding possible demolition of the D-Block and eviction of 32 tenant households. We ask Medallion to respond to these reasonable questions: (1) Is Medallion going ahead with its plan to demolish the D-Block to build a new condo/rental tower? (2) What is Medallion proposing to do to help tenants facing eviction – financial compensation, rehousing in new building / another building at same rent, etc.? (3) What is Medallion proposing to do to help tenants in the A, B, and C Blocks who will have to deal with years of construction noise, dust, rodents, etc.?


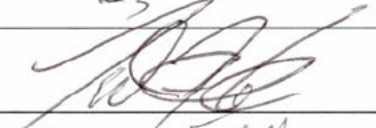
NAME (PRINT)	NAME (SIGN)	UNIT	DATE
URSULA SAMUELS	Ursula Samuels	[REDACTED]	7/31
Richard Spidel	Richard Spidel	[REDACTED]	2021
	Matthew Nicholson	[REDACTED]	19 2/21
	Mariam Hamif	[REDACTED]	0752
Nour Qubaria	Nour Qubaria	[REDACTED]	19 2021
Rebecca Thomas	R. Thomas	[REDACTED]	9 2021
Gaye Ahmad	Gaye Ahmad	[REDACTED]	4/19/21
Joseph W. [unclear]	[Signature]	[REDACTED]	19th 2021
Phil Dales	Phil Dales	[REDACTED]	4/19, 2021
DEREK B	[Signature]	[REDACTED]	19, 2021
Cherece Black	[Signature]	[REDACTED]	July
Mary Vorrold	[Signature]	[REDACTED]	July
David Dost	David Dost	[REDACTED]	8/19 2021
		[REDACTED]	
		[REDACTED]	

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NAME (PRINT)	NAME (SIGN)	UNIT	DATE
Steve Mann	<i>Steve Mann</i>		
MERVIN SHAWREAN	<i>Mervin Shawrean</i>		
PAUL ENSTON	<i>Paul Enston</i>		
Tony	<i>Tony</i>		
Dan Luvell	<i>Dan Luvell</i>		1
Michel Nsongurua	<i>Michel Nsongurua</i>		21
Claudia M	<i>Claudia M</i>		
Oum Keltoum Khelifa	<i>Oum Keltoum Khelifa</i>		28 1
Amani Williams	<i>Amani Williams</i>		20 21
Carrie Forrest	<i>Carrie Forrest</i>		0 21
MOSTAFA	<i>Mostafa</i>		20 21
Clinton	<i>Clinton Patel</i>		21
Suhay	<i>Suhay</i>		21
Kimanda Walden	<i>Kimanda Walden</i>		
Trevor Hickey	<i>Trevor Hickey</i>		

(Get letter)

We, the undersigned tenants of 195 Wellington Street South, would like to add our names to the attached letter regarding possible demolition of the D-Block and eviction of 32 tenant households. We ask Medallion to respond to these reasonable questions: **(1)** Is Medallion going ahead with its plan to demolish the D-Block to build a new condo/rental tower? **(2)** What is Medallion proposing to do to help tenants facing eviction – financial compensation, rehousing in new building / another building at same rent, etc.? **(3)** What is Medallion proposing to do to help tenants in the A, B, and C Blocks who will have to deal with years of construction noise, dust, rodents, etc.?

NAME (PRINT)	NAME (SIGN)	UNIT	DATE
Steve St Clair	Steve		
Rohina Alite	R		
Victor Gape	Victor Gape		
Eyyad			
DANIEL GIRARD			
STEPHEN VELDHAGEN	S.M. Veldhagen		

We, the undersigned tenants of 195 Wellington Street South, would like to add our names to the attached letter regarding possible demolition of the D-Block and eviction of 32 tenant households. We ask Medallion to respond to these reasonable questions: **(1)** Is Medallion going ahead with its plan to demolish the D-Block to build a new condo/rental tower? **(2)** What is Medallion proposing to do to help tenants facing eviction – financial compensation, rehousing in new building / another building at same rent, etc.? **(3)** What is Medallion proposing to do to help tenants in the A, B, and C Blocks who will have to deal with years of construction noise, dust, rodents, etc.?

NAME (PRINT)	NAME (SIGN)	UNIT	DATE
Hadi So Ali		1	
GEORGE	LEANNIE	1	
Erick		2	
Wendy		1	
RAY		1	
Steve Mann		1	
BARBRY DUCHESNE		1	

From: Wellington Tenants Committee

Sent: September 10, 2021 2:44 PM

To: Office of the Mayor <mayor@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Danko, John-Paul <John-Paul.Danko@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>
Cc: Thorne, Jason <Jason.Thorne@hamilton.ca>; McKie, Shannon <Shannon.McKie@hamilton.ca>

Subject: Please vote NO to Medallion's development application for 195 Wellington St S, which would result in demo-viction of 32 families

Subject: Please vote NO to Medallion's development application for 195 Wellington St S, which would result in demo-viction of 32 families

To the Mayor, members of Council, and Planning Committee,

We are a group of tenants living at 195 Wellington Street South. We have formed a tenant association to support each other and organize together to improve the conditions in the building.

Our building has 142 units. It has four sections: A, B, C, and D Block. The rent is affordable, or at least one of the more affordable options in the city. Most of the people who live here are low-income – seniors, new immigrants, students, people on OW and ODSP. We are working-class people. There are lots of problems in the building with disrepairs, pests, mold, etc. but we live here and try to make the best of it, as it is what we can afford.

Our landlord is Medallion Corporation. They bought the building in 2011. In 2014, Medallion submitted an application to the City of Hamilton's Planning Department to rezone the property and build a 20 storey building. Medallion wants to demolish the northeast section of the existing building (D Block) to make way for this new building. The remaining A, B, and C Blocks are supposed to be retained. From what we understand from reviewing the landlord's application files, demolition of the D Block would result in the eviction and displacement of 32 households who currently live here.

Our understanding is the city's planning department did not respond in time to Medallion's application, so Medallion appealed to the Ontario Land Tribunal (then Ontario Municipal Board). Parties to the application include Medallion (represented by Quinto Annibale and Brendan Ruddick of Loopstra Nixon LLP), the City of Hamilton (represented by Andrew Biggart and Christina Kapelos of Ritche Ketcheson Hart & Biggart LLP), and the Niagara Escarpment Commission (represented by Demetrius Kappos). Our understanding is the lawyers have come to a settlement which they will present to Hamilton City Council ahead of the final Ontario Land Tribunal Settlement Hearing scheduled for September 28, 2021.

We would like to appeal to you to vote "no" to approving this settlement agreement and allowing this development to go ahead. Those of us who live in the D Block are very concerned about being evicted and displaced if our homes are demolished. There is currently no plan in place to help us.

We sent a letter and petition to Medallion management on August 6, 2021 (attached). We asked the following questions:

1. *Is Medallion proceeding with its original plan to evict tenants from 32 units in the D Block, in order to build a new tower? Which unit #s are planned to be demolished?*
2. *What is the approximate timeline for evictions, demolition, and construction?*
3. *What is Medallion proposing to do to help tenants facing demoviction? Financial compensation? Temporary housing during construction? Units in the new building at the same rent?*
4. *What is Medallion proposing to do to help tenants in the A, B, and C Blocks who will have to deal with years of construction noise, dust, rodents, etc.?*
5. *Why is Medallion renting out units in the D-Block to new tenants when they become available? This is not right. They should be kept empty. Why isn't Medallion letting D Block tenants move into units in the A,B,C Block when they become available, at the same rent, rather than renting these units out to new tenants?*

To date, we have not gotten any response from Medallion.

We are very worried about our future. Most of us pay rents in the range of \$600-\$800 per month. If we are evicted from our homes for this development, we will struggle to find new apartments we can afford. The average market rent for a 1-bedroom apartment in Hamilton is now \$1,300 or \$1,400 – double what many of us are currently paying.

Before this development application is approved, we ask that Medallion be made to commit to the following supports for the 32 households facing demo-viction:

- Rehouse us during the construction period, at the same rents we are currently paying. This could be in empty units in A, B, or C Block, as they become available; or in other Medallion buildings in Hamilton; or with a third party.
- Set aside units in the new building for us to move into, if we choose, at the same rents we are currently paying.
- Pay for moving costs and utility reconnection fees.

We believe these are reasonable requests. This would be the difference between housing and homelessness for some of us. This would be a small cost for Medallion, relative to the profits the company will make on the development.

It is difficult for us to make sense of and participate in these development application processes. We are not lawyers or urban planners, and we don't have endless amounts of time to take off work to attend meetings and hearings. But we know that the decisions made by city staffers, lawyers, planners, and politicians affect our lives in significant ways. We are counting on you to advocate for us and represent our interests against developers and landlords with big pockets.

We ask that you delay approval of the development application for 195 Wellington St S until our concerns can be addressed.

Sincerely,
195 Wellington St S Tenant Committee

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: August 03, 2021

CASE NO(S): PL190359

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Harbour West Neighbours Inc.
Appellant:	Herman Turkstra
Subject:	Proposed Official Plan Amendment No. 242
Municipality:	City of Hamilton
LPAT Case No.:	PL190359
LPAT File No.:	PL190359
LPAT Case Name:	Turkstra v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Harbour West Neighbours Inc.
Appellant:	Herman Turkstra
Subject:	By-law No. 19-151
Municipality:	City of Hamilton
LPAT Case No.:	PL190359
LPAT File No.:	PL190360

Heard: June 18, 2021 by video hearing and July 16, 2021 in writing

APPEARANCES:

Parties

Counsel*/Representative

Herman Turkstra

Self-represented

Harbour West Neighbours Inc.

Bryan Ritskes

City of Hamilton

Patrick MacDonald*

476 James Inc.

Aaron Platt* and Zachary Fleischer*

**MEMORANDUM OF ORAL DECISION DELIVERED BY HUGH S. WILKINS ON
JUNE 18, 2021 AND ORDER OF THE TRIBUNAL**

[1] Herman Turkstra and Harbour West Neighbours Inc. ("Appellants") appealed both the passage of an Official Plan Amendment by the City of Hamilton ("City") and the City's approval of a Zoning By-law Amendment. These instruments facilitate a proposed development at 468-476 James Street North ("subject lands").

[2] The appeals were filed after the *Building Better Communities and Conserving Watersheds Act* ("Bill 139") was brought into effect, which set out procedural and substantive requirements for proceedings. In September 2019, the *More Homes, More Choice Act, 2019* ("Bill 108") was passed. Bill 108 and its regulations resulted in the procedural requirements for these proceedings being governed by Bill 139 and the substantive aspects of the proceedings being governed by Bill 108. The applicable Bill 139 procedural requirements include the filing of records and case synopses and, if ordered by the Tribunal, final written or oral submissions. The applicable Bill 108 substantive aspects allowed appellants to expand their grounds for appeal and widens the policy and other considerations that the Tribunal applies.

[3] At a Case Management Conference, held on October 14, 2020, the Tribunal granted Party status to Parcel Developments Inc. ("Applicant"), which was the proponent behind the proposed amendments. The subject property was subsequently sold and the Applicant is now TINS Corporation Inc.

[4] On May 11, 2021, the Tribunal was informed by the Parties that they had reached a proposed settlement of the appeal and, on June 18, 2021, the Tribunal held a settlement hearing to address the proposed settlement.

ISSUES

[5] The Bill 108 version of the *Planning Act* applies to the substantive issues to be adjudicated. In making a decision on Official Plan and Zoning By-law Amendments under s. 17(24) and 34(19) of the Bill 108 version of the *Planning Act*, the Tribunal must determine whether the proposed instruments:

1. are consistent with the Provincial Policy Statement, 2020 (“PPS”);
2. conform with applicable provincial plans; and,
3. represent good planning.

The applicable provincial plan in this case is the *Places to Grow: A Growth Plan for the Greater Golden Horseshoe* (“Growth Plan”). In addition, for the proposed Zoning By-law Amendment appeal, the Tribunal must determine whether the proposed amendment conforms with applicable Official Plans. The Tribunal also must have regard to the matters of provincial interest set out in s. 2 of the *Planning Act* and it must have regard to the decision of the City and the information considered by it under s. 2.1(1) of the *Planning Act*.

EVIDENCE AND SUBMISSIONS

[6] Prior to the settlement hearing, the Applicant filed an affidavit affirmed by Edward Sajecki, dated June 17, 2021. Mr. Sajecki is a land use planner retained by the Applicant. At the settlement hearing, the Tribunal heard evidence from Mr. Sajecki. Subsequent to the settlement hearing, the Applicant filed a supplementary affidavit affirmed by Mr. Sajecki on July 16, 2021 regarding minor additional changes to the proposed Zoning By-law Amendment.

[7] The Tribunal qualified Mr. Sajecki to provide opinion evidence as an expert in land-use planning matters.

[8] Mr. Sajecki stated that the proposed development would consist of a seven-storey retirement home with a maximum of 120 units along with a pharmacy on the ground floor. The maximum height of the proposed building would be 20.5 metres (“m”). He stated that the proposed Official Plan Amendment would introduce a new Special Policy Area for the subject lands to permit the proposed building and include revisions to the mapping of the City’s West Harbour (Setting Sail) Secondary Plan (“Secondary Plan”). Mr. Sajecki stated that the proposed Zoning By-law Amendment would permit a retirement home (with 120 units) and a minimum of 0.28 parking spaces per unit or 37 parking spaces (whichever is greater) with a minimum of two residential visitor parking spaces and one space exclusively for car-sharing vehicles. It would also require setbacks that implement a 15 m street wall and a 45-degree angular plane and set out the maximum seven storey height (excluding a mechanical penthouse and rooftop amenity area).

[9] Mr. Sajecki opined that the proposed Official Plan and Zoning By-law Amendments are consistent with the PPS. He stated that they would facilitate residential and employment uses in an existing settlement area. He stated that they would facilitate efficient and resilient development that provides appropriate density and a mix of uses in a transit accessible location, contribute to the range and mix of housing types and tenures in the area, make efficient use of existing infrastructure, and constitute compact built form.

[10] Mr. Sajecki stated that the proposed Official Plan and Zoning By-law Amendments conform with the Growth Plan. He stated that they would facilitate the intensification of development within a built-up area served by higher order transit. He stated that they would provide a mix of housing options and foster a complete community by providing a residence for seniors.

[11] Mr. Sajecki stated that the proposed Zoning By-law Amendment conforms with the Hamilton-Wentworth Official Plan, the City's Official Plan, and the Secondary Plan. He stated that it facilitates development in an established transit corridor within the Urban Area through intensification with compact form. He stated that it conforms with the Secondary Plan's objectives of having James Street evolve as a mixed-use corridor with an active pedestrian realm and provides a mixed-use building with strong connections between public and private spaces contributing to an active public realm. He said it respects the surrounding neighbourhood by providing appropriate transitions in massing and scale and maintains a pedestrian-scaled street wall with upper level step backs facilitating transition to adjacent areas. He opined that it facilitates a development that is compatible with nearby existing land uses.

[12] Mr. Sajecki stated that the proposed Official Plan and Zoning By-law Amendments have regard to the matters of provincial interest set out in s. 2 of the *Planning Act*. He stated that they provide for a mix of housing types that are close to public transit and reflect the orderly development of a safe and healthy community.

[13] Subsequent to the settlement hearing, the Applicant filed a supplementary affidavit affirmed by Mr. Sajecki on July 16, 2021. It addresses changes to the proposed Zoning By-law Amendment requested by the City's zoning examiner. In his supplementary affidavit, Mr. Sajecki stated that the proposed revisions to the proposed Zoning By-law Amendment are minor and do not impact his previously provided evidence. He opined that the revised proposed Zoning By-law Amendment is consistent with the PPS and conforms with the Growth Plan, the Hamilton-Wentworth Official Plan, the City's Official Plan, and the Secondary Plan.

[14] In their submissions, the Appellants advised the Tribunal that the basis of their agreement to the proposed settlement is that the maximum building height of 20.5 m will be a minor compromise of the Appellants' position that the maximum height should be 20 m.

FINDINGS

[15] Based on Mr. Sajecki's uncontested opinion evidence, the Tribunal finds that the proposed Official Plan and Zoning By-law Amendments are consistent with the PPS and conform with the Growth Plan. It also finds that the proposed Zoning By-law Amendment conforms with the Hamilton-Wentworth Official Plan, the City's Official Plan, and the Secondary Plan. The Tribunal has had regard to the matters of provincial interest in s. 2 of the *Planning Act* and the decision made by City Council. The Tribunal finds that the proposed Official Plan and Zoning By-law Amendments represent good planning and are in the public interest.

ORDER

[16] The Tribunal allows the appeals in part and approves the Official Plan Amendment as set in Schedule 1 attached to this Order and Decision and the Zoning By-law Amendment as set in Schedule 2 attached to this Order and Decision.

"Hugh S. Wilkins"

HUGH S. WILKINS
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal.

Amendment No. 242**to the****Official Plan of the City of Hamilton**

The following text, together with Appendix "A", attached hereto, constitutes Official Plan Amendment No. 242 to the City of Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the West Harbour (Setting Sail) Secondary Plan by increasing the building height of the subject lands to permit the development of a mixed use building.

2.0 Location:

The lands affected by this Amendment are located at 468, 470, 474, and 476 James Street North in the City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The proposed development efficiently utilizes the existing infrastructure, positively contributes to the streetscape and makes use of an underutilized lot;
- The proposed development implements the vision of the West Harbour (Setting Sail) Secondary Plan in maintaining James Street North as a mixed use area, while providing intensification at a form and scale that Council has determined is in keeping with the character of the surrounding neighbourhood and is in proximity to existing transit;
- The Amendment is consistent with the Provincial Policy Statement, 2014 and the Growth Plan for the Greater Golden Horseshoe, 2019.

4.0 Changes:

4.1 Text Changes:

4.1.1 That a new Special Policy Area be added, to read as follows:

“A.6.3.3.1.17.2 Notwithstanding Policy A.6.3.3.1.17 iv), for the lands known municipally as 468, 470, 474, and 476 James Street North, designated Mixed Use and identified as Special Policy Area 10 on Schedule “M -2”: General Land Use Map of West Harbour Secondary Plan, a seven-storey mixed use building shall be permitted in accordance with the implementing Zoning By-law Amendment.”

4.2 Mapping Changes:

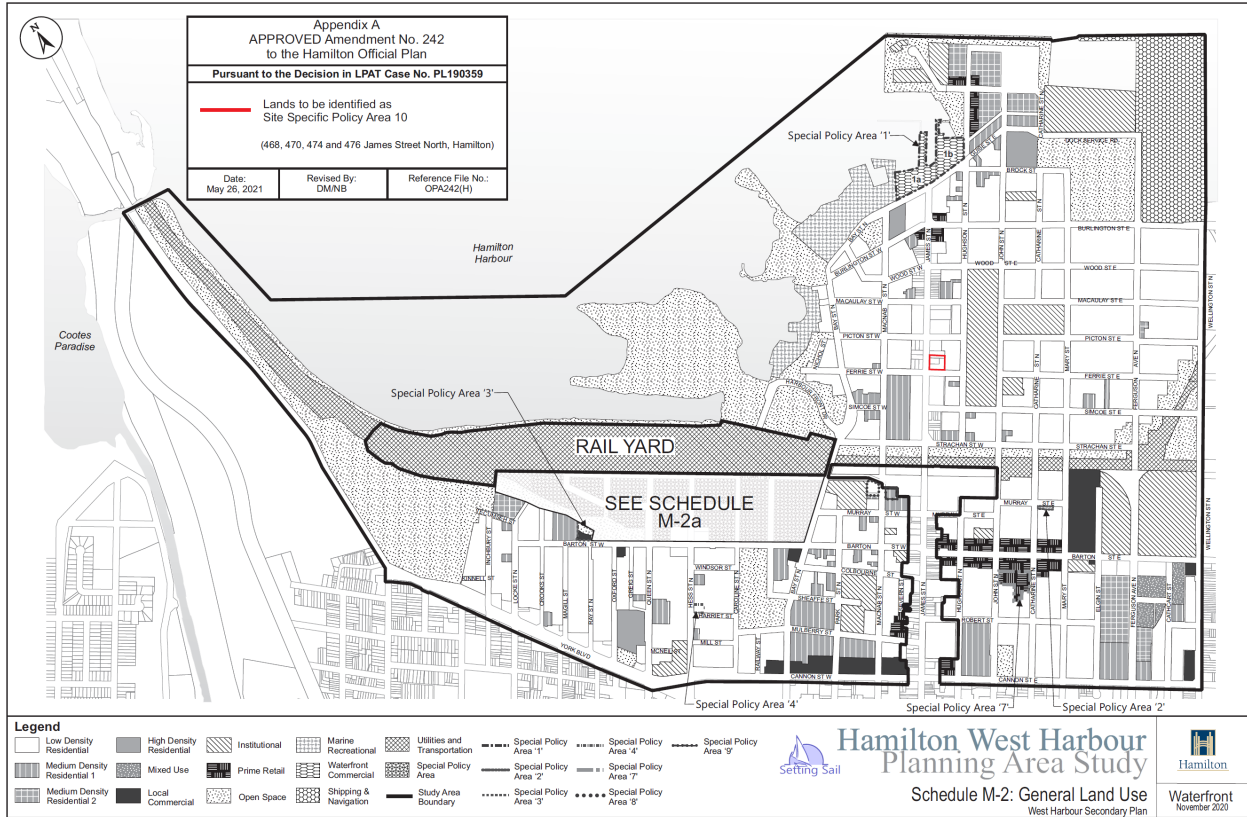
4.2.1 That Schedule “M-2”: General Land Use, of the West Harbour (Setting Sail) Secondary Plan is amended by identifying the lands as Special Policy Area 10, as shown on Appendix “A” to this Amendment.

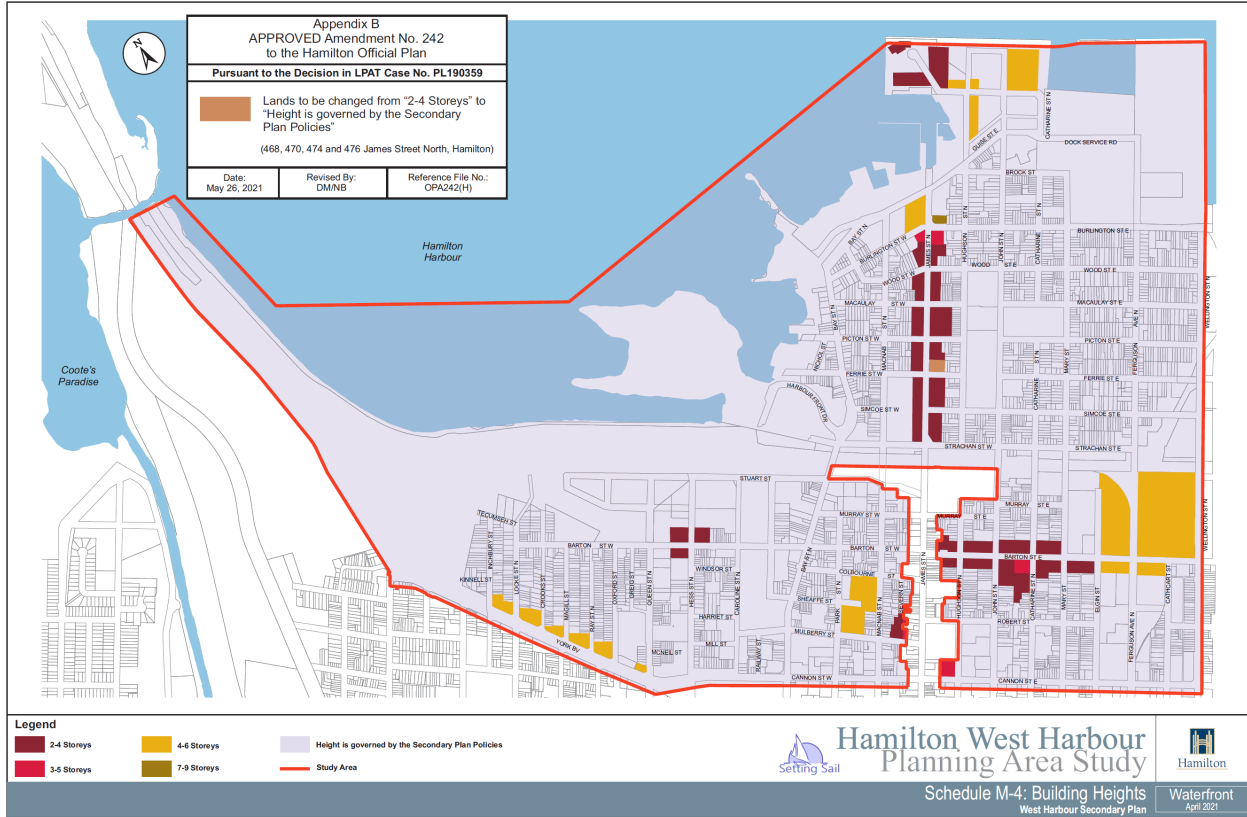
4.2.2 That Schedule M-4: General Land Use Map of the West Harbour (Setting Sail) Secondary Plan is amended by changing the building height category from “2-4 storeys” to “Height is governed by the Secondary Plan policies”, as shown on Appendix “B” of this Amendment.

5.0 Implementation:

An implementing Zoning By-law Amendment and Site Plan Control will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule “1” to By-law No. ____, pursuant to Decision / Order of the Local Planning Appeal Tribunal issued in Case No. PL190359.





SCHEDULE 2

Authority: Item
Report (PED)
CM:
Ward: 2

Bill No. 151

CITY OF HAMILTON

BY-LAW NO. 19-151

**To Amend Zoning By-law no. 6593 (Hamilton)
Respecting Lands Located at 468, 470, 474 and 476 James Street North, in the
City of Hamilton**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Hamilton" and is successor to the former Regional Municipality, namely, the regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item _ of Report ___ of the Planning Committee, at its meeting held on the_____, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-law conforms with the City of Hamilton Official Plan upon adoption of Official Plan Amendment No. 242;

NOW THEREFORE the Local Planning Appeal Tribunal, pursuant to the Order/Decision Issued on _____ under Tribunal File No. PL190359, enacts as follows:

CITY OF HAMILTON
BY-LAW NO.
To Amend Zoning By-law No. 6593
Respecting Lands Located at 468, 470, 474 and 476 James Street North, Hamilton

1. That Sheet No. E2 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is further modify the "H/S-978" (Community Shopping and Commercial, Etc.) District, Modified, to the "H/S-978a" (Community Shopping and Commercial, etc.) District, Holding, Modified, on lands the extent and boundaries of which are shown on plan hereto annexed as Schedule "A".
2. That Section 2 of By-law No. 87-117 (Hamilton) be deleted and replaced with "H/S978a", as follows:

"H/S-978a"

That the "H" (Community Shopping and Commercial, Etc.) District provisions as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following requirements:

- a) Notwithstanding Section 14 (1) (iiid), a retirement home shall be permitted for the accommodation of not greater than 120 units.
- b) Notwithstanding Section 2(2)A(xiiiaaa), for the lands identified in this exception, the definition of Retirement Home shall be amended as follows:
 - i. "Retirement Home" means a building or part thereof for the accommodation of seniors at least 60 years of age and older, in single or double rooms and have communal facilities such as kitchen/dining facilities, laundry facilities, lounges and where the residents are supervised in their daily living activities. Rooms may contain kitchenettes, including a sink, fridge, and cooking facilities limited to small appliances such as microwave ovens and toaster ovens, but shall not contain a kitchen that includes gas, propane, or electric ranges and stoves. A retirement home may be licensed by the municipality and shall not be considered a long term care facility, emergency shelter, lodging home, residential care facility or any other facility which is licensed, approved or regulated under any general or special Act.
- c) Notwithstanding Section 14 (1), a frosted food locker plant, a motion picture studio, automobile service station or other public garage, theatre and car wash, shall be prohibited.
- d) Notwithstanding Section 14(2)(i) and (ii), no building or structure shall exceed 20.5 metres in height.

CITY OF HAMILTON
BY-LAW NO.
To Amend Zoning By-law No. 6593
Respecting Lands Located at 468, 470, 474 and 476 James Street North, Hamilton

- e) Notwithstanding Section 2(2)H.(ia), the definition of Amenity Area shall be amended to permit amenity area to be provided on the rooftop.
- f) Notwithstanding Section 2(2)J.(ix), the definition of Height shall be amended to permit any wholly enclosed or partially enclosed amenity area, or any portion of a building designed to provide access to a rooftop amenity area including all associated features, in addition to the list features found in section 2(2)J.(ix), to project above the uppermost point of the building, provided the wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area is setback a minimum of 9.5 metres from the westerly lot line, 8.5 metres from the southerly lot line, 19.8 metres from the easterly lot line and 0.5 metres from the northerly lot line.
- g) Notwithstanding Section 2(2)J.(viii), the definition of Grade as it applies to the height of a building or structure on a corner lot, shall be amended to mean the mean elevation of all the ground adjoining the building or structure.
- h) Notwithstanding Section 2(2)J.(xb), the definition of Landscaped Area shall be amended to allow for raised planter beds, planter boxes and green roof area to be included in the minimum landscaped area calculation.
- i) Notwithstanding Section 14(3)(i), a front yard having a depth of not less than 0.495 metres.
- j) Notwithstanding Section 14(3)(ii), a side yard having a width of not less than 0 metres.
- k) Notwithstanding Section 14(3)(iii), a rear yard of not less than 7.5 metres.
- l) In addition to Section 14 (3), the following yards shall be provided and maintained:
 - i. Where the yard abuts the westerly lot line a yard having a depth of not less than 3.5 metres where the building or structure exceeds 15.0 metres in height but does not exceed 17.7 metres in height, 5.5 metres where the building or structure exceeds 17.7 metres in height, and 9.5 metres for the mechanical penthouse.
 - ii. Where the yard abuts the southerly lot line a yard having a depth of not less than 2.5 metres where the building or structure exceeds 15.0 metres but does not exceed 17.7 metres in height, 4.5 metres where the building or structure exceeds 17.7 metres in height, and 8.5 metres for the mechanical penthouse.

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- iii. Where the yard abuts the easterly lot line a yard having a width of not less than 10.5 metres where the building or structure exceeds 12.0 metres but does not exceed 15.0 metres in height, 13.2 metres where the building or structure exceeds 15.0 metres in height but does not exceed 17.7 metres in height, 16.0 metres where the building or structure exceeds 17.7 metres in height, and 19.8 metres for the mechanical penthouse.
- iv. Where the yard abuts the northerly lot line a yard having a width or depth of not less than 0.75 metres for the mechanical penthouse.
- m) Notwithstanding Section 14 (5), a gross floor area up to 8,234 square metres shall be permitted, with a minimum of 112 square metres of commercial space.
- n) Notwithstanding Section 14 (9) (i), a planting strip of not less than 0.5 metres in width shall be provided and maintained, which may include raised planter beds, along the rear lot line, and no planting strip shall be provided along the northerly side lot line.
- o) Notwithstanding Section 2(2)H(via), the definition of planting strip shall be amended to include raised planter beds, in addition to items listed in section 2(2)H(via).
- p) A minimum of 4 square metres of amenity space per unit shall be provided or 519 square metres of amenity space whichever is greater.
- q) A minimum landscaped area of not less than 4.25% of the area of the lot on which the building or structure is situate, which may include raised planter beds, planter boxes, and green roof area, shall be provided and maintained.
- r) Notwithstanding Section 18(3)(vi)(a), a chimney, sill, belt course, leader, pilaster, lintel or ornamental projection may project up to 0.5 metres into the required front (west) and rear (east) yards.
- s) Notwithstanding Section 18(3)(vi)(b)(i) and (iii), a canopy, cornice, eave or gutter may project to within 0 metres of a front or side lot line.
- t) Notwithstanding Section 18(3)(vi)(cc)(i), a balcony may project into a required front (west) yard up to the extent of the floor immediately below.
- u) Notwithstanding Section 18(3)(vi)(cc)(ii), a balcony may project into a required rear (east) yard up to the extent of the floor immediately below.

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- v) Notwithstanding Section 18(3)(vi)(cc)(iii), a balcony may project into a required side (north and south) yard up to the extent of the floor immediately below.
- w) Notwithstanding Section 18A (1) (a) and (b), a minimum of 0.30 parking spaces per Retirement Home unit shall be provided or 37 car parking spaces whichever is greater, of which a minimum of 2 are barrier free parking spaces, a minimum of 2 are for visitor parking spaces and 1 parking space shall be for the exclusive purpose of accommodating car sharing vehicles.
- x) A minimum of 0.05 short term and 0.41 secure long term bicycle parking spaces per unit shall be provided or 6 short term and 50 secure long term bicycle parking spaces whichever is greater.
- y) Notwithstanding Section 18(A)(1)(f) and Table 6, for 90° parking a minimum manoeuvring space of 6 metres is required, except for the following:
 - i. A minimum manoeuvring space of 5.28 metres shall be permitted for a maximum of four parking spaces.
- z) Notwithstanding Section 18(A)(7), every required parking space, other than a parallel parking space, shall have dimensions not less than 2.8 metres wide and 5.8 metres long; provided that:
 - i. 10% of required parking spaces may be not less than 2.6 metres wide 5.5 metres long, with such parking spaces clearly identified as being reserved for the parking of small cars only.
 - ii. One parking space, in addition to the aforementioned permitted small car parking spaces for small cars, may be 3.0metres wide and 4.5 metres long provided such parking space is identified as, and reserved for shared vehicle parking only.
- aa)Notwithstanding Section 18(A)(9), every parallel parking space shall have dimensions not less than 2.5 metres wide and 6.7 metres long.
- bb)Notwithstanding Section 18(A)(10), a wall, column or any other obstruction may project up to 0.15 metres into the width of the parking space.
- cc) Notwithstanding Section 18A (26), where a use other than a residential use is adjacent to a residential district, every access driveway providing access to or egress from or both access to and egress from the non-residential use shall be located not less than 0.5 metres from the common boundary with the

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residential district to the east and a minimum of 0.1 metres from the common boundary with the residential district to the north.

- dd) For any portion of the building that has a step-back of less than 10.5 metres from the easterly lot line, with the exception of the first floor, no windows shall be permitted facing the easterly lot line except where the bottom 1.1 metres of such windows are rendered translucent rather than clear; and
 - ee) Any balcony railing for balconies facing the easterly lot line shall be non-transparent or translucent.
3. That By-law No. 6593 (City of Hamilton) is amended by adding this By-law to Section 19B as Schedule S-978a.
 4. That Sheet No. E2 of the District maps is amended by making the lands referred to in Section 1 of this By-law as Schedule S-978a.
 5. 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*.

Pursuant to the Order/Decision of the Local Planning Appeal Tribunal Issued on

_____.

**CITY OF HAMILTON
BY-LAW NO.
To Amend Zoning By-law No. 6593
Respecting Lands Located at 468, 470, 474 and 476 James Street North, Hamilton**



<p style="text-align: center;">This is Schedule "A" to By-law No. 21-</p> <p style="text-align: center;">Passed the day of, 2021</p>	<p style="text-align: center;">-----</p> <p style="text-align: center;">Mayor</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">Clerk</p>
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<p style="font-size: 1.2em;">Schedule "A"</p> <p style="font-size: 1.1em;">Map forming Part of By-law No. 21-_____</p> <p style="font-size: 1.1em;">to Amend By-law No. 6593</p>	<p>Subject Property</p> <p>468, 470, 474 and 476 James Street North, Hamilton</p> <p> To further modify the "H/S-978" (Community Shopping and Commercial Etc.) District, Modified, to the "H/S-978a" (Community Shopping and Commercial, Etc.) District, Modified</p>
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<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-18-020/UHOPA-18-007</p>	
<p>Date: May 26, 2021</p>	<p>Planner/Technician: JM/NB</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: September 15, 2021

CASE NO(S): PL210073

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Coleman Robinson
Subject:	Proposed Official Plan Amendment No. By-law 20-263
Municipality:	City of Hamilton
OLT Case No.:	PL210073
OLT File No.:	PL210073
OLT Case Name:	Robinson v. Hamilton (City)

Heard: September 3, 2021 by video hearing

APPEARANCES:

Parties

Counsel

City of Hamilton ("City")	B. Duxbury
Coleman Robinson, John Bruce Robinson Construction Limited ("Appellant")	J. Meader N. Smith (<i>in absentia</i>)
Marshall Real Estate Holdings Ltd. ("Applicant")	B. Duxbury
Hamilton-Wentworth District School Board ("Applicant")	B. Duxbury

MEMORANDUM OF ORAL DECISION DELIVERED BY M. RUSSO ON SEPTEMBER 3, 2021 AND ORDER OF THE TRIBUNAL

[1] An application was submitted to the City to amend the Rural Hamilton Official Plan (the “RHOP”) and add a Site Specific Policy Area to permit a 300 metre extension of lake-based municipal water services from the Binbrook Urban Area to the subject lands and a connection to the sanitary line that exists along the west side of Regional Road 56 to service existing and proposed uses (the “Proposal”) on two Rural properties located at 2121 and 2187 Regional Road 56, Glanbrook (the “Subject Lands”).

[2] City Planning Staff had provided recommendations to deny the Proposal to the City Planning Committee Chair and Members in advance of their November 17, 2020 meeting.

[3] At their November 17, 2020 meeting, the City Planning committee chose to support the Proposal and carried a motion to amend RHOP.

[4] On December 16, 2020, the City passed By-law No. 20-263 adopting and approving Official Plan Amendment No. 25 to the RHOP (“RHOPA 25”).

[5] The Appellant appealed the decision of City Council to the Tribunal pursuant to s. 17(24) of the *Planning Act* (the “Act”).

THE CASE MANAGEMENT CONFERENCE (the “CMC”)

[6] The Tribunal held this first Case Management Conference (“CMC”) in accordance with s. 15 of the *Ontario Land Tribunal Act, 2021*, S.O. 2021, c. 4. The Tribunal noted Counsel for the City had provided the Affidavit of Service by registered mail and electronically dated July 30, 2021 to all names and addresses on the mailing list provided. The Tribunal marked the Affidavit of Service as Exhibit 1.

[7] Mr. Duxbury, Counsel for the City, informed the Tribunal that his firm has been retained by the City and both Applicants, as their interests are in line with one another. The Applicants have a direct interest in this matter and have been added as parties to this appeal.

[8] The Member canvassed the virtual hearing room if anyone else present was seeking participant or party status for these proceedings. With none being present and no written requests provided to the Tribunal, the Parties for these proceedings were established.

ISSUES LIST, DRAFT PROCEDURAL ORDER AND HEARING

[9] A Draft Procedural Order (“DPO”) was provided to the Tribunal in advance of the CMC with dates to be inserted and other details to be provided pending a hearing date being set.

[10] The Parties were agreeable to the DPO provided in principle. However, the Issues List was not provided as the Parties were still in the midst of narrowing and refining issues.

[11] Jointly the Parties preferred to have the hearing date set to adequately provide dates for their final submission of the DPO and through ongoing discussions as well as anticipated witnesses to be called, the Parties believed that a four-day hearing would be required to hear the merits of this matter.

MEDIATION

[12] The Tribunal asked the Parties if mediation had been explored or settlement discussions had occurred.

[13] The Parties indicated they have had positive and amicable discussions thus far, however, they agreed at this time, mediation was not likely. The Tribunal reminded the Parties of Tribunal-led mediation and further reminded the Parties to share any progress and changes, if and when they may occur, with the Tribunal’s Case Coordinator.

CONCLUSION

[14] Having considered the discussion during the CMC regarding the issues, potential mediation and finalizing the DPO, the Tribunal has determined that it would be reasonable to schedule the hearing for four days.

[15] The Tribunal has provided the Parties three weeks to revise and finalize the DPO and submit to the Tribunal for final approval.

ORDER

[16] The Tribunal orders a hearing by video scheduled to commence at **10 a.m.** on **Tuesday, April 19, 2022** for **four (4) days**, as follows:

<https://global.gotomeeting.com/join/483635189>

Access Code: 483-635-189

[17] Parties and participants are asked to log into the video hearing at least **15 minutes** before the start of the event to test their video and audio connections.

[18] Parties and participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoToMeeting](#) or a web application is available:

<https://app.gotomeeting.com/home.html>.

[19] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line: **Toll-Free 1-888-455-1389** or **+1 (647) 497-9391**. The access code is **483-635-189**.

[20] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the hearing by video to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

[21] **Three weeks from issuance** of this decision, the Parties shall provide, on or before that date, a joint DPO and Issues List to the assigned Case Coordinator for final review and approval of the Member, highlighting any items that may require the Tribunal's assistance to finalize.

[22] The Parties shall provide at least ten (10) days' notice to the Tribunal prior to the hearing date in the event if fewer hearing dates are agreed upon by the Parties or if settlement has been entered into by the Parties.

[23] If any issues arise, the Member may be spoken to, if required, through correspondence received through the Case Coordinator.

[24] The Member is not seized for the purposes of the hearing of the appeal.

[25] No further notice of the hearing is required.

"M. Russo"

M. RUSSO
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

October 28, 2021

Bousfields Inc.
1 Main Street East, Suite 200
Hamilton, ON L8N 1E7

Attention: Ashley Paton and David Falletta

City of Hamilton Planning Committee
John-Paul Danko, Chair
Hamilton City Hall
71 Main Street West, 2nd Floor
Hamilton, ON L8P 4Y5

Dear Sir/Madam,

**RE: UHOPA-20-012 and ZAC20-016
1107 Main Street West, Hamilton (Ward) 1
Early determination of issues in dispute on two contested matters arising from the
Planning Response letter of the Applicant**

I wish to thank Bousfields and IN8 Developments for updating the Applicant's website, but as a result of reading the additional material just recently posted on the website and in particular the Planning Response Letter dated December 20th 2020, I believe that an **early determination of two contested matters** that are set out in this response letter, would be beneficial to all the parties involved in the two applications, and especially the members of the Planning Committee who will eventually consider the merit of the applications at a latter formal hearing date.

This is because the contested matters relate to issues of perceived conflict of interest and/or lack of declarations of interest in respect of a private meeting held on November 26, 2019 and in relation to the "Letters of Support and a Petition" which were filed with the Planning Department. If the Applicant were not to rely upon or use the meeting and letters of support and petition as grounds or justification for the granting of the two applications, I would not be concerned with these matters. But due to the fact that the Planning Response Letter indicates that the Applicant is heavily relying on the same, it is my opinion that the contested issues should be dealt with in advance, thereby allowing the parties on both sides to concentrate on the planning issues that are at the core of both of the above captioned applications.

I therefore believe that it will be beneficial to have either an early determination by a designated staff member appointed as an arbitrator by the Planning Committee, or at an "in camera" delegation/hearing presented before members of the Planning Committee, as both options would

save the committee members' valuable time on the formal hearing date which has yet to be determined, and because it may afford the Planning Committee an opportunity to develop protocols respecting all Planning Applications that come before the committee with respect to an Applicant's reliance upon meetings with neighbourhood associations, letters of support and petitions.

I am briefly setting out a summary of the disputed issues, but before that I am firstly setting out a minor request to Bousfields regarding the up-dated website and which concerns the Transportation Impact Study.

Transportation Impact Study

It appears that there are in fact two Transportation Impact Studies, both of which are dated January 28, 2020. The original Transportation Impact Study was submitted by Bousfields to the City of Hamilton Planning Department in February 2020, however this original report is not on the website under the Heading "February 13th, 2020 Submission".

Rather a revised Transportation Impact Study with the same date of January 28, 2020, which may or may not have been subsequently submitted to the City of Hamilton, appears on your website. This second report should be clearly identified as the "Revised Report" and the original report should now be posted on the website.

The proper identification of the two Transportation Impact Studies is important as some of the objection letters refer to statements contained in the original report, but these very statements no longer appear in the revised report. Accordingly, to avoid this confusion I respectfully request that the original report now also be included in your list of posted submission documents,

Planning Response Letter of Dec. 20, 2020 page 10 and the November 26, 2019 private meeting with Neighbourhood Associations

The contested issue with the Neighbourhood Associations relates to a private meeting held on November 26, 2019, the characterization of which appears on page 10 of the Planning Response letter, which was recently posted, and which is attached. I have objections to the characterization in the response letter that it was the people in attendance at the gathering who embraced the 15-storey height of the building as being appropriate for this particular location and who made the financial bargain to add the extra height of two storeys to the building in consideration of a third level of underground parking, all on behalf of the two neighbourhood associations which are named in the response letter as being the Ainslie Wood Community Association (AWCA) and the Ainslie Wood-Westdale Community Association (AWWCA).

The brief summary of my objections are as follows:

- Invitees and attendees to the private meeting also consisted of members of Concerned Residents of Westdale (CROW) who were vociferously opposed to the McMaster Residence Development at the corner of Traymore and Dalewood Avenue, and who were particularly upset that only 46 underground parking spots had been provided for the entire development.
- Members of CROW were concerned about student parking issues on their own side streets which are lying to the north of Main Street West, while the subject site for the proposed development is to the south of Main Street West and which is situate in a totally separate neighbourhood than the McMaster project.
- The equation of a mutual setoff for economic feasibility between an increased height of 2-storeys in consideration of a third level of underground parking is unenforceable as the party who allegedly struck the bargain is unidentified and lacks authorization, and because height is a matter that lies under the UHOP amendment, while parking is a matter that lies under the Zoning By-Law amendment.
- The Board of the Ainslie Wood Community Association (AWCA) by its Chair, Mark Coakley sent a letter specifically opposing the proposed development.
- The Ainslie Wood-Westdale Community Association (AWWCA) to the best of my knowledge and belief has not submitted or filed any letter in support of the proposed development.
- A member of AWWCA attending the private meeting of November 26, 2019 may have had sufficient prior involvement with a member of the Applicant ownership and development group and that as such it may have constituted grounds for recusing the member from voicing any opinion of support of the proposed development, if in fact any opinion was rendered, at the November meeting.
- Another member of AWWCA who was in attendance at the private meeting of November 26, 2019 had been reprimanded by the Board of Directors of AWWCA for sending out a letter of support for the McMaster University proposed development at the corner of Traymore and Dalewood Avenue, at a time when the Board of AWWCA was officially opposed to the development. The offending Board member was told that the member could only express his opinion as “**an individual**” and not in any official capacity for AWWCA.
- The increase in height of the proposed building by two additional storeys should not be attributable back to Neighbourhood Associations as they either did not express the view that the height should be increased, or if any person in attendance did express such an opinion, then it was clearly without authorization and could not possibly be construed as the official position of the Neighbourhood Associations.

Letters in Support - Paragraph 4.1 (page 4) of the Planning Response Letter of Dec. 20, 2020

The Planning Response letter refers to Letters in Support (on page 4, Paragraph 4.1 which is attached) and cites that a total of 17 letters of support were received and that many submissions

stated that “**as residents that will be most greatly impacted by the development, we feel that this will enhance the quality of living in our area**”. The response letter also references a petition in support signed by 20 neighbourhood households. My concerns with the letters of support and the petition are briefly set out as follows:

- There are seven (7) resident households which are in the closest immediate proximity to the proposed development, and which households are on record as being in **opposition to the proposed development**.
- If the three (3) houses which are associated or connected with the developers of the proposed development are discounted due to a perceived conflict of interest, then **100% of the arm’s length households** of the remaining first seven houses on Dow Avenue and the remaining first three houses on Cline Avenue South are opposed to the proposed development.
- The words “**most greatly impacted**” must be determined on an objective basis and be based on proximity, and not be based on an undefinable subjective viewpoint which can be completely misleading.
- The arm’s length independence of some of the petitioners in support of the proposed development is being questioned as to whether any of them are engaged in land development and acquisition in the neighbourhood or in respect of properties lying within 120 metres of the proposed development, or whether they are currently tenants or receiving, directly or indirectly, financial remuneration or employment income or rental subsidies from any party associated with or connected to the proposed development, or from a landowner intending a future intensification of lands within 120 metres of the proposed development.
- A letter was sent to members of the Adas Israel Synagogue stating that a “portion of the project’s profit will be donated” back and accordingly it is imperative to know if any of the writers of letters of support indicating that the proposed development will “enhance the quality of life” and “help preserve the neighbourhood character”, will receive monetary donations from the Applicant, or receive, directly or indirectly, financial remuneration or employment income, and rental subsidies arising from or paid out of the rental stream and profits to be generated by the proposed development.

Summary of Recommendations

The members of the Planning Committee must be in a position to focus on the important planning issues that arise whenever Applications are being heard or presented at its public meetings, and accordingly any issue that could be clarified or resolved in advance of the public meeting, and which is entirely between the Applicant and the residents who are objecting to the application, is extremely worthwhile.

Two issues which I believe have arisen at past committee meetings, and which are of concern to many of the residents participating in, or watching the meeting by online video broadcast, relate to the role of the Neighbourhood Association and Letters of Support/Petitions relied upon by the Applicant. It is therefore my firm belief that any measures that can be enacted by the Planning Committee to more quickly and expeditiously resolve these types of disputed facts as set out in the above circumstances, would be of immense benefit to not only Planning Staff, but to all Members of the Planning Committee and to the citizens of Hamilton.

Accordingly, I am making the following suggestions for your consideration:

- All Applicants shall be required to provide a written confirmation to the Planning Department at the time the Applicant submits any documentation concerning or referring to Letters of Support/Petitions, that the Applicant has vetted all letter writers in support of the application and petitioners who are signing a supportive petition, and/or participants and invitees at any public or private Neighbourhood Association meeting or event and is satisfied that there exists no conflicts of interest, or any circumstances which warrants a declaration of interest.
- All Applicants shall be required to file an Undertaking and Acknowledgement in writing that at any private meetings hosted by the Applicant with invited representatives from Neighbourhood Associations, that comments or private viewpoints made by or attributed to any representative at such meeting, shall not be tendered or referred to as evidence or be used as grounds for support of any application by the Applicant or in a submission by the Applicant's Planning Consultant, or that any such expressed private viewpoint or comment is the official position of the Neighbourhood Association.

It is my sincere belief that enacting the above measures may be of assistance in avoiding future disputes of this nature, thereby save the Planning Committee valuable time at the hearing. Most importantly it will also afford the public some assurance of impartiality whenever letters of support and petitions are being considered by members of the Planning Committee.

The measures, however, do not address the circumstances of the present two applications, or if an Applicant fails to properly conduct a full vetting of writers in support or the petitioners in support, or if the Applicant is in breach of the Undertaking and Acknowledgment. In these circumstances I propose the following:

- The Applicant and the Applicant's Planning Consultant shall meet in person or by video conference with the Objector(s) who is/are challenging the submissions of the Planning Consultant, and at such meeting the Objecting party shall be able to obtain and review all records, minutes, names of attendees pertaining to any private meeting with Neighbourhood Association representatives, and the Applicant shall further provide to the Objecting party the unredacted Letters of Support and Petition with all the names and addresses of the signatories, together with the names and interests of all parties connected or involved with, or sharing in the profits of the development of the property.

- The Objecting party shall have 5 business days to review the challenged documents and material and to then provide to the Applicant and the Applicant's Planning Consultant the documentary evidence which the Objecting party considers to be supportive of a prima facie finding of a potential conflict of interest or a circumstance which warrants a Declaration of Interest.
- The Applicant and the Applicant's Planning Consultant and the Objecting party shall meet as soon as practical after 5 business days to resolve and remedy the dispute that may exist between the parties, and for the Applicant or Applicant's Planning Consultant to either rescind, revise or modify the comments set out in any submission filed by the Applicant and which pertains to the involvement of any Neighbourhood Association or which relates to any Letter of Support or signatory to any petition.
- In the event the parties cannot resolve their dispute, or if the Applicant does not believe that any conflict of interest exists, or if the Objecting party is not satisfied with the proposed remediation to be taken by the Applicant, then either party shall be able apply to the Chair of the Planning Committee and request binding arbitration by a staff person to be appointed by the Chair. The arbitration shall be based and referenced on the material filed by the parties at the prior meetings, and the arbitrator's decision shall be released prior to the delivery of the final Planning Department Staff Recommendation Report.

If you require a more detailed letter or the delivery of any supporting documentation which I have at this time, please contact me as I would be pleased to provide the same to you. I am also willing to meet with Bousfields at any time to review the contents of this letter and to see if a resolution can be reached in this matter.

If however, you consider it more appropriate that the issues that I have raised, and the recommendations which I hope will be enacted by the Planning Committee, are more appropriate for being heard as an "in camera" Delegation at an upcoming meeting of the Planning Committee, I kindly ask that you please advise me and Bousfields, in order that a mutually satisfactory date can be obtained for both the presentation of my concerns, and for the response from Bousfields.

I thank you for your time and I look forward to your reply.

Yours very truly,


John Ross



cc. Maureen Wilson, Councillor Ward 1
cc. Daniel Barnett, City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design — Urban Team
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5
cc. Lisa Kelsey
cc. Stephanie Hilson



- An area of 6.0 square metres for each dwelling unit more than 50 square metres;
- The zoning bylaw defines an amenity area as either outdoor or indoor:
- Shall mean the area of a lot intended for recreational purposes, and shall include areas that are landscaped, patios, privacy areas, balconies, communal lounges, swimming pools, play areas and similar uses, located on the same lot, but shall not include a building's service areas, parking lots, aisles or access driveways, or Planting Strip.
- The proposal exceeds the zoning requirements and provides:
 - A large indoor amenity room (+/-1,000 sq. ft.)
 - Large landscape courtyard (+/-480 sq. m/5,200 sq. ft.)
 - As well as private balconies and terraces.

OTHER QUESTIONS

MEETING WITH NEIGHBOURHOOD ASSOCIATIONS









There was a question regarding the November 2019 meeting with neighbourhood associations, and the community feedback and discussion at this meeting with regards to a height increase from 13-storeys to 15-storeys. Could you clarify that meeting for us and the proposed design changes that followed from that meeting?

RESPONSE

- We (consultant team, ownership group, and Rabbi Green) met with representatives from the Ainslie-Wood Westdale Community Association and Ainslie Wood Community Association.
- At that time the proposal was for a 13-storey building with 2-levels of underground parking. At that meeting some of the representatives stated that they understood that Main Street West is an intensification corridor and that they accept that height is appropriate at certain locations like this one.
- They also the discussed the need for additional parking and economically the additional level of underground parking would require additional saleable area.
- Based on this feedback the proposal was revised to increase the height and add a level of underground parking.

COMMERCIAL USES

A community meeting was held on Tuesday November 26th to gain feedback from the resident’s associations in the area. We listened and took note of the concerns and comments that were raised during this meeting and have changed the proposed design accordingly. The following chart compares the changes and includes statistics as well as visual comparisons to illustrate the design efforts to create a desirable building for the community. We hope the changes will ease the concerns raised at the public meeting and create a positive connection with the community around it.

Design Before Community meeting	Initial Description	Initial Statistic	Community Comment	Revised Statistic	Revised Description	Redesign Based on Community Meeting
	Shorter tower height proposed	-13 Storeys -300 units	Increased Height and Density on Main Street Corridor	-15 Storeys -310 units	Increased height proposed on the tower element (Main St frontage)	
	2 levels of underground parking proposed (152-Stalls)	0.46 stalls per unit	Increased Parking Ratio	0.7 stalls per unit	3 levels of underground parking proposed (226-Stalls) -Reduce the need for street parking	
	Lowered entrance on town house units. Interior stairs with less connection to main building	6 steps to entrance	Barrier Free Ground Floor and Family Units	At grade Threshold	At grade private patio and entrance. Increased building connection of family floor units	
	Large number of smaller units with no designated bedroom	48 Bachelors (16%)	Unit Mix – Too Many Bachelor Units	4 Bachelors (1.2%)	One-bedroom units proposed to replace the majority of the Bachelor Units	
	Terrace amenity spaces proposed	Level 10 Level 8	Garden Space	Level 10 Level 8	Terrace amenity spaces still proposed for roof levels	



		9 barrier free parking spaces
Bicycle Parking Spaces	156 spaces 150 spaces (Res. Long-Term) 6 spaces (Com. Short-Term)	174 spaces 164 spaces (Res. Long-Term) 5 (Res. Short Term) 5 Com. Short Term)

3.0 RESPONSE TO THE CITY STAFF COMMENTS

The attached Comment Matrix (see **Attachment 1**) provides a summary of the comments received and how the resubmission responds accordingly.

4.0 RESPONSE TO THE COMMUNITY COMMENTS

There have been numerous submissions from various community members regarding the proposed development received as part of the circulation of the application and the Community Meeting held on August 11, 2020.

4.1 *Letters in Support*

A total of 17 letters of support were received from community members and members of the Adas Israel Congregation, including a petition signed by 20 neighbourhood households. The letters reference the need for new housing in the neighbourhood and apartment units that range in size, which will provide a mix of housing options for existing and new residents, all in a way that will help preserve the neighbourhood character. Many submissions stated that "as residents that will be most greatly impacted by the development, we feel this will enhance the quality of living in our area".

November 15, 2021

To: The members of the Planning Committee of the City of Hamilton

Re: Delegation of John Ross for November 16, 2021

The City of Hamilton has made it a mandatory requirement in its Formal Consultation Document that the developer/applicant has to provide a Public Consultation Strategy and to meet with the Neighbourhood Association. Unfortunately, this condition may become controversial as an Applicant or Planning Consultant could have a private meeting to present its preliminary development proposal and then subsequently submit revised plans and drawing which attribute the increases in height and density of the development to the Neighbourhood Association.

It is my respectful opinion that the requirements of the Formal Consultation Document and Public Consultation Strategy **should not**:

- a) Become an opportunity for the developer to attempt to get the Neighbourhood Association to endorse, accept or negotiate with the developer before the actual Application for an UHOP Amendment or Zoning Amendment is filed, and before all the plans have been thoroughly reviewed;
- b) Require the attending representatives of the Neighbourhood Association to recommend to the developer, on their own and without proper authorization, that changes should be made to any proposed development, such as an increase in height or density, as a result of any presentation by the developer or planning consultant at their preliminary private meeting;
- c) Allow private comments made at a Neighbourhood Association to be utilized by the Applicant or the Applicant's Planning Consultant as it may convey misleading or inaccurate information to Planning Department Staff, members of the Planning Committee, and members of Council.

It is also my belief that many of the contentious issues arising between the Neighbourhood Associations and the Developer/Applicant can simply be avoided or minimized prior to the time the Application is heard at any Planning Committee meeting, if the Planning Committee implements a protocol to follow whenever a private meeting between a developer/planning consultant and Neighbourhood Association has been arranged. To this extent I offer some of the following suggestions:

- d) Developer to provide in advance of the meeting, list of the invitees and attendees, a written justification setting out why it seeks to obtain a Official Plan amendments and zoning by-law variances requesting relief from setbacks (front, side and rear yard)

landscaping requirements, height, density, amenity space, etc. from those set out in the current zoning by-laws and UHOP;

- e) Developer to set out in writing the intended purpose of the project, be it rental, condominium investor rental, condominium homeowner, etc., and to set out to whom the project will be marketed to;
- f) Developer to provide in advance of the meeting sufficient and detailed plans and drawings setting out unit dimensions, street setbacks, underground parking ramp location, etc. and all other alterations or variances seeking the zoning amendments that it will need for the project;
- g) Developer to sign prior to the meeting a written commitment to provide to the Neighbourhood Association in a timely manner all drawings, renderings, site plans, landscaping plans, height elevations, etc. and all other amendments and any resubmissions filed with the Planning Department;
- h) Developer to sign prior to the meeting a non-disclosure agreement not to quote, paraphrase or utilize in any report, update or correspondence to any other party, conversations or comments made by any member or representative of the Neighbourhood Association as evidence that the Neighbourhood Association has in any manner endorsed or supported the project or recommended changes or alterations to the project, until such time as the Board of Directors of the Neighbourhood Association has given formal written permission to the developer;
- i) Each Neighbourhood Association to hold its own duly authorized meeting to review the submitted plans and drawings, and applicable UHOP and zoning issues and to have a formal recorded vote as to whether it approves or rejects the developer's project, or whether it is requesting additional revisions and amendments;
- j) The representatives of the Neighbourhood Association, as well as the developer, builder, agents and investors who were present at the meeting to declare and observe all Conflict of Interest disclosure and recusal requirements, as adopted by the City of Hamilton, in order to prevent any perceived conflict of interest or improper influence.

Another issue which I believe has arisen at Planning Committee hearings on other Applications for UHOP and/or Zoning amendments for a development, relates to the Letters of Support/Petitions relied upon by the Applicant, and which documents are specifically referenced by the Applicant's Planning Consultant in the consultant's correspondence to the Planning Department. This is due to the fact that these Letters of Support and Petitions are heavily redacted by the Planning Department, with the names and addresses being blacked out, in addition to the difficulty for anyone else, other than the Applicant, in obtaining access to correspondence in the public record. The concern is that these letters and petitions should not be protected by a perceived

right of privacy because the writers of submitted letters in support and signatories to a petition may firstly, be in a conflict of interest, and secondly, have no expectation of privacy themselves.

If a conflict of interest can be determined to exist, then the offending documents to which the Planning Consultant has referenced, should be either ineligible or invalid for consideration by Planning Department staff, members of the Planning Committee and members of Council. This is because these documents are capable of severely misleading the Planning Department and because these documents have the potential to overshadow and minimize the arm's length letters and petitions which may be submitted against a proposed development.

The type of letter which is most detrimental, and which does not deserve the protection of a right of privacy whereby the Planning Department redacts the name and address of the writer, is the letter in which the writer(s) has a conflict of interest, either by a financial interest (ownership, guarantor, co-tenancy, landlord/tenant, etc.) or by receiving a share in the profits of the development, or by family or employment relationship, or by landholdings for future development in the neighbourhood, and which letter is couched in language which states that the proposed development will "help preserve the neighbourhood character" or that "as residents that will be most greatly impacted by the development, we feel that this will enhance the quality of living in our area".

Fortunately, it is my firm belief that any measures that can be enacted by the Planning Committee to more quickly and expeditiously resolve these types of disputed facts as set out in both of the above circumstances, would be of immense benefit to not only Planning Staff, but to all Members of the Planning Committee and City Council, as well as the citizens of Hamilton. These initiatives relate to a review of the directive concerning "redaction and the expectation of privacy, with the exception of telephone number and email address)", and by the self-vetting of documentation and letters in support by the Applicant and by the Planning Consultant who references such letters and petitions.

Accordingly, I am making the following suggestions for your consideration:

- k) All Applicants shall be required to provide a written confirmation to the Planning Department at the time the Applicant submits any documentation concerning or referring to Letters of Support/Petitions, that the Applicant has vetted all letter writers in support of the application and supporting petitioners, and is fully satisfied that there exists no conflicts of interest, or any circumstances or relationship between the letter writer and the Applicant which warrants a declaration of interest.
- l) All Applicants shall be required to file an Undertaking and Acknowledgement in writing that at any private meetings hosted by the Applicant with invited representatives from Neighbourhood Associations, that comments or private viewpoints made by or attributed to any representative at such meeting, shall not be tendered or referred to as evidence or be

used as grounds for support of any application by the Applicant or in a submission by the Applicant's Planning Consultant, or that any such expressed private viewpoint or comment is the official position of the Neighbourhood Association.

If the Applicant or Planning Consultant fails to properly conduct a full vetting of writers in support or the petitioners in support, or if the Applicant is in breach of the Undertaking and Acknowledgment, I then propose the following:

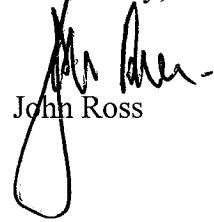
- m) The Applicant and the Applicant's Planning Consultant shall meet in person or by video conference with the Objector(s) who is/are challenging the submissions of the Planning Consultant, and at such meeting the Objecting party shall be able to obtain and review all records, minutes, names of attendees pertaining to any private meeting with Neighbourhood Association representatives, and the Applicant shall further provide to the Objecting party the unredacted Letters of Support and Petition with all the names and addresses of the signatories, together with the names and interests of all parties connected or involved with, or sharing in the profits of the development of the property.
- n) The Objecting party shall have 5 business days to review the challenged documents and material and to then provide to the Applicant and the Applicant's Planning Consultant the documentary evidence which the Objecting party considers to be supportive of a prima facie finding of a potential conflict of interest or a circumstance which warrants a Declaration of Interest.
- o) The Applicant and the Applicant's Planning Consultant and the Objecting party shall meet as soon as practical after 5 business days to resolve and remedy the dispute that may exist between the parties, and for the Applicant or Applicant's Planning Consultant to either rescind, revise or modify the comments set out in any submission filed by the Applicant and which pertains to the involvement of any Neighbourhood Association or which relates to any Letter of Support or signatory to any petition.
- p) In the event the parties cannot resolve their dispute, or if the Applicant does not believe that any conflict of interest exists, or if the Objecting party is not satisfied with the proposed remediation to be taken by the Applicant, then either party shall be able to apply to the Chair of the Planning Committee and request binding arbitration by a staff person or by the executive assistance of any member of the Planning Committee, to be appointed by the Chair. The arbitration shall be based and referenced on the material filed by the parties at the prior meetings, and the arbitrator's decision shall be released prior to the delivery of the final Planning Department Staff Recommendation Report.

It is my sincere belief that enacting the above measures may be of assistance in avoiding future disputes of this nature, thereby saving the Planning Committee valuable time at the actual hearing of any application. Most importantly it will also afford the public some assurance of impartiality

whenever letters of support and petitions are being considered by members of the Planning Committee.

I thank you for your time and consideration.

Yours truly,

A handwritten signature in black ink, appearing to read "John Ross". The signature is stylized with a large, looping initial "J" and a horizontal line extending to the right.

John Ross



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 16, 2021
SUBJECT/REPORT NO:	Biodiversity Action Plan – Six-Month Update (PED21065(b)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Lauren Vraets (905) 546-2424 Ext. 2634
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Report PED21065(a) Biodiversity Action Plan – Six-Month update, be received;
- (b) That Item 21(v) respecting a six-month update report on the progress of the Biodiversity Action Plan be considered complete and removed from the Planning Committee's Outstanding Business List;
- (c) That Item 21(u) respecting the presentation of a draft funding Agreement between the City and the lead environmental organization be considered complete as per Report PED21065(a) presented in August of 2021 and be removed from the Planning Committee's Outstanding Business List.

EXECUTIVE SUMMARY

The term 'biodiversity' refers to the variety of life on earth. It includes all living things, such as bacteria, fungi, insects, plants, fish and wildlife, and humans. Biodiversity is the variety of living organisms that form an interconnected web of life that make up a healthy and resilient environment.

At a local and global scale biodiversity is in a state of decline. To protect and rehabilitate Hamilton's unique biodiversity assets, a coordinated approach between the City of Hamilton and local community environmental partners has been adopted by the

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SUBJECT: Biodiversity Action Plan – Six-Month Update (PED21065(b)) (City Wide) - Page 2 of 8

City of Hamilton. The Biodiversity Action Plan (BAP) will assist in ensuring that there are clear goals and actionable strategies for protecting, enhancing and restoring biodiversity in Hamilton. Furthermore, the BAP will apply a forward-looking lens in terms of climate change implications for species in Hamilton and will seek to integrate actions through policies and programs across multiple City departments.

Report PED21065 – Feasibility Report for Biodiversity Action Plan was presented to the General Issues Committee (GIC) on April 7, 2021. Recommendation (f) from Report PED21065 directed Staff to provide an update to Committee/Council regarding the BAP in six months.

This Report (PED21065(b)) provides a project update of the BAP project as directed by Council.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None

Staffing: None

Legal: None

HISTORICAL BACKGROUND

An informal ad hoc working group consisting of representatives from Hamilton's conservation community (Environment Hamilton, Hamilton Naturalists' Club, Hamilton Conservation Authority, Bay Area Restoration Council, Royal Botanical Gardens (RBG)) met in the 2018-2021 time period to discuss the development of a biodiversity action plan to address the pressing concern of species and habitat biodiversity protection and enhancement.

On February 19, 2020, GIC passed a motion directing City staff to investigate the feasibility and resources required to develop a biodiversity action plan in collaboration with the conservation community.

The following is a brief summary of the progress of the BAP to date:

- April 7, 2021 – GIC approved Report PED21065 – Feasibility Report for a Biodiversity Action Plan;

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Actions:

- (1) Staff consulted with Legal staff to develop a draft Municipal Contribution Agreement for funding to the Hamilton Naturalists' Club;
 - (2) Planning Division and Communications Staff have provided in-kind resources towards graphic design and consultation for communications tools; and,
 - (3) Planning Division and Public Works staff continue to contribute to the BAP development through the inter-agency working group.
- June 9, 2021 – Council approved a motion from the GIC (Item 13.1.c) that all future reports regarding the BAP be referred to the Planning Committee; and,
 - August 10, 2021 – Planning Committee approved Report PED21065(a) – Biodiversity Action Plan – Execution of Agreement with the Hamilton Naturalists' Club;

Action:

- (1) Municipal Contribution Agreement is signed by all parties and funds have been disbursed to Hamilton Naturalists' Club for part-time BAP project coordinator position.

In accordance with the direction from recommendation (f) of Report PED21065, presented in April of 2021, Staff are now reporting back to Committee / Council with a six-month update on the progress of the BAP.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

The BAP working group is made up of staff from the City's Planning and Economic Development Department – Planning Division and Public Works Department - Environmental Services group, and staff from the following external organizations:

Hamilton Naturalists' Club, Environment Hamilton, RBG and Cootes to Escarpment EcoPark System, Hamilton Conservation Authority, Halton Region Conservation Authority, and the Bay Area Restoration Council. The Hamilton Naturalists' Club is the lead organization for the BAP development and houses the BAP Project Coordinator position.

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ANALYSIS AND RATIONALE FOR RECOMMENDATION

The following is a highlight of some of the key project elements for the development of the BAP that have occurred in the past six months (since April of 2021).

Project Charter

After the presentation of the BAP Feasibility Report (PED21065) in April of 2021, the BAP working group has been meeting bi-weekly to establish the project charter. The project charter established by the BAP working group is attached as Appendix “A” to Report PED21065(b). The charter outlines the roles and responsibilities of the BAP working group partners and will help guide group decision making. At a high level, City staff roles and responsibilities will include assisting in developing virtual public engagement tools, communicating across City-departments to determine future actions, assisting with the final layout and design of the BAP, and reporting back to Planning Committee and Council on the draft and final BAP.

Funding Agreement

While City Staff from Planning and Public Works have been involved in the BAP Working Group with local community partners, City staff do not have capacity in their workplans to manage the development of the BAP at this point in time. The Hamilton Naturalists’ Club (HNC) has agreed to be the lead partner for managing the BAP and hire a part-time staff person to develop the BAP. City Council, at its meeting of April 14, 2021, approved a recommendation that the City of Hamilton commit a total combined one-time financial contribution of \$40 K towards the BAP coordinator position at the HNC from the Planning Division and Hamilton Water Division budgets. The Municipal Contribution Agreement between the City and the Hamilton Naturalists’ Club was approved by the Planning Committee on August 10, 2021.

The Municipal Contribution Agreement has been signed by all parties, and disbursement of funds to the HNC is currently underway.

Working Group Membership

The Cootes to Escarpment EcoPark System project coordinator has joined as a BAP working group partner. The involvement of the EcoPark System coordinator will assist in the BAP project development, as the Cootes to Escarpment EcoPark System is also a multi-partner conservation initiative. There is overlap in many areas in terms of ecological goals between both projects, and the EcoPark System project also involves project stakeholders who may be interested in providing feedback on the BAP as it is being developed. RBG staff from the Natural Lands section will also be joining the working group to assist in the development of the BAP.

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The BAP working group partners will continue to meet virtually on a bi-weekly basis to update project progress and to discuss next steps.

BAP Project Coordinator Position

In July of 2021, the HNC hired a part-time staff person to be the lead BAP Coordinator. The BAP Coordinator will be responsible for leading the working group partners through the development of the BAP and will be the main contact person for BAP related inquiries. They will be the lead for organizing and facilitating engagement activities with key local environmental stakeholder groups and the public. The BAP Coordinator position duties and responsibilities were contained in Schedule “A” of Appendix “A” attached to Report PED21065(a) presented at the August 10, 2021 Planning Committee.

To date, the BAP Coordinator has conducted interviews with each of the project working group partners to understand their role in developing the BAP. Interviews were also conducted with staff from other municipalities (City of Guelph, City of Calgary, City of Toronto and City of Edmonton) by the BAP Coordinator, in order to understand the development and implementation of a BAP in other municipalities.

The BAP Coordinator has conducted a Strengths Weaknesses Opportunities and Threats (SWOT) analysis and the preliminary results are as follows:

Strengths

- Working group has comprehensive background reports and data on local biodiversity trends;
- Conservation community leaders have already initiated work to improve biodiversity through organizations; and,
- Existing partnerships between working group participants.

Weaknesses

- Volume of background data requires prioritization of areas of focus; and,
- Working group member organizations may have different priorities, and limited staff resources.

Opportunities

- Coordinated communications and outreach planning between community organizations and City will reach a broader audience; and,
- Alignment with, and contribution to, the City’s Corporate Climate Change Goals.

Threats

- Need commitment for ongoing monitoring of actions after BAP is created; and,
- Actions may require long-term planning and may take time to see positive effects.

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Communications

City Planning staff have begun working with City Communications staff to assist in the development of outreach and communications elements for the BAP and have assisted in developing the BAP project logo, and social media graphics to promote the project. Two samples of the BAP project logo are attached as Appendix “B” attached to Report PED21065(b).

Currently, Communications staff are assisting the BAP working group with the development of a project webpage, to be published on the City of Hamilton’s website. The BAP project webpage will provide project information, links to previous City staff reports, and links to the websites for working group partners.

Project Work Plan - Update

A Draft Project Workplan was originally presented in April of 2021 to the General Issues Committee as Appendix “A” attached to Report PED21065. Table 1 outlines the tasks for Phase 1 of the BAP and their status:

Task	Complete / In Progress	Comments
Develop Project Charter which includes roles and responsibilities of the tasks within the BAP and process for communication amongst the agencies.	Yes.	Project Charter attached as Appendix “A” to Report PED21065(b).
Develop goals and objectives of the BAP.	In Progress.	The goals and objectives of the BAP will be finalized as the BAP Coordinator identifies the key desired outcomes of the project by the working group partners.
Continue communication between the BAP Working Group.	Yes.	Bi-weekly meetings held virtually.
Summarize Biodiversity Action Plans by other municipalities.	In Progress.	This information is being collected and will be presented with the BAP either as a separate background/technical document or as a summary in the BAP itself.

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Task	Complete / In Progress	Comments
Summarize existing state of biodiversity in Hamilton based on existing data sets (including an inventory of existing monitoring activities).	In Progress.	The BAP Coordinator and working group technical experts continue to review the data on the state of Hamilton's biodiversity. The data summary will form part of a separate background/technical report to the BAP or will be summarized in the BAP itself.
Summarize existing City and Community-led strategies that relate to BAP.	In Progress.	There are many existing Community level and City led initiatives that relate to the BAP. While there has been some work done with regard to all of the City initiatives that relate to the BAP, more time is required to create a comprehensive list that outlines all initiatives from all departments/divisions. This information will be provided as part of the supplementary background document to the BAP.
Summarize existing City policies that align with BAP and areas of improvement.	In Progress.	Policy review has been initiated with respect to planning policies. A full summary of City policies the align with the BAP will form part of a background document supplementary to the BAP.

While Phase 1 of the BAP was initially noted in the Project Workplan as anticipated to take 2 months, there remain items that need to be addressed by members of the working group and City Staff. The HNC's hiring of the BAP Coordinator in late July of 2021, has assisted in moving the project forward to address outstanding items.

Next Steps

As actions from Phase 1 of the BAP progress towards completion, the project is entering the next phase of work, which will culminate in a draft BAP document for review and consideration by all project partners and the public. The draft BAP will also summarize the research and data that contributed to the development of the draft BAP. The approximate timing of the completion of the draft BAP is late winter to early spring of 2022. The draft BAP document will be presented to Planning Committee and the Boards of the respective working group partners prior to initiating a phase of public engagement on the draft recommended actions prior to finalization of the BAP.

ALTERNATIVES FOR CONSIDERATION

N/A

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ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Clean and Green

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21065(b) – Biodiversity Action Plan Project Charter

Appendix “B” to Report PED21065(b) – Biodiversity Action Plan Logo

SK:sd

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DRAFT Project Charter

Project: Biodiversity Action Plan

Goal	To develop a multi-stakeholder Biodiversity Action Plan for the City of Hamilton.
Objective	To produce a collaborative goal-oriented Biodiversity Action Plan that will recommend practical science-based solutions to stakeholders, and engage the public, with the aim to protect, enhance, and restore biodiversity in the City of Hamilton.
Deliverables	<ul style="list-style-type: none"> • State of Hamilton’s Biodiversity summary to serve as a benchmark for monitoring; • Background report of current biodiversity protection, restoration and education actions in Hamilton; • Determine key areas of focus (theme areas); • Develop actions relating to areas of focus; • Public consultation of draft document as well as ongoing communication through the BAP development; • Reporting back to Boards and Councils of all Working Group members; • Deliver final BAP; and, • Monitoring: Reporting back every 2 years for State of Biodiversity.
Project Partners	<p>Project Leads:</p> <ul style="list-style-type: none"> • Project Manager - Hamilton Naturalists’ Club • BAP Coordinator (HNC filling gap until Coordinator is in place). <p>Working Group Members</p> <ul style="list-style-type: none"> • City of Hamilton, Planning and Economic Development – Policy Planning, Natural Heritage; • City of Hamilton, Public Works – Environmental Services; • Environment Hamilton; • Hamilton Conservation Authority; • Conservation Halton; and, • Cootes to Escarpment EcoPark System Secretariat • Bay Area Restoration Council. <p><i>All Biodiversity Working Group members have direction from Boards and Councils to collaborate on the development of the Biodiversity Action Plan. This includes the City of Hamilton Council motion on April 7, 2021 (PED21065).</i></p> <p>Stakeholder Group (to be updated throughout the project)</p> <ul style="list-style-type: none"> • First Nations;

Appendix "A" to Report PED21065(b)

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	<ul style="list-style-type: none"> • Royal Botanical Gardens; • Niagara Peninsula Conservation Authority; • Grand River Conservation Authority; • Bruce Trail Conservancy; • Niagara Escarpment Commission; • Ministry of the Environment Conservation and Parks; • Ontario Plant Restoration Alliance; • Bird Friendly Cities Hamilton; • Dundas Turtle Watch; • Local ecologists, foresters, botanists, etc.; • Ontario Federation of Agriculture; • OSCIA; • Ontario Hydro; • Ministry of Transportation; • McMaster and Redeemer Universities, Mohawk College, Hillfield Strathallan College; • School Boards; • Hamilton Port Authority; • Hamilton Industrial Environmental Association; • Hamilton Health Sciences; • Green Venture; and, • Hamilton International Airport.
<p>Roles and Responsibilities</p>	<p>BAP Coordinator and Project Manager</p> <p><u>Researching/Writing</u></p> <ul style="list-style-type: none"> • Act as head researcher and writer for BAP; • Produce a background report summarizing the state of biodiversity in Hamilton in consultation with the Working Group and with Stakeholders; • Summarize the existing and City and Community led projects related to biodiversity; • Provide a summary of the public / stakeholder engagement; • Incorporate working group comments and public/stakeholder feedback into final draft; and, • Draft of the final BAP document including actions, timeline, and the lead agency/organization. <p><u>Administrative</u></p> <ul style="list-style-type: none"> • Organize and facilitate bi-weekly BAP Working Group meetings during BAP development, including preparation of agenda and minutes, and distribution to Working Group members; • Seek out additional funding opportunities for the BAP development and manage BAP funds. Maintain transparent accounting for BAP funds;

Appendix "A" to Report PED21065(b)

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	<ul style="list-style-type: none"> • Distribute draft written materials to BAP working group members for comment; and, • Manage project files in OneDrive. <p><u>Communications/Public Engagement</u></p> <ul style="list-style-type: none"> • Act as lead contact person for all communications related to the BAP development; • Develop communications plan in partnership with Working Group members for building public awareness of the BAP (social media, websites, etc.); • Coordinate with Working Group members and facilitator on public engagement activities / open houses (in-person and/or virtual); • Present final BAP to Council alongside presentation and report by City Staff. Present final BAP to Boards of Working Group members if requested; and, • Attend (virtually or in-person) all City meetings related to the BAP and make delegations to Committee and Council (if needed). <p>Facilitator</p> <ul style="list-style-type: none"> • Works with the Biodiversity Working Group to prepare for stakeholder and public open house sessions about: (1) the current state of Hamilton's biodiversity; and, (2) the key actions to be included in the Biodiversity Action Plan. This will also include discussions about the BAP structure; and, • Lead the series of workshops for each topic and prepare the summary report that will inform the Biodiversity Action Plan. <p>City of Hamilton – Planning Division staff</p> <ul style="list-style-type: none"> • Prepare and present six-month update report, draft BAP and final BAP report to the General Issues Committee/City Council; • Prepare letters of support for funding applications submitted for the BAP by partnering organizations; • Assist in facilitating public engagement through development of Engage Hamilton webpage as well as project webpage with BAP information and resources/contacts for BAP coordinator; • Contact person for public inquiries related to City involvement in the BAP; and, • Liaison for working group to City Communications/Creative Design team for graphic design, printing.
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Appendix “A” to Report PED21065(b)
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	<p>Working Group Members</p> <ul style="list-style-type: none"> • Attend bi-weekly meetings; • Communicate information back to organization or agency and gather information as needed; • Review and comment on documents and information presented; • Encourage other staff to participate in the various stages of BAP development and in the focused consultation sessions about setting benchmarks and actions/recommendations; and, • Share in taking notes during meetings.
Communications	<p>Within working group:</p> <ul style="list-style-type: none"> • Group members can share information through the OneDrive folder where live edits can be made, or documents can be downloaded and then uploaded with edits; • City of Hamilton will download documents from OneDrive and will send comments to the BAP Coordinator by email; and, • Bi-weekly meetings. <p>Communications to the public:</p> <ul style="list-style-type: none"> • Draft documents cannot be shared without approval from Working Group members; • Public consultation will gather comments on draft Biodiversity Action Plan; and, • Key communications to be coordinated collectively, and cooperatively.
Timing	<p>BAP Completion: June of 2022 Report to Planning Committee: September of 2022</p>





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
DATE:	November 16, 2021
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21186) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Shannah Evans (905) 546-2424 Ext. 1928
SUBMITTED BY:	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

In accordance with the June 16, 2015 Planning Committee direction, this Report provides a status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision Applications relative to the statutory timeframe provisions of the *Planning Act* for non-decision appeals. In addition, this report also includes a list and status of all appendices appealed to the Ontario Land Tribunal for non-decision.

Background:

Planning Division staff have been preparing and submitting on a monthly basis, an Information Report to the Planning Committee on the status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision Applications relative to the 120 day or the 180 day statutory timeframe provisions of the *Planning Act* for non-decision appeals to the Planning Committee. The monthly report includes a table outlining the active Applications, sorted by Ward, from oldest Application to newest.

Policy Implications and Legislative Requirements – Pre Bill 108

In accordance with the *Planning Act*, prior to September 3, 2019, an Applicant had the right to appeal to the Ontario Land Tribunal an Official Plan Amendment Application after 210 days (Subsection 17 (40)), Zoning By-law Amendment Application after 150

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21186) (City Wide) - Page 2 of 4

days (Subsection 34 (11)) and a Plan of Subdivision after 180 days (Subsection 51 (34)).

In accordance with Subsection 17(40.1) of the *Planning Act*, the City of Hamilton had extended the time period of Official Plan Amendment Applications from 180 days to 270 days for Applications received after July 1, 2016 as prescribed in Bill 73 and from 210 to 300 days for Applications received after December 12, 2017 as prescribed in Bill 139. It should be noted that either the City or the Applicant were able to terminate the 90-day extension period if written notice to the other party was received prior to the expiration of the 180 day or 210 day statutory timeframes.

In addition, Zoning By-law Amendment Applications that were submitted with an Official Plan Amendment Application were subject to the 210 day statutory timeframe.

Policy Implications and Legislative Requirements – Post Bill 108

On June 6, 2019, Bill 108 received Royal Assent, which reduced the statutory timeframes for non-decision appeals to the Ontario Land Tribunal outlined in the *Planning Act* for Official Plan Amendments, Zoning By-law Amendments and Plans of Subdivision. The changes are applicable to complete Applications received on or after September 3, 2019.

In accordance with the *Planning Act*, an Applicant may appeal an Official Plan Amendment Application to the Ontario Land Tribunal for non-decision after 120 days (Subsection (40)), a Zoning By-law Amendment Application after 90 days (Subsection 34 (11)) and a Plan of Subdivision after 120 days (Subsection 51 (34)). However, Zoning By-law Amendment Applications that are submitted together with a required Official Plan Amendment Application are also subject to the statutory timeframe of 120 days. The 90-day extension previously prescribed in Bills 73 and 139 is no longer applicable.

Information:

Staff were directed to report back to Planning Committee with a reporting tool that seeks to monitor Applications where the applicable statutory timeframes apply. This reporting tool would be used to track the status of all active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications.

For the purposes of this Report, the status of active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision Applications have been divided, relative to the statutory timeframe provisions of the *Planning Act*, that were in effect pursuant to statutory timeframes prescribed in Bill 73 and Bill 139 and new statutory timeframes prescribed in Bill 108.

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21186) (City Wide) - Page 3 of 4

Applications Deemed Complete Prior to Royal Assent of Bill 139 (December 12, 2017)

Attached as Appendix “A” to Report PED21186 is a table outlining the active Applications received prior to December 12, 2017 sorted by Ward, from oldest Application to newest. As of October 19, 2021, there were:

- 5 active Official Plan Amendment Applications, all of which were submitted after July 1, 2016, and therefore subject to the 90 day extension to the statutory timeframe from 180 days to 270 days;
- 9 active Zoning By-law Amendment Applications; and,
- 6 active Plan of Subdivision Applications.

Within 60 to 90 days of November 16, 2021, all nine development proposals have passed the applicable 120, 180 and 270 day statutory timeframes.

Applications Deemed Complete After Royal Assent of Bill 139 (December 12, 2017)

Attached as Appendix “B” to Report PED21186 is a table outlining the active Applications received after December 12, 2017, but before Royal Assent of Bill 108, sorted by Ward, from oldest Application to newest. As of October 19, 2021, there were:

- 6 active Official Plan Amendment Applications, all of which are subject to the 90 day extension to the statutory timeframe from 210 days to 300 days;
- 11 active Zoning By-law Amendment Applications; and,
- 5 active Plan of Subdivision Applications.

Within 60 to 90 days of November 16, 2021, all twelve development proposals have passed the applicable 150, 180 or 300 day statutory timeframes.

Applications Deemed Complete After Royal Assent of Bill 108 (September 3, 2019)

Attached as Appendix “C” to Report PED21186 is a table outlining the active applications received after September 3, 2019, and subject to the new statutory timeframes, sorted by Ward, from oldest application to newest. As of October 19, 2021, there were:

- 27 active Official Plan Amendment Applications;
- 49 active Zoning By-law Amendment Applications; and,
- 12 active Plan of Subdivision Applications.

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21186) (City Wide) - Page 4 of 4

As of October 19, 2021, 11 development proposals are approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. 43 development proposals have passed the 90 or 120 day statutory timeframe.

Planning Division Active Files

Combined to reflect property addresses, there are 75 active development proposals. 33 proposals are 2021 files (44%), 18 proposals are 2020 files (24%) and 24 proposals are pre-2020 files (32%).

Staff continue to work with the AMANDA Implementation Team to add enhancements to the database that will allow for the creation of more detailed reporting. As a result, future tables will include a qualitative analysis of the status of active Applications. It is anticipated that these enhancements will be available in Q4, 2021, and this information will be incorporated into the monthly report to Council. Furthermore, the long-term goal of the Planning Division is to make this information available on an interactive map accessed through the City of Hamilton website.

Current Non-Decision Appeals to the Ontario Land Tribunal

At the February 2, 2021 Planning Committee meeting, Planning Committee requested that information be reported relating to Development Applications that have been appealed for non-decision to the Ontario Land Tribunal. Attached as Appendix "D" to Report PED21194 is a table outlining Development Applications, along with the applicant/agent, that have been appealed for non-decision to the Ontario Land Tribunal. There are currently 13 active appeals for non-decision. Third party appeals are not included in this information as Council has made a decision on the Application.

Appendices and Schedules Attached:

Appendix "A" to Report PED21186 - List of Active Development Applications (prior to December 12, 2017)

Appendix "B" to Report PED21186 - List of Active Development Applications (after December 12, 2017)

Appendix "C" to Report PED21186 - List of Active Development Applications (after September 3, 2019)

Appendix "D" to Report PED21186 - *Planning Act* Applications Currently Appealed for Non-Decision to the Ontario Land Tribunal

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**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective October 19, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of November 16, 2021
Ward 7									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James Street, Hamilton	27-Sep-17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	1511
Ward 9									
UHOPA-16-26 ZAC-16-065 25T-201611	478 and 490 First Road West, Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	1861
UHOPA-16-27 ZAC-16-066 25T-201612	464 First Road West Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	1861
UHOPA-17-01 ZAC-17-001 25T-201701	15 Ridgeview Drive, Stoney Creek	02-Dec-16	n/a	16-Dec-16	01-Apr-17	31-May-17	29-Aug-17	A.J. Clarke & Associates Ltd.	1810

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective October 19, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of November 16, 2021
Ward 10									
ZAC-15-040	9 Glencrest Avenue, Stoney Creek	02-Jul-15	n/a	17-Jul-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	2329
UHOPA-17-05 ZAC-17-015 25T-201703	1, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, Stoney Creek	23-Dec-16	n/a	17-Jan-17	22-Apr-17	21-Jun-17	19-Sep-17	IBI Group	1789
Ward 12									
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Road, Ancaster	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	n/a	Liam Doherty	2155

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective October 19, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of November 16, 2021
Ward 13									
ZAC-17-062	45 Secinaro Avenue, Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	n/a	T. Johns Consultants Inc.	1572
ZAC-17-064 25T-201710	655 Cramer Road Flamborough	09-Aug-17	n/a	17-Aug-17	07-Dec-17	05-Feb-18	n/a	A.J. Clarke & Associates Ltd.	1600

Active Development Applications

1. When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 120, 180 and 270 day timeframe commences on the date the new materials were submitted. In all other situations, the 120, 180 and 270 day timeframe commences the day the Application was received; and,
- * In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment Applications by 90 days from 180 days to 270 days. However, Applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 180 statutory timeframe.

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective October 19, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of October 19, 2021
Ward 2									
UHOPA-18-004* ZAC-18-009	299 - 307 John Street South, Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	18-Oct-18*	Urban Solutions Planning & Land Development	1425
ZAR-19-008	124 Walnut Street South, Hamilton	21-Dec-18	n/a	18-Jan-19	20-May-19	n/a	n/a	IBI Group	1061
Ward 6									
ZAC-19-035	694 Pritchard Road, Stoney Creek	08-May-19	n/a	21-May-19	05-Oct-19	n/a	n/a	Urban in Mind Planning Consultants	923
Ward 8									
ZAC-19-017	1020 Upper James Street, Hamilton	28-Feb-19	n/a	11-Mar-19	28-Jul-19	n/a	n/a	Wellings Planning Consultants Inc.	992

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective October 19, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of October 19, 2021
Ward 10									
UHOPA-19-003* ZAC-19-007 25T-2019001	238 Barton Street Stoney Creek	19-Dec-18	n/a	02-Jan-19	n/a	17-Jun-19	15-Oct-19*	A.J. Clarke & Associates Ltd.	1063
Ward 11									
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Road West, Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	1225
Ward 12									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Drive, Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar-19	n/a	Fothergill Planning & Development Inc.	1164
25T-2018006	140 Garner Road, Ancaster	05-Jul-18	n/a	08-Nov-18	n/a	01-Jan-19	n/a	MHBC Planning Limited	1104

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective October 19, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of October 19, 2021
Ward 12 Continued									
UHOPA-18-022* ZAC-18-056 25T-2018010	26 Southcote Road, Ancaster	05-Nov-18	n/a	15-Nov-18	n/a	04-May-19	01-Sep-19*	A.J. Clarke & Associates Ltd.	1107
UHOPA-18-024* ZAC-18-058	154 Wilson Street East, Ancaster	28-Nov-18	n/a	10-Dec-18	n/a	n/a	24-Sep-19*	Urban Solutions Planning & Land Development	1084
Ward 14									
ZAC-19-011	1933 Old Mohawk Road, Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	1070
Ward 15									
RHOPA-18-020* ZAC-18-045	173 & 177 Dundas Street East, Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	1212

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective October 19, 2021)**

Active Development Applications

1. When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 150, 180, 210 and 300 day timeframe commences on the date the new materials were submitted. In all other situations, the 150, 180, 210 and 300 day timeframe commences the day the Application was received;
- * In accordance with Section 34 (11.0.0.0.1), of the *Planning Act*, the approval period for Zoning By-law Amendment Applications submitted concurrently with an Official Plan Amendments, will be extended to 210 days; and,
- * In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment Applications by 90 days from 210 days to 300 days. However, Applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 210 statutory timeframe.

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective October 19, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of November 16, 2021
Ward 1								
UHOPA-20-012 ZAC-20-016	1107 Main Street West, Hamilton	13-Feb-20	n/a	13-Mar-20	n/a	12-Jun-20	Bousfields Inc.	642
UHOPA-20-027 ZAC-20-042	1629-1655 Main Street West, Hamilton	2-Nov-20	n/a	1-Dec-20	n/a	02-Mar-21	GSP Group	373
Ward 2								
UHOPA-20-001 ZAR-20-001	383 and 383 ½ Hughson Street North, Hamilton	29-Nov-19	n/a	29-Dec-19	n/a	28-Mar-20	T. Johns Consulting Group	718
UHOPA-20-008 ZAR-20-013	222-228 Barton Street East, and 255 – 265 Wellington Street North, Hamilton	20-Dec-19	n/a	17-Jan-20	n/a	18-Apr-20	Urban Solutions Planning and Land Development	697
UHOPA-20-025 ZAC-20-038	115 George Street and 220-222 Main Street West, Hamilton	04-Sep-20	n/a	28-Sep-20	n/a	02-Jan-21	GSP Group	438

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective October 19, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of November 16, 2021
Ward 2 Continued								
UHOPA-21-007 ZAC-21-014	101 Hunter Street East, Hamilton	23-Mar-21	n/a	8-Apr-21	n/a	21-Jul-21	Coletara Developments	238
ZAC-21-020	221 Charlton Avenue East, Hamilton	26-Apr-21	n/a	06-May-21	25-Jul-21	n/a	T. Johns Consulting Group	204
UHOPA-21-014 ZAC-21-031	405 James Street North, Hamilton	07-July-21	n/a	19-July-2021	n/a	03-Nov-2021	Jamesville Redevelopment Ltd. CityHousing Hamilton	121
Ward 3								
UHOPA-21-013 ZAC-21-028	315 Robert Street and 219, 225, 247 East Avenue North	05-July-21	n/a	08-Jul-21	n/a	2-Nov-21	T. Johns Consulting Group	127
Ward 4								
UHOPA-21-009 ZAC-21-021	1842 King St. E., Hamilton	07-May-21	n/a	13-May-21	n/a	04-Sep-21	Urban Solutions Planning and Land Development	193

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective October 19, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of November 16, 2021
Ward 4 Continued								
ZAR-21-034	20 Reid Avenue North	03-Aug-21	25-Aug-21	30-Aug-21	03-Nov-21	n/a	Roxborough Park Inc.	78
Ward 5								
UHOPA-21-019 ZAC-21-041	510 Centennial Parkway Stoney Creek	22-Sep-21	n/a	22-Sep-21	n/a	20-Jan-22	Smart Centres REIT	55
ZAC-21-043	300 Albright Road, Hamilton	29-Sep-21	n/a	30-Sep-21	04-Jan-22	n/a	MHBC Planning Ltd.	48
Ward 7								
UHOPA-20-021 ZAC-20-037 25T-202006	544 and 550 Rymal Road East, Hamilton	11-Sep-20	n/a	11-Oct-20	n/a	09-Jan-20	Rymal East Development Corp.	431
UHOPA-21-005 ZAC-21-009 25T-202104	311 and 313 Stone Church Road East, Hamilton	14-Dec-20	n/a	22-Jan21	n/a	13-Apr-21	Urban Solutions Planning and Land Development	337

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective October 19, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of November 16, 2021
Ward 7 Continued								
ZAC-21-023	1540 Upper Wentworth Street	14-Jun-21	n/a	21-Jun-21	12-Sep-21	n/a	T. Johns Consulting Group	148
UHOPA-21-012 ZAC-21-026	705-713 Rymal Road East, Hamilton	2-July-21	n/a	27-July-21	n/a	30-Oct-21	Wellings Planning Consultants Inc.	113
Ward 8								
ZAC-19-056	11 Springside Crescent, Hamilton	26-Nov-19	n/a	06-Dec-19	25-Mar-20	n/a	Urban In Mind Planning Consultants	721
ZAC-20-018	212 and 220 Rymal Road West, Hamilton	20-Feb-20	n/a	16-Mar-20	19-Jun-20	n/a	T. Johns Consulting Group	635
UHOPA-20-017 ZAC-20-029 25T-202003	393 Rymal Road West, Hamilton	20-Jul-20	n/a	19-Aug-20	n/a	17-Nov-20	GSP Group Inc.	484
UHOPA-21-011 ZAC-21-025	60 Caledon Avenue, Hamilton	02-Jul-21	n/a	08-Jul-21	n/a	05-Nov-21	GSP Group Inc.	132

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective October 19, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of November 16, 2021
Ward 8 Continued								
ZAC-21-029 25T-202108	204, 212, 220, 226 Rymal Road West, Hamilton	05-July- 21	n/a	09-Aug-21	n/a	02-Nov-21	T. Johns Consulting Group	100
ZAC-21-036	866 West 5 th Street, Hamilton	11-Aug- 21	n/a	03-Sep-21	09-Nov-21	n/a	Urban Solutions Planning and Land Development	73
Ward 9								
ZAC-20-004	329 Highland Road West, Stoney Creek	20-Dec- 19	n/a	16-Jan-20	18-Apr-20	n/a	WEBB Planning Consultants Inc.	697
UHOPA-20- 010 ZAC-20- 015 25T-200303R	2080 Rymal Road East, Glanbrook	20-Dec- 19	20-Jan-20	31-Jan-20	n/a	19-May-20	A.J. Clarke & Associates Ltd.	655
ZAC-20-026	250 First Road West, Stoney Creek	20-Jul-20	n/a	24-Jul-20	30-Sep-20	n/a	Urban Solutions Planning and Land Development	502

**Active Development Applications
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(Effective October 19, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of November 16, 2021
Ward 9 Continued								
UHOPA-21-016 ZAC-21-033	136 and 144 Upper Mount Albion Road, Stoney Creek	15-Jul-21	n/a	n/a	n/a	12-Nov-21	Bousfields Inc.	124
Ward 10								
ZAC-19-036	564 Fifty Road, Stoney Creek	08-May-19	28-May-19	16-Mar-20	n/a	n/a	DeFilippis Design	610
UHOPA-21-004 ZAC-21-008	1290 South Service Road, Stoney Creek	25-Dec-20	n/a	21-Jan-21	n/a	24-Apr-21	IBI Group	326
UHOPA-21-018 ZAC-21-039	1400 South Service Road, Stoney Creek	10-Sep-21	n/a	16-Sep-21	n/a	14-Jan-22	MHBC Planning Ltd.	61
Ward 11								
ZAC-20-019	9255 Airport Road, Glanbrook	25-Feb-20	n/a	16-Mar-20	25-May-20	n/a	The MBTW Group	630

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective October 19, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of November 16, 2021
Ward 11 Continued								
25T-202002	9326 and 9322 Dickenson Road, Glanbrook	16-May-20	n/a	09-Apr-20	n/a	07-Aug-20	WEBB Planning Consultants Inc.	613
UHOPA-21-001 ZAC-21-001 25T-202101	3169 Fletcher Road, Glanbrook	14-Dec-20	n/a	12-Jan-21	n/a	12-May-21	A.J. Clarke & Associates Ltd.	337
UHOPA-21-006 ZAC-21-011	582 and 584 Hwy. 8, Stoney Creek	08-Feb-21	n/a	08-Mar-21	n/a	21-Jul-21	SIMNAT Consulting Inc.	281
ZAC-21-024	3435 Binbrook Road, Glanbrook	21-Jun-21	n/a	06-Jul-21	19-Sep-21	n/a	Armstrong Planning	133
UHOPA-21-015 ZAC-21-032	5020 Tyneside Road, Stoney Creek	05-July-21	n/a	30-July-21	n/a	02-Nov-21	LandPro Planning Solutions	110

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective October 19, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of November 16, 2021
Ward 11 Continued								
ZAC-21-045	541 and 545 Fifty Road, Stoney Creek	04-Oct-21	n/a	12-Oct-21	02-Jan-22	n/a	IBI Group	35
Ward 12								
25T-200720R (2019 File)	1020 Osprey Drive, Ancaster	15-Apr-19	30-Aug-19	11-Dec-19	n/a	02-Apr-20	Coltara Development / 1892757 ONTARIO INC.	706
UHOPA-20-009 ZAC-20-014	281 Hamilton Drive, Ancaster	20-Dec-19	n/a	22-Jan-20	n/a	18-Apr-20	A.J. Clarke & Associates Ltd.	697
UHOPA-20-013 ZAC-20-017	210 Calvin Street, Ancaster	18-Feb-20	04-Mar-20	11-Jun-20	n/a	09-Oct-20	SGL Planning & Design Inc.	523
ZAC-20-024	140 Wilson Street West, Ancaster	15-Jun-20	n/a	02-Jul-20	13-Sep-20	n/a	A.J. Clarke & Associates Ltd.	519
ZAR-20-040	1552 Concession 2 West, Flamborough	15-Oct-20	n/a	29-Oct-20	13-Jan-21	n/a	Urban in Mind	673

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective October 19, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of November 16, 2021
Ward 12 Continued								
25T-202102	370 Garner Road East, Ancaster	18-Dec-20	n/a	22-Jan-21	n/a	17-Apr-21	A.J. Clarke & Associates Ltd.	333
UHOPA-21-002 ZAC-21-002	327 and 335 Wilson Street East, Ancaster	23-Dec-20	n/a	15-Jan-21	n/a	22-Apr-21	T. Johns Consulting Group	328
25T-202105	700 Garner Road East, Ancaster	18-Jan-21	n/a	04-Feb-21	n/a	18-May-21	MHBC Planning Ltd.	302
ZAR-21-015	365 Springbrook Drive, Ancaster	25-Mar-21	n/a	9-Apr-21	23-Jun-21	n/a	GSP Group	236
ZAC-21-027	140 & 164 Sulphur Springs Road, Ancaster	05-Jul-21	n/a	16-July-21	02-Oct-21	n/a	Fothergill Planning & Development Inc.	124

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective October 19, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of November 16, 2021
Ward 12 Continued								
ZAC-21-030	1040 Garner Road West, Ancaster	05-Jul-21	n/a	29-Jul-21	02-Oct-21	n/a	Urban Solutions Planning & Land Development	11
RHOPA-21-017 ZAC-21-040	173 Highway 52, Flamborough	14-Sep-21	n/a	20-Sep-21	n/a	18-Jan-22	Don Robertson	57
25T-202110	179 Wilson Street West, Ancaster	28-Sep-21	n/a	07-Oct-21	n/a	26-Jan-22	T. Johns Consulting	40
Ward 13								
ZAC-21-003	125 Pirie Drive, Dundas	23-Dec-20	n/a	22-Jan-21	23-Mar-21	n/a	Wellings Planning Consultants	328
Ward 15								
ZAC-20-006	518 Dundas Street East, Dundas	23-Dec-19	n/a	22-Jan-20	n/a	21-Apr-20	Urban Solutions Planning and Land Development	694

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective October 19, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of November 16, 2021
Ward 15 Continued								
UHOPA-21-003 ZAC-21-007 25T-202103	562 Dundas Street East, Flamborough	23-Dec-20	n/a	08-Feb-21	n/a	22-Apr-21	Metropolitan Consulting Inc.	328
ZAC-21-017	265 Mill Street South, Flamborough	8-Apr-21	n/a	12-Apr-21	7-Jul-21	n/a	IBI Group	222

Active Development Applications

1. When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 90 and 120 day timeframe commences on the date the new materials were submitted. In all other situations, the 90 and 120 day timeframe commences the day the Application was received.

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (OLT)
(Effective October 19, 2021)**


Ward	Address	Applicant /Agent	Date Appeal Received
Ward 1			
1	69 Sanders Boulevard and 1630 Main Street West, Hamilton	Urban Solutions Planning and Land Development Consultants Inc.	October 2020
1	1190 Main Street West, 43, 47, 51 & 55 Forsyth Avenue South, 75, 77, 81, 83, 99, 103, 107, 111, 115 Traymore Avenue and 50 Dalewood Avenue, Hamilton	Bousfields Inc.	March 2018
1	354 King Street West, Hamilton	GSP Group	July 2021
Ward 2			
2	195 Wellington Street South, Hamilton	Bousfields Inc.	November 2017
Ward 8			
8	801-870 Scenic Drive, Hamilton	Valery Developments Inc.	May 2021
Ward 9			
9	157 Upper Centennial Parkway, Stoney Creek	WEBB Planning Consultants Inc.	September 2017

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (OLT)
(Effective October 19, 2021)**

Ward	Address	Applicant /Agent	Date Appeal Received
Ward 11			
11	3033, 3047, 3055 and 3063 Binbrook Road, Glanbrook (Binbrook)	GSP Group	August 2017
11	3355 Golf Club Road, Glanbrook	Corbett Land Strategies Inc.	June 2021
Ward 13			
13	73-89 Stone Church Road West, 1029 West 5 th Street, Hamilton	Urban Solutions Planning and Land Development Consultants Inc.	July 2020
Ward 15			
15	609 and 615 Hamilton Street North, 3 Nesbit Boulevard and 129 – 137 Trudell Circle, Flamborough (Waterdown)	Urban Solutions Planning and Land Development Consultants Inc.	October 2017
15	157 Parkside Drive (a.k.a. 909 North Waterdown Road), Flamborough (Waterdown)	MHBC Planning	March 2020
15	111 Silverwood Drive (111 Parkside Drive, Flamborough (Waterdown)	Metropolitan Consulting Inc.	October 2017
15	30, 36 and 42 Dundas Street East, 50 Horseshoe Crescent, and 522 Highway 6, Flamborough	MHBC Planning	August 2021



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 16, 2021
SUBJECT/REPORT NO:	To Incorporate City Lands into Osprey Drive by By-law (PED21192) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Sally Yong-Lee (905) 546-2424 Ext. 1428
SUBMITTED BY:	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the following City lands designated as Block 20 on Plan 62M-637, Parts 7, 8, 9, 10, 11, 13 and 16 on Plan 62R-21497, and Part 3 on Plan 62R-21780 be established as a public highway to form part of Osprey Drive;
- (b) That the By-law to incorporate the City lands to form part of Osprey Drive, be prepared to the satisfaction of the City Solicitor and be enacted by Council;
- (c) That the General Manager of Public Works be authorized and directed to register the By-law.

EXECUTIVE SUMMARY

Lands have been conveyed to the City for the extension of Osprey Drive as a condition of Site Plan approval for DA-19-145 (1020 Osprey Drive).

The Developer, PLD Osprey Drive Investments LP and Prologis Canada Holding 3 GP ULC, entered into an External Works Agreement with the City to construct the extension of Osprey Drive from Shaver Road to approximately 400m westerly, terminating with a temporary cul-de-sac. The road construction is substantially complete and opened to traffic. This Report is to establish Osprey Drive as a public highway.

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**SUBJECT: To Incorporate City lands into Osprey Drive by By-law (PED21192)
(Ward 12) - Page 2 of 3**

Alternatives for Consideration – See Page 2

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications arising from this Report.

Staffing: There are no associated staffing implications.

Legal: The City of Hamilton is complying with the relevant legislation by enacting this By-law.

HISTORICAL BACKGROUND

As a condition of Site Plan approval for DA-19-146 (1020 Osprey Drive), the Developer, PLD Osprey Drive Investments LP and Prologis Canada Holding 3 GP ULC, entered into an External Works Agreement with the City to convey lands and to construct Osprey Drive from Shaver Road to approximately 400m westerly, terminating with a temporary cul-de-sac.

The lands have been transferred to the City and Osprey Drive has been constructed to a municipal urban industrial standard inclusive of sewers, watermain, and street lighting.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The recommendations do not bind the organization to any policy matter.

RELEVANT CONSULTATION

Geomatics and Corridor Management of the Public Works Department and Legal Services of the City Manager's Office have been consulted.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Current Provincial legislation requires a Municipal By-law passed by Council to incorporate lands into the Municipal public highway system. This Report follows the requirements of that legislation.

ALTERNATIVES FOR CONSIDERATION

Not incorporating the lands into a public highway to form part of Osprey Drive would bar legal access for the proposed industrial developments.

**SUBJECT: To Incorporate City lands into Osprey Drive by By-law (PED21192)
(Ward 12) - Page 3 of 3**

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

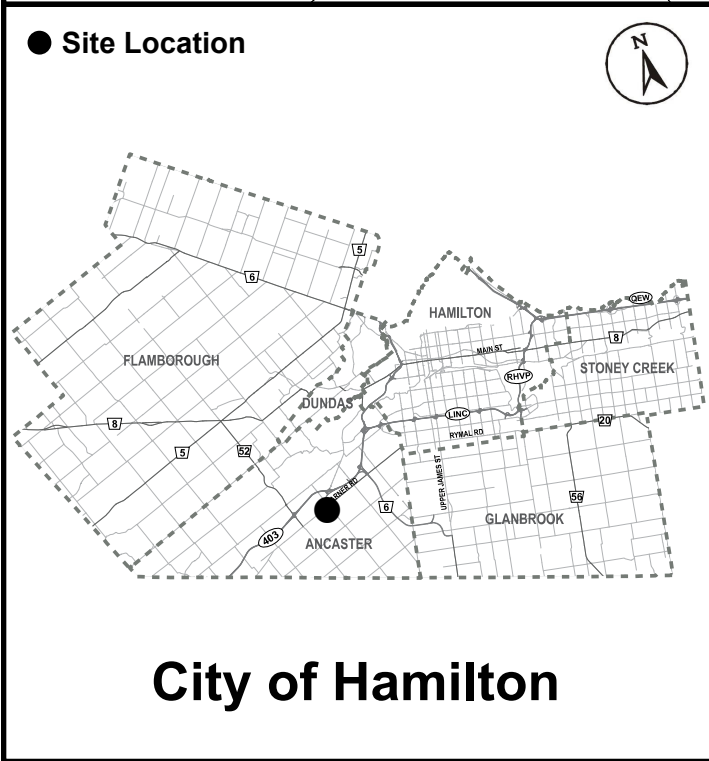
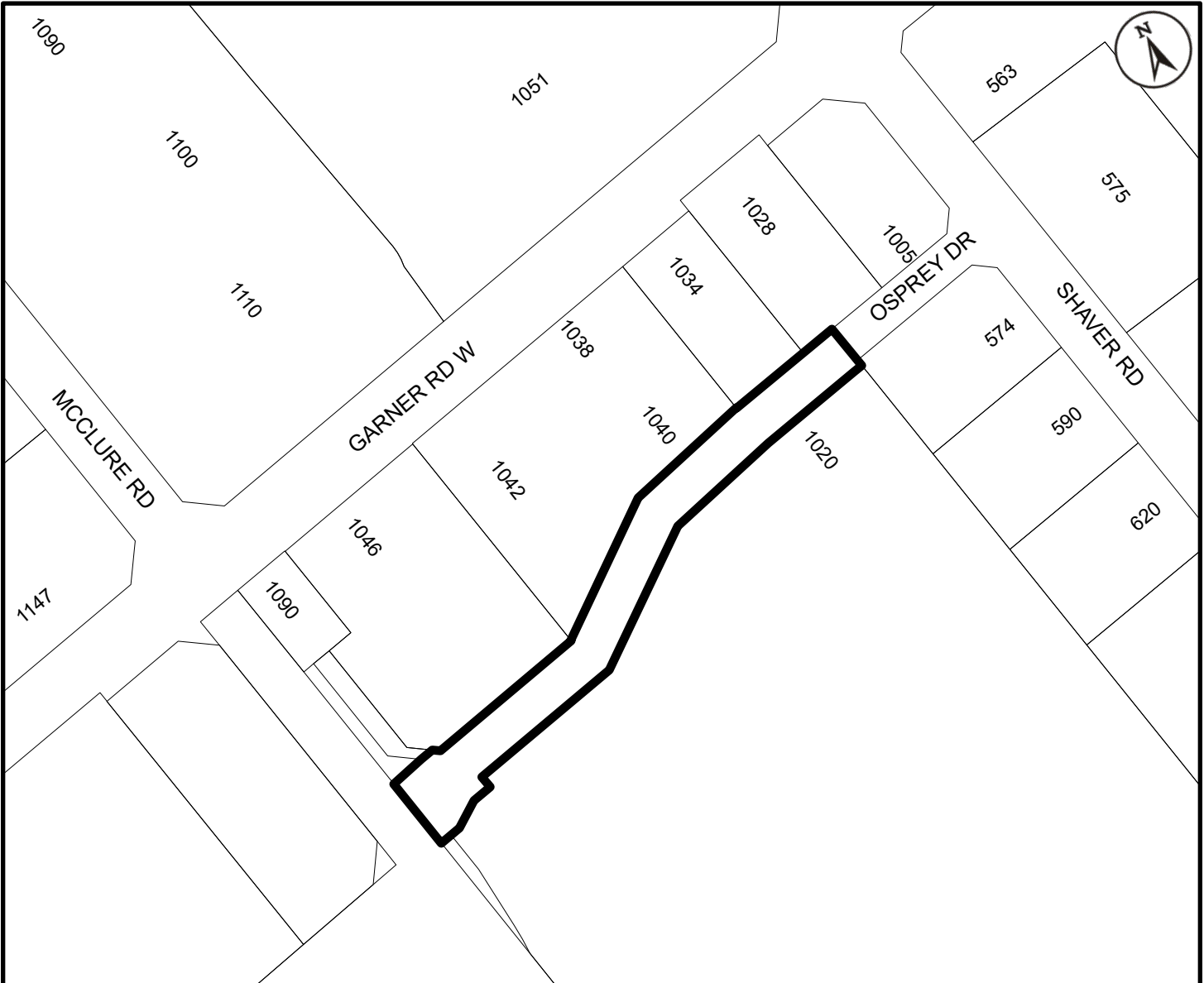
Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21192 – Key Location Map

Appendix “B” to Report PED21192 – By-law No. XX – That the following City lands designated as Block 20 on Plan 62M-637, Parts 7, 8, 9, 10, 11, 13 and 16 on Plan 62R-21497, and Part 3 on Plan 62R-21780 be established as a public highway to form part of Osprey Drive

SYL:sf



Municipal Address Map

<p>Subject Property</p> <p> Osprey Drive (Ancaster)</p>	<p>File Name/Number: Osprey Dr</p>
	<p>Date: October 6, 2021</p>
	<p>Technician: NB</p>
	<p>Map Not To Scale</p>
	<p>Appendix "A"</p>
<p>Hamilton</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	

**Appendix "B" to Report PED21192
Page 1 of 1**

Bill No.

CITY OF HAMILTON

BY-LAW NO. 21-

**To Establish City of Hamilton Land
Described as Block 20 on Plan 62M-637, Parts 7, 8, 9, 10, 11, 13 and 16 on Plan
62R-21497 and Part 3 on Plan 62R-21780 as Part of Osprey Drive**

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Block 20 on Plan 62M-637, Parts 7, 8, 9, 10, 11, 13, and 16 on Plan 62R-21497 and Part 3 on Plan 62R-21780, is established as a public highway, forming part of Osprey Drive.
2. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of , 2021.

Fred Eisenberger
Mayor

Andrea Holland
City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Transportation Planning and Parking Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 16, 2021
SUBJECT/REPORT NO:	Adjustments to School Crossing Guard Locations (PED21213) (Wards 5, 7 and 9)
WARD(S) AFFECTED:	Wards 5, 7 and 9
PREPARED BY:	James Buffett (905) 546-2424 Ext. 3177
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the revised list of school crossing guard locations resulting from school closures, openings, construction projects, walking patterns, and lunch program changes in Wards 5, 7 and 9, as outlined in Appendix "A" attached to Report PED21213, be approved;
- (b) That staff be authorized and directed to consult with the affected Ward Councillors and to use delegated authority for adding and/or removing school crossing guards prior to City Council approval for any proposed changes by the Hamilton-Wentworth District School Board (HWDSB) and the Hamilton-Wentworth Catholic District School Board (HWCDSB) for the 2022/2023 school year.

EXECUTIVE SUMMARY

Staff undertakes an annual review of school crossing and potential school crossing locations to ensure the safe crossing of school aged children on public highways. City Council has delegated authority to staff to assign temporary school crossing guards in emergency situations until such time as Council approvals can be obtained. In addition, in areas where schools were closed/opened or where boundaries or lunch programs have been adjusted, it was necessary to use staff's delegated authority and to have new guards in place during the beginning of the 2021/2022 school year.

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SUBJECT: Adjustments to School Crossing Guard Locations (PED21213) (Wards 5, 7 and 9) - Page 2 of 3

This review has identified the need to:

- Add one New Crossing Location;
- Remove Lunch Crossings from three locations; and,
- Remove two Crossing Locations.

Staff monitored the locations contained in Appendix “A” attached to this Report during the last half of the 2020/2021 school year and the beginning of the 2021/2022 school year and consulted with all affected Ward Councillors prior to making the recommended changes under delegated authority. While staff is confident that the recommended changes are appropriate, on-going monitoring will continue.

ALTERNATIVES FOR CONSIDERATION – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial/Staffing: The recommended changes will result in a decrease in .59 of crossing guard FTEs and base decrease to operating cost of \$20,671.08

Legal: N/A

HISTORICAL BACKGROUND

Throughout the 2020/2021 school year and at the beginning of the 2021/2022 school year a review of school crossing guard locations across the City was undertaken as a result of school closures/re-openings, walking patterns, boundary changes, and lunch program changes initiated by the HWDSB and the HWCDSB. The purpose of these reviews was to assess the feasibility of each school crossing location and potential new locations with respect to changes in child walking patterns and to ensure appropriately situated school crossing guards to ensure the safe crossing of children on public highways.

Appendix “A” attached to this Report contains a detailed list of the proposed changes to school crossing guard locations in Wards 5, 7 and 9 recommended for the 2021/2022 school year. Staff analysis prior to the commencement of and at the beginning of the 2021/2022 school year confirms that the revised crossing guard locations adequately service the current child walking patterns. However, staff will continue to monitor during the 2021/2022 school year, in the event that any conditions change.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

SUBJECT: Adjustments to School Crossing Guard Locations (PED21213) (Wards 5, 7 and 9) - Page 3 of 3

RELEVANT CONSULTATION

Staff of the HWDSB and the HWCDSB, including various elementary school officials/stakeholders, as well as, each affected Ward Councillor.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Prior to a school crossing location being recommended, staff undertakes a comprehensive review, and in the event that unsafe crossing conditions exist, a school crossing guard may be assigned to a location to provide safe crossing opportunities for elementary school children. Conversely, in utilizing staff in the most effective and fiscally responsible manner in the event that a comprehensive review determines a guard is no longer warranted, a location may be removed, and the guard may be re-assigned to another location.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**Healthy and Safe Communities**

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21213 – 2021/2022 Adjustments to School Crossing Guard Locations

JB:cr

**Adjustments to School Crossing Locations
 2021 - 2022 School Year**

WARD 5					
Intersection Type	Hours Worked	Crossing Location	Status	Comments	School Serviced
Signalized	1.65	King Street East and Lake Avenue	Removal	School Closure	R. L. Hyslop
Midblock	1.65	Queenston Road and Irene Avenue	Removal	School Closure	Green Acres
Signalized	1.65	King Street East and Quigley Road	Addition	New School, Met Warrant	Sir Wilfrid Laurier/Viola Desmond

WARD 7					
Intersection Type	Hours Worked	Crossing Location	Status	Comments	School Serviced
Minor Stop Controlled	1.65	East 19th and Inverness Avenue East	Lunch Removal	Lunch Removal, No Children Crossing	George L. Armstrong
All Way Stop	1.65	East 27th and Franklin Road	Lunch Removal	Lunch Removal, No Children Crossing	Franklin Road

WARD 9					
Intersection Type	Hours Worked	Crossing Location	Status	Comments	School Serviced
Midblock	1.65	Gatestone Drive at School (Ped. Path)	Lunch Removal	Lunch Removal, No Children Crossing	Gatestone Elementary



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 16, 2021
SUBJECT/REPORT NO:	Pleasantview Area Land Use Study and Associated Rural Hamilton Official Plan and Zoning By-law 05-200 Amendments (PED21206) (Ward 13) (Outstanding Business List Item)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Spencer Skidmore (905) 546-2424 Ext. 1274
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That “Pleasantview Area Land Use Study – October 2021” attached as Appendix “A” to Report PED21206 be received;
- (b) That **City Initiative CI-21-C**, to amend the Rural Hamilton Official Plan for the lands located in Dundas and shown on Appendix “B” attached to Report PED21206, to modify the text and maps of Special Policy Area A – Pleasantview in Volume 3 and to amend the schedules of Volume 1 for the implementation of the recommendations of the Pleasantview Area Land Use Study, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “C” to Report PED21206, prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (ii) That the draft Official Plan Amendment is consistent with the Provincial Policy Statement 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), the Greenbelt Plan (2017), and the Niagara Escarpment Plan (2017);

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SUBJECT: Pleasantview Area Land Use Study and Associated Rural Hamilton Official Plan and Zoning By-law 05-200 Amendments (PED21206) (Ward 13) - Page 2 of 25

- (c) That **City Initiative CI-21-C**, to rezone the lands located in Dundas and shown on Appendix “B” attached to Report PED21206, to add the Pleasantview Area to Zoning By-law 05-200 and add a special exception, holding provision, and temporary use of the By-law to implement the recommendations of the Pleasantview Area Land Use Study, be **APPROVED** on the following basis:
- (i) That the Draft Zoning By-law Amendment attached as Appendix “D” to Report PED21206, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning will be in conformity with the Rural Hamilton Official Plan (RHOP) upon approval of Rural Hamilton Official Plan Amendment (RHOPA) No. XX;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement 2020 and conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), the Greenbelt Plan (2017), and the Niagara Escarpment Plan (2017).
- (d) That Item 21S be identified as complete and removed from the Planning Committee Outstanding Business List.

EXECUTIVE SUMMARY

The Pleasantview Area of Dundas (Study Area) is approximately ±413.5 hectares in size and generally bounded to the east by Highway No. 6, to the north by Patterson Road, to the west by York Road / Valley Road and to the south by the Canadian National Rail Line and Old Guelph Road, as shown on Appendix “B” attached to Report PED21206. The Pleasantview Area has had more than 45 years of layered Provincial and Municipal planning policy and regulation directing development.

The current Municipal policy and zoning framework in effect in the Study Area is the former Town of Dundas Official Plan, specifically Official Plan Amendment (OPA) 23 and the former Town of Dundas Zoning By-law 3581-86. These policy and regulatory frameworks have not been substantially modified or updated since their adoption in 1995 and 1998, respectively. Since then, significant updates to both local and Provincial land use planning policy have occurred. Most notably, in 2013, Niagara Escarpment Plan Amendment 179 (NEPA 179), which included the lands within the Niagara Escarpment Plan Area and applies Special Provisions to the Pleasantview Area (Section 2.2.21). Based on Provincial legislation, the land use planning policy framework in Pleasantview must conform to the applicable Provincial plans, including the Niagara Escarpment Plan.

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SUBJECT: Pleasantview Area Land Use Study and Associated Rural Hamilton Official Plan and Zoning By-law 05-200 Amendments (PED21206) (Ward 13) - Page 3 of 25

On September 10, 2020, Council passed a motion directing staff to undertake a land use study for the area known as Pleasantview. Through the motion, Council considered and passed an Interim Control By-law (ICBL) (By-law 20-186). The purpose of the ICBL was to place a temporary freeze on most development with the Pleasantview area until the Study was completed. The lands subject to the Study and ICBL are the same in extent and are shown on Appendix “B” attached to Report PED21206.

In January of 2021, land use planning consultants (The Planning Partnership and Meridian Planning Consultants) were retained to undertake a land use study for the Study Area. The Study concluded with recommendations for updates to the City’s Rural Hamilton Official Plan and Zoning By-law 05-200 to ensure conformity with the applicable Provincial plans.

Two virtual public open house sessions were held on June 23, 2021 to discuss the draft Land Use Study and recommendations thereof, which were attended by approximately 60 people. Following the sessions, feedback and comments on the Draft Study were subsequently accepted until July 14, 2021.

City Staff have worked with the consulting team in order to prepare the appropriate amendments to the Rural Hamilton Official Plan and Zoning By-law 05-200 to implement the Study recommendations. The resultant draft Rural Hamilton Official Plan and Zoning By-law Amendments can be found attached hereto attached as Appendix “C” and “D” to Report PED21206, respectively.

Drafts of both the Zoning By-law Amendment and Official Plan Amendment By-law were posted on the project webpage on August 6, 2021. Feedback and comments on the By-laws were accepted until August 23, 2021. The posting of the draft Official Plan and Zoning By-law Amendments was advertised through the project email mailing list. City Staff received feedback from several members of the public.

Drafts of both the Zoning By-law Amendment and Official Plan Amendment By-law were also circulated to relevant agency stakeholders for feedback on September 8, 2021 with comments being accepted until October 1, 2021.

While the Study was underway, on July 23, the Ministry of Northern Development, Mines, Natural Resources and Forestry (the Ministry) posted a notice to the Environmental Registry of Ontario webpage (ERO number 019-3898). The purpose of this proposal is to amend Ontario Regulation 826 under the *Niagara Escarpment and Development Act* to add the Pleasantview Area lands to the Area of Development Control for the Niagara Escarpment Commission (NEC).

On August 13, 2021, Council passed an extension to the ICBL (By-law 21-142), which served to extend the ICBL on the Pleasantview lands until such time final approval by

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SUBJECT: Pleasantview Area Land Use Study and Associated Rural Hamilton Official Plan and Zoning By-law 05-200 Amendments (PED21206) (Ward 13) - Page 4 of 25

Council of the draft Rural Hamilton Official Plan amendment and Zoning by-law amendment implementing the recommendations of the Study could be obtained. On September 10, 2021, the Ministry amended Ontario Regulation 826 under the *Niagara Escarpment and Development Act* to include the Pleasantview Area Lands into the area of NEC Development Control.

Following the inclusion of the lands into the area NEC Development Control (September 10, 2021) the ICBL was lifted by Council on September 29, 2021 through the approval of By-law 21-169. Now that the lands are in Development Control, the Zoning By-law has no effect in the Pleasantview Area.

While the Pleasantview lands have now been added to NEC Development Control, official plan and zoning by-law amendments are still required to ensure conformity with the applicable Provincial plans and regulatory consistency between Provincial and Municipal planning documents. The updated Rural Hamilton Official Plan will be used as policy guidance when NEC Staff review Development Permit application. The Zoning by-law can also be referenced when City Staff provide comments on NEC Development Permit applications.

Alternatives for Consideration – See Page 24.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications.

Staffing: There are no staffing implications.

Legal: As required by the *Planning Act*, Council shall hold at least one public meeting to consider an Official Plan Amendment and Zoning By-law Amendment.

HISTORICAL BACKGROUND

Land Use Planning in Pleasantview

The Study Area is approximately ±413.5 hectares (1021.78 acres) in size and is situated below the brow of the Niagara Escarpment west of Highway No. 6 and north of Highway 403. The lands are bounded to the east by Highway No. 6, to the north by Patterson Road, to the west by York Road and to the south by Canadian National Rail Line and Old Guelph Road, as shown on Appendix “B” attached to Report PED21206. The lands contain a variety of land uses and are in public, private, institutional and corporate ownership. The Area has important natural heritage significance including

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several Environmentally Sensitive Areas (ESAs) that form an important link between Cootes Paradise and the Niagara Escarpment.

The Pleasantview area has had more than 45 years of layered Provincial and Municipal planning policy and regulations directing development. The area remains subject to the provisions of the Official Plan of the former Town of Dundas as set out by the Ontario Municipal Board (OMB) Decision for OMB File No. 0930179 (dated June 28, 1995), and is now regulated by the NEC through Development Control. A brief chronology of major planning related events is included below:

- **1914** | The original Pleasantview Survey was laid out;
- **1914-1952** | Five other surveys were laid out in the immediate area, many of which were only partially implemented due to the various factors (topography, natural features and lack of municipal services). However, the surveys laid out in those 38 years make up most of the existing neighbourhood that exists today;
- **1970's** | The original 1914 Pleasantview Survey was deregistered in the 1970's;
- **1973** | The Province of Ontario enacted a Minister's Zoning Order to freeze development within Pleasantview while they began to conduct background studies on what would become the Parkway Belt West Plan (PBWP) in 1978;
- **1986** | In response to the adopted PBWP, the Town of Dundas adopted an Amendment to the Town of Dundas Official Plan (OPA 13) to achieve conformity with the PBWP. OPA 13 created a Special Policy Area for Pleasantview, which permitted limited residential development on 0.4 ha (1 acre) lots;
- **1988** | The Region of Hamilton-Wentworth extended piped water to the existing dwellings within Pleasantview to alleviate well contamination issues;
- **1993** | The Town of Dundas adopted a new OPA for Pleasantview (OPA 23) and implementing Zoning By-law Amendments, which were subsequently appealed to the OMB (now OLT). At the same time, *Planning Act* applications were received for various forms of residential development. The adopted OPA and zoning:
 - Increased the minimum lot size from 0.4 ha to 0.8 ha for single detached dwellings;
 - Permitted "Cluster Form Development" for certain lands designated Rural; and,
 - Adjusted the open space designations as a result of more accurate information received as part of the Zoning By-law Amendments.

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- **1995** | In 1995 the OMB rendered a Decision on the appeal of OPA 23, the implementing Zoning By-law Amendments and the submitted *Planning Act* applications. The resultant OMB Decision modified OPA 23 in the following ways:
 -
 - No new single detached dwellings were permitted to be constructed after August of 1993, save and except on lots with a minimum lot area of 10 hectares; and,
 - “Cluster Form Development” was prohibited - this resulted in the refusal of several subdivisions that were seeking planning approvals within Pleasantview.
- **1998** | The Town of Dundas Zoning By-law (3581-86) was amended to implement the minimum 10 hectare lot area requirement for new single detached dwelling lots. Dundas Town Council passed the Zoning By-law Amendment in conformity with the 1995 OMB decision. Since the 1995 OMB decision, minimal development has occurred in Pleasantview;
- **2006** | The City adopted the Rural Hamilton Official Plan (RHOP) that contains a Special Policy Area to reflect the policy framework for Pleasantview in effect through the former Town of Dundas Official Plan;
- **2013** | Through Niagara Escarpment Plan Amendment (NEPA) No. 179 the NEC included the Pleasantview area within the Niagara Escarpment Plan and designated the various lands as Escarpment Rural, Natural and Protection. In addition, NEPA 179 included a Special Policy Area (Policy 2.2.21) which reflects the planning framework from the 1995 OMB Decision; and,
- **2020** | On September 10, 2020, Hamilton City Council passed By-law 20-186, an Interim Control By-law for the Pleasantview Lands.
- **2021** | On September 10, 2021, the Ministry of Northern Development, Mines, Natural Resources and Forestry amended Ontario Regulation 826 under the *Niagara Escarpment and Development Act* to include the Pleasantview Area Lands into the area of NEC Development Control.
- **2021** | On September 29, 2021, Hamilton City Council repealed Interim Control By-law 20-186 as Development Control supersedes the Zoning by-law in areas of NEC Development Control.

The lands continue to be under the jurisdiction of the Niagara Escarpment Plan and the Former Town of Dundas Official Plan. Following the inclusion of the lands into NEC Development Control, the NEC is now the approval authority for development within Pleasantview through the issuance of Development Permits.

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Pleasantview Area Interim Control By-law

Hamilton City Council, at its meeting of September 10, 2020 passed By-law 20 -186, an ICBL for the Pleasantview Lands in the former Town of Dundas. The ICBL was passed to place a hold on development within the Pleasantview Area while staff undertake a land use study and bring forward the necessary policy and regulatory amendments to the municipal framework to clarify policy direction for the Pleasantview Area and to ensure conformity with the Niagara Escarpment Plan policies and designations for the Area. The ICBL was initially in effect until September 10, 2021. On August 13, 2021, Council approved an extension of the ICBL through By-law 21-142. The ICBL was extended for a period of up to one year (September 10, 2022) or until such time as the Study could be completed and the by-law could be repealed. On September 29, 2021, through the approval of By-law 21-169, Council repealed ICBL 20-186 as the lands were placed into NEC Development Control, the Zoning by-law no longer has effect. The ICBL was required to be repealed as it precluded most development activity, even with the issuance of an NEC Development Permit.

Pleasantview Area Land Use Study

Following the passing of By-law 21-186, staff initiated the Pleasantview Area Land Use Study in January of 2021. The purpose of the study was to review the municipal and provincial policy framework and municipal zoning for the Pleasantview Area and make recommendations for modifications to the RHOP and zoning to ensure the municipal framework is brought into conformity with the applicable Provincial plans. A draft of the Pleasantview Area Land Use Study was presented in two virtual public meetings on June 23, 2021 and the draft has been finalized.

The Study concluded with the following recommendations:

- (1) *“Special Policy Area A - Pleasantview” of the Rural Hamilton Official Plan recognizes the need for this Study of Pleasantview in order to resolve its planning policy and regulatory status in conformity with applicable Provincial policy. Further, it is the Niagara Escarpment Plan and specifically Section 2.2.21 that are both the most specific to Pleasantview, and the most restrictive of all the applicable Provincial policies and, as such, provide the most appropriate planning framework to be included within the City of Hamilton's planning policy and regulatory regime. It is therefore recommended that the City implement an Official Plan Amendment to Special Policy Area A - Pleasantview of the Rural Hamilton Official Plan to be in explicit conformity with Section 2.2.21 of the Niagara Escarpment Plan; and,*

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(2) *“Zoning By-law 3581-86 for the former Town of Dundas remains the zoning in place for the Pleasantview Study Area. The current zoning was established by the 1998/1999 OMB Decision to implement OPA 23. It is recommended that:*

- *The Pleasantview Study Area be brought into the City of Hamilton Comprehensive Zoning By-law 05-200;*
- *The new zoning carry forward the zoning established by the 1998/1999 OMB Decision, implement the Niagara Escarpment Special Provisions of Section 2.2.21 of the NEP, and further implement the policy directives of the Rural Hamilton Official Plan; and,*
- *The proposed zoning will serve as a reference when City Staff provide comments on NEC Development Permit Applications”*

The project team (staff and consultants) have prepared a draft zoning by-law amendment for inclusion of Pleasantview Area into Zoning By-law 05-200 and removing it from the former Town of Dundas Zoning By-law 3581-86. The draft zoning by-law was posted on the project webpage for public review on August 6, 2021 and comments were taken until August 23, 2021. Staff has also been corresponding extensively with the public to explain the draft official plan and zoning amendments and their effects. The final Pleasantview Area Land Use Study and drafts of the proposed Official Plan and Zoning By-law Amendments can be found in Appendix “A”, “C” and “D” attached to Report PED21206, respectively.

Niagara Escarpment Commission Development Control Initiative

On September 11, 2019, City Council directed staff to work with the NEC staff to petition the Ministry of Natural Resources and Forestry (MNR) to put the Pleasantview survey lands under Development Control (Regulation 826) as soon as possible.

On September 19, 2019, the NEC approved an NEC Staff recommendation that “the Niagara Escarpment Commission support staff in pursuing the application of Development Control within the Pleasant View Survey Area”. Staff worked with the NEC and MNR through the winter and spring of 2021 to provide necessary technical information to assist with the addition of Pleasantview into the area of NEC Development Control.

On March 18, 2021, the NEC passed a resolution directing the Chair of the NEC to request the Minister of Natural Resources and forestry to proceed to include the Pleasantview in the Area of Development Control through a Minister’s Regulation.

On July 23, 2021, the Ministry of Natural Resources and Forestry posted “Amendment to Ontario Regulation 826 to add the Pleasant View Survey lands within the Niagara Escarpment Plan area in the City of Hamilton to the area of development control” to the

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Environmental Registry of Ontario (ERO) webpage (ERO number 019-3898). The purpose of this proposal was to amend Ontario Regulation 826 under the *Niagara Escarpment and Development Act* to add the Pleasantview Area lands to the Area of Development Control for the NEC. The commenting period for the posting ended on September 6, 2021. City of Hamilton Staff provided comment on the ERO posting in support of the Pleasantview Area lands being added into NEC Development Control.

On September 10, 2021, The Ministry of Northern Development, Mines, Natural Resources and Forestry amended Ontario Regulation 826 under the *Niagara Escarpment and Development Act* to include the Pleasantview Area Lands into the area of NEC Development Control. Accordingly, effective September 10, 2021 all new development in the Pleasantview Area will now require a Development Permit from the NEC unless exempt. With the addition of the lands into NEC Development Control, the municipal Zoning By-law will no longer have effect in the Pleasantview Lands area.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Framework

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) applies to all decisions that affect a planning matter made on or after May 1, 2020, and it shall be read in its entirety and all relevant policies are to be applied to each situation.

In Part IV: Vision for Ontario's Land Use Planning System, the PPS outlines a key planning principle affecting the ongoing management of development within the Niagara Escarpment Planning Area, and, more specifically, on Pleasantview. It states that the wise use of the Province's resources over the long term, which includes natural heritage and water resources, is a key provincial interest and that they must be managed in a sustainable way.

It is also a key principle of the PPS to focus growth and development to identified settlement areas. Pleasantview is within the Rural Area of the City of Hamilton and not within a settlement area. Pleasantview is therefore subject to the policies of Section 1.1.4 of the PPS, which states:

"Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural

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assets and amenities and protect the environment as a foundation for a sustainable economy."

The PPS goes on to state in Section 1.1.5 that for development on rural lands, the planning authority must apply the relevant policies of the PPS and that development that is compatible with the rural landscape and the planned or available services should be promoted.

Pleasantview, like all of Hamilton, is within Eco-Regions 6E and 7E, as identified within the PPS. This means that the policies of Section 2.1 Natural Heritage of the PPS apply. Section 2.1 of the PPS generally serves to identify and protect natural heritage features over the long term while also recognizing the importance of linkages between and among natural heritage features and areas, surface water features and ground water features. Policy 2.1.4 through 2.1.8 specifically identifies types of natural heritage features and requires their protection from development and site alteration.

Importantly, the requirement to protect *natural features and areas* is not interpreted as a flexible objective, but, rather a clear and definitive requirement of the Provincial planning policy framework. The relevant policies of the NEP, the Greenbelt Plan, as well as the City of Hamilton's current applicable planning framework fundamentally achieve this policy directive in the Pleasantview area.

There are also a number of natural hazards identified within Pleasantview, accordingly the policies of Section 3.0 of the PPS apply. Section 3.1 of the PPS generally serves to direct development outside of hazardous lands and hazardous sites that may pose a risk to public health and safety. In Pleasantview, these hazardous lands and sites are regulated through the Regulated Areas of both the Hamilton Conservation Authority and Conservation Halton. A Development Permit from the applicable Conservation Authority is required prior to developing within the Regulated Area.

Overall, Pleasantview is subject to a multitude of Provincial planning policy, which is, for the most part, substantially more detailed and specific than the PPS, and consequently, those detailed and specific policies will take precedence. However, and notwithstanding the issues of applicability and precedence, the PPS does provide substantial Provincial planning policy support to the other applicable Provincial plans that are relevant to Pleasantview.

The Parkway Belt West Plan (1978)

The Pleasantview Area lands were previously subject to the Parkway Belt West Plan; however, in accordance with Section 22.1 (1) of the *Ontario Planning and Development Act*, the Parkway Belt West Plan shall cease to apply to lands that are part of the Niagara Escarpment Planning Area. Accordingly, the Parkway Belt West

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Plan no longer applies to the Pleasantview Lands as they were added to the Niagara Escarpment Planning Area in 2013.

The Niagara Escarpment Plan (2017)

The NEP serves as a framework of objectives and policies to strike a balance between development, protection and the enjoyment of the Niagara Escarpment landform feature and the resources it supports.

Part 1 of the NEP establishes development regulations and permissions based on a series of underlying land use designations. As identified on “Map 2: City of Hamilton” of the NEP, the Pleasantview Area Lands fall into three designations, “*Escarpment Natural Area*”, “*Escarpment Protection Area*” and “*Escarpment Rural Area*”. The uses permitted within each designation are also subject to the development criteria of Part 2. In the instance of Pleasantview, the uses permitted in the underlying land use designations are significantly modified in Part 2.2.21 of the NEP.

Part 2 of the NEP contains the development criteria for development within the NEP Plan Area. Section 2.2 of the NEP outlines general development criteria for all permitted uses, protecting the escarpment environment, and regulating number of dwellings per lot and design considerations. Most importantly, Section 2.2.21 of the Plan contains Special Provisions that outline site-specific development criteria and permissions related to the Special Policy Area in effect for Pleasantview. These Special Provisions have a significant impact on development within Pleasantview in that they effectively ‘notwithstanding’ any permitted uses in the applicable land use designations, instead inserting a specific list of permitted uses, as well notwithstanding the definitions for ‘lot’, ‘existing lot of record’ and ‘existing use’.

The Special Provisions contained within Subsection 2.2.21, which states that only single dwellings that existed on or before August 14, 1998 shall be permitted. For any other use, only uses that existed on or before February 16, 1993 shall be permitted. This is both very clear, and very restrictive. This policy framework is extremely restrictive with respect to new development in the Pleasantview Area, with the following limited exceptions:

- A single dwelling may be permitted on a lot with a minimum size of 10 hectares in accordance with the Development Criteria of this Plan. There are seven remaining properties that are at least 10 hectares in area. However, of these properties, only three are privately owned and it is believed that one of those already contains a single dwelling, and another is the Columbia Northcliffe Campus;
- Accessory uses may be permitted. Further, the replacement of an existing single dwelling may also be permitted. Accessory uses and/or the replacement of an existing single dwelling shall be in accordance with the Development Criteria of the NEP; and,

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- There are a number of site-specific exceptions contained within the Special Provisions [s. 2.2.21] where additional uses are permitted in accordance with the provisions included therein.

The Special Provisions of Subsection 2.2.21 significantly alter the development permissions of each of the underlying land use designations and serve to further restrict development in Pleasantview, while protecting ecological value and preserving the open landscape character of the Escarpment. As previously noted, the City of Hamilton's Official Plan(s) and Zoning By-laws are required to "conform with" this policy direction. Accordingly, the incorporation of the policy framework laid out in Section 2.2.21 of the NEP into municipal land use planning policy documents is integral to ensure conformity.

The Greenbelt Plan (2017)

The Greenbelt Plan, together with the NEP, identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological and hydrological features, areas and functions occurring on this landscape.

The Pleasantview Area falls within the Greenbelt Area and is identified as "Niagara Escarpment Plan Area" on Schedule 1: Greenbelt Area. Requirements under the NEP continue to apply. As per Sections 2.2 and 2.3 of the Greenbelt Plan, the Protected Countryside policies of the Greenbelt Plan do not apply, with the exception of Section 3.3 for lands within the Niagara Escarpment.

Section 3.2 Natural System of the Greenbelt Plan states that the Natural System policies are intended to protect areas of natural heritage, hydrologic and landform features, which provide essential ecosystem services and contribute to the ecological integrity of the Greenbelt. Fundamentally, the Natural System of the Greenbelt builds upon, and is connected to other Greater Golden Horseshoe (GGH) - scale natural systems as identified through the Growth Plan, and, importantly for the Pleasantview Lands, the NEP. The Greenbelt Plan states that the overall Natural System is made up of a Natural Heritage System and a Water Resource System. Those systems often coincide, given ecological linkages between terrestrial and water-based functions.

Section 3.3 of the Greenbelt Plan is intended to support the maintenance and expansion of a publicly accessible system of parkland, open space and trails for current and future generations, in cooperation with all landowners. This Section further states that such a system serves as an important component of a complete community as well as provides environmental protection and improved air quality.

Further, the Greenbelt Plan recognizes that this "*system of parklands, open spaces, water bodies and trails helps address the causes and impacts of climate change by capturing and storing carbon, recharging aquifers and protecting biodiversity and*

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sensitive areas" as well as providing significant economic benefits and opportunities for a wide range of compatible uses, and should be the basis for future parkland, open space and trail development decisions.

Overall, the Greenbelt Plan builds upon ecological protections that are articulated within the NEP, directing where future growth will be accommodated within the GGH. In conjunction with the Growth Plan and the Provincial Policy Statement, the Greenbelt Plan establishes a land use planning framework for the GGH that supports a thriving economy and a clean healthy environment.

In general, the Greenbelt Plan adds further protection to areas falling within the NEP. As per the above discussion, the key Greenbelt Plan policies with respect to the Pleasantview Lands can be summarized as follows:

- Policies in Section 3.2 of the Greenbelt Plan protect natural heritage, hydrological features and landforms and collectively provide policy protection for essential ecosystem features and functions. New development or site alteration shall demonstrate there will be no negative impacts on key natural heritage features, key hydrological features or their ecological function;
- Policies in Section 3.3 of the Greenbelt Plan recognize that a system of parkland and open space provides necessary opportunities for recreation, tourism, and the appreciation of natural heritage and forms an important component of complete communities; and,
- The Greenbelt Plan includes a variety of new, or updated definitions that are useful for an updated planning policy framework, particularly in the articulation of a rich Natural Heritage System in Section 3.2.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)

A Place to Grow: Growth Plan for the GGH (the Growth Plan) was updated in 2019, with an amendment in 2020 (Amendment 1). The policies of the Growth Plan that address the same, similar, related, or overlapping matters as the Greenbelt Plan or the NEP do not apply in areas covered by those plans. The exception is where there is a conflict between the Greenbelt Plan or the NEP and the Growth Plan regarding the natural environment or human health, the direction that provides more protection to the natural environment or human health prevails.

Section 1.1 of the Growth Plan recognizes that the GGH contains Ontario's most significant ecological and hydrologic natural environments and scenic landscapes, including the Niagara Escarpment and Greenbelt Area, which provide key supports and ecological services. In the vision for the GGH, the Growth Plan also asserts that the Niagara Escarpment will continue to be enhanced and protected in perpetuity and that

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the GGH's natural areas will be accessible for residents to enjoy their beauty.

Section 1.2.1 Guiding Principles establishes a key principle: to *"protect and enhance natural heritage, hydrologic, and landform systems, features, and functions"*. Section 2.2 Policies for 'Where and How to Grow' and specifically Section 2.2.1 'Managing Growth' indicates that the vast majority of growth will be directed to settlement areas that have a delineated built boundary and have existing or planned municipal water and wastewater systems.

Section 2.2 further identifies that growth will be limited in settlement areas that are not serviced by existing or planned municipal water and wastewater systems or are in the Greenbelt Area.

These policy sections are relevant to Pleasantview because they confirm that, as a rural area, the Pleasantview lands are not intended to accommodate any substantial growth. In addition, the Growth Plan includes foundational policy elements that are intended to ensure the protection and enhancement of the Niagara Escarpment in perpetuity.

Pleasantview is designated as a "Greenbelt Area" in the Growth Plan. As noted previously, any policies from the Greenbelt Plan, or NEP that address the same or similar matters take precedence over the Growth Plan within the Greenbelt Area unless specified otherwise.

Further in Section 4 'Protecting What is Valuable' of the Growth Plan, Section 4.1 Context identifies that the GGH contains a broad array of resources that are essential for long-term quality of life and that collectively provide essential ecosystem services and emphasizes that they must be wisely protected and managed.

It is also important to note that Pleasantview is identified as part of the Growth Plan Natural Heritage System, containing the Niagara Escarpment Plan / Natural Heritage System designation.

The Growth Plan does require that the City of Hamilton overlay the Growth Plan Natural Heritage System in its Official Plans, and to create policies to maintain, restore or enhance the ecological functions of the System. The policy framework for the Natural Heritage System found in the Growth Plan is similar to the policy framework provided for in the Greenbelt Plan. Section 4.2.2 Natural Heritage System states that new development or site alteration in the Natural Heritage System for the Growth Plan cannot have negative impacts on key natural heritage features or key hydrologic features or their functions, will maintain or enhance connectivity, will avoid removing other natural features and will limit the extent of the developed area.

In summary, the Growth Plan directs growth and development to settlement areas and

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limits growth in defined rural areas, like Pleasantview. The Growth Plan also identifies strong policy support for the establishment and protection of a regional natural heritage system, that specifically includes the Niagara Escarpment Plan Area, the Greenbelt Plan Area, and consequently, the Pleasantview Lands. The Growth Plan defers to both the Greenbelt Plan and the NEP for more detailed and specific policies governing Pleasantview, which are detailed above.

Municipal Planning Framework

Rural Hamilton Official Plan (RHOP)

The RHOP contains reference to Pleasantview through the inclusion of "Special Policy Area A - Pleasantview" within Volume 3 of the RHOP, as identified on Map A of Volume 3 of the Plan. The text of the Special Policy Area is included below for reference.

“A.1.1 Notwithstanding Section C.1.3.1 or any other applicable policies in Volume 1 of this Plan, the lands identified as Special Policy Area A on Map A - Special Policy Areas, remain subject to provisions of the Official Plan of the former Town of Dundas as set out by the Ontario Municipal Board Decision (dated June 28, 1995). Following completion of a comprehensive growth management study known as GRIDS (Growth Related Integrated Development Strategy), Council has approved SPA A to remain as a part of the Rural Area. To reflect the unique circumstances of these lands and permanently resolve their status under the Provincial Parkway Belt West Plan and ensure Greenbelt Plan conformity, the City shall conduct future studies, prepare Secondary Plan policies and undertake community consultation to adopt a future amendment to this Plan for SPA A in conformity with applicable Provincial plans and policies.”

Overall, the RHOP recognizes the planning policy history of the former Town of Dundas through both the Town of Dundas Official Plan and the former 1995 OMB Order.

The propose Rural Hamilton Official Plan Amendment (RHOPA) updates the Special Policy Area to be in conformity with the applicable Provincial Policy, in particular Section 2.2.21 of NEP. The proposed RHOPA slightly amends the extent of Special Policy Area A – Pleasantview in the RHOP to align with the Pleasantview Special Policy Area of the NEP

It is also important to note that once the Pleasantview Area is formally brought into the Rural Hamilton Official Plan through the proposed RHOPA, the Pleasantview Area will be subject to the broader policy framework of the RHOP. This includes the Policies of Section C.2.0 – Natural Heritage System.

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Former Town of Dundas Official Plan

The former Town of Dundas Official Plan Amendment 23 (OPA 23) provides the current local planning policy framework for the Pleasantview Lands. This framework is predominantly the result of an OMB (now OLT) Decision from 1995 related to OMB Case No. File No. 0930179. OPA 23 was adopted by Dundas Council in 1993. As initially approved by Council, the general intent of OPA 23 was to revise the former Town of Dundas Official Plan as follows:

- To increase the minimum lot area for each single detached dwelling from 0.4 hectares to 0.8 hectares;
- To add a new policy to provide for the opportunity within the Rural designated lands for "cluster form development", either through the provision of a communal sewage system or by full municipal services, where readily available; and,
- To revise the land use designation boundaries of Schedule "B" - Land Use Concept, Schedule "B-I" - Special Policy Areas, and Schedule "C" - Environmentally Sensitive Areas, to reflect the more accurate information received as part of the various Zoning By-law amendments.

During the process of preparing and approving OPA 23, a number of *Planning Act* applications were received for various forms of residential development within the Pleasantview Lands. OPA 23, the associated Zoning By-law Amendments and the *Planning Act* applications were appealed to the OMB by several groups. The outcome of the OMB hearing significantly modified OPA 23 through an Order issued on June 28, 1995 in the following ways:

- No new single detached dwellings were permitted to be constructed after August 1993, save and except on lots with a minimum lot area of 10 hectares;
- "Cluster form development" was prohibited - this resulted in the refusal of several subdivisions that were seeking planning approvals within Pleasantview; and,
- The minimum lot size for new dwellings was increased from 0.8 hectares to 10 hectares.

As a result, the policy framework from OPA 23 and the associated OMB Order, is currently in effect for Pleasantview. These policies were initially adopted by By-law No. 3354-82 by the Dundas Town Council, and approved by the Ministry of Municipal Affairs (MMAH) on September 15, 1982, as amended by OPA 23 and OMB Order in Case No. PL930179, dated June 28, 1995.

These policies were carried into the Zoning By-law and to some extent the Special Provisions of the NEP. The OMB Order prohibiting construction of new single detached dwellings after August 1993 partly carries over into the NEP Special Provision (2.2.21) for permitted uses and Town of Dundas Zoning By-law (No. 3581-86) as an exception

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(No. 4066-93). Since the OMB decision, minimal development has occurred in Pleasantview.

The proposed Official Plan Amendment will carry forward the policy framework outlined in OPA 23 into the Rural Hamilton Official Plan through an amendment to the Special Policy Area A – Pleasantview.

Dundas Zoning By-law 3581-86

In accordance with OPA 23, and the associated OMB Order, Zoning By-law 3581-86 was amended to implement the relevant regulatory elements that affect various land use zones on the Pleasantview Lands through the adoption of By-law 4066-93, which remains largely unchanged in Pleasantview today. The Zoning By-law identifies eight base zones in Pleasantview; with a number of site-specific zones also in effect. As the lands were placed into Development Control, the Zoning By-law currently has no effect.

The eight base zones currently in-effect in Pleasantview, along with the associated site-specific zones are identified below for reference. A brief explanation as to the purpose and intent of each zone has also been included.

- **Rural Area (RU) Zone** - The purpose of the Rural Area (RU) Zone is to retain lands so zoned in an open space setting for agricultural purposes including very limited farm-related development. In addition to the RU Zone, there are a number of Exception Zones, including:
 - **Rural Area RU/S-58 Exception Zone** - permission, site-specifically, for an existing or approved single detached dwelling in specified circumstances on a lot area of 0.8 hectares;
 - **Rural Area RU/S-59 Exception Zone** - permits a single-detached dwelling and includes a number of site-specific development provisions and performance standards;
 - **Rural Area RU/S-67 Exception Zone** – modifies, site-specifically, the minimum front yard setback and maximum height, and prohibits a fence beyond the building setback line;
 - **Rural Area RU/S-87A Exception Zone** - modifies, site-specifically, the lot requirements for the establishment of a single detached dwelling to a minimum lot area of 1.4 hectares and a minimum frontage of 91 metres;
 - **Rural Area RU/S-99 Exception Zone** - permits, site-specifically, a garden suite for a period of 10 years; and,

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- **Rural Area RU/S-111 Exception Zone** - permits, site-specifically, the development of a single detached dwelling on a lot of at least 0.8 hectares, with municipal water supply, while also establishing a series of site-specific performance standards.

Open Space Conservation (OS) Zone - The purpose of the Open Space Conservation (OS) Zone is to protect lands unsuitable for general urban development due to their physiographic characteristics or their ecological significance. With the exception of special public works for conservation purposes and limited development which enhances the cultural, recreational and natural resources of the zone, these lands are intended to be maintained in their natural state.

- **Park and Recreation (PR1) Zone** - The purpose of the Park and Recreation (PR1) Zone is to provide for active and passive recreational uses, including landscape enhancement and conservation.
- **Public and Private Service (PPS) Zone** - The purpose of the Public And Private Service (PPS) Zone is to make provision for services to the community provided by the Corporation of the Town of Dundas, Government or Public Authorities, Private and Non-Government Agencies. In addition to the PPS Zone, there are two Exception Zones, as follows:
 - **Public and Private Service Zone PPS/S-56 Exception Zone** - site-specifically limits the permitted uses to those uses existing at the date of passing of the by-law and those uses deemed "similar" to those uses permitted, as determined by the Committee of Adjustment; and,
 - **H-Public And Private Service Zone H-PPS/S-56A** - permits, on a site-specific basis, an 138-occupant dormitory in the existing building as a temporary use until July 12, 2022 and an existing driveway to be used for access, with a Holding Symbol which limits the capacity to 96 occupants while it is applicable, with its removal based on ability to provide adequate services.
- **Public Utilities (U) Zone** - The purpose of the Public Utilities (U) Zone is to provide for public utility installation and facilities including rights-of-way required by public utility agencies. In addition to the U Zone, there is an Exception Zone, as follows:
 - **Public Utilities U/S-57 Exception Zone** - provides for a prohibition of waste treatment facilities on a specific-site basis.

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- **Light Industrial (I.L) Zone** - The purpose of the Light Industrial (I.L) Zone is to provide for a wide range of wholly enclosed industrial and business uses which are compatible with each other and do not adversely affect surrounding non-industrial land uses. In addition to the I.L Zone, there is an Exception Zone, as follows:
 - **Light Industrial (Holding Zone) H-IL/S-101 Exception Zone** – provides a site-specific provision for a limitation on permitted uses and identifies zone regulations and performance standards for permitted uses. There is also a Holding Provisions in effect on these lands.
- **Special Policy Area Two - Parkway Belt West Plan Zone (SP2) Zone** - identifies that for all lands within the corporate limits of the Town of Dundas designated “Special Complementary Use Area” on **Map 2**, Escarpment Link, Parkway Belt West Plan (1978) that all uses and accessory buildings, structures and uses legally existing on the date of passing of this By-law are permitted uses. Further, no development shall be permitted in an SP2 Zone unless it conforms with the provisions respecting the “Special Complementary Use Area” as contained in the Parkway Belt West Plan (1978).
- **Highway Commercial (C.H) Zone** – The purpose of the Highway Commercial (C.H) Zone is to provide for certain commercial uses primarily serving the travelling public or which, by their nature, require locations on major streets with heavy traffic volumes, a high degree of exposure, and ease of access. An exception to this zone is located in the Pleasantview Lands:
- **Highway Commercial C.H/S-54 Exception Zone** - permits only existing uses and uses determined by the Committee of Adjustment (COA) to be similar to existing uses.

In addition to the above, Schedule K-1 of the former Town of Dundas Zoning mapping identifies an “RR” Zone on certain parcels within the Pleasantview Lands. Based on research into the history of this zone, it appears that this zone, identified as the RR Zone, existed in the Dundas Zoning By-law previous to a 1998 Amendment. It is assumed that the RR Zone for this specific property was left in the zoning mapping by error, as opposed to being updated to the RU Zone, as it was elsewhere. This error has been resolved in the proposed Zoning.

The proposed Zoning By-law attached hereto attached as Appendix “D” to Report PED21206, carries forward the Zoning framework established above; while updating it to ensure conformity with the applicable Provincial plans and the proposed RHOPA. Please note that existing site-specific permissions that were not deemed to comply

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with the applicable Provincial Policy or the proposed RHOPA were not carried forward into Zoning By-law 05-200.

RELEVANT CONSULTATION

Internal Department and Agency Consultation

The following internal City departments and external agencies/stakeholders were circulated for comment on the proposed Zoning By-law and Official Plan Amendment. Please refer to Appendix “E” attached to Report PED21206 – Internal and External Stakeholder Comment Matrix for a detailed overview of comments received and Staff responses.

As the primary purpose of the proposed OPA and ZBLA documents was to ensure conformity with the *Niagara Escarpment Plan*, it is important to note that NEC Staff have reviewed the proposed documents and have no concerns with respect to conformity with the NEP policies for the area.

Internal Circulation:

Growth Management	Building Engineering and Zoning
Forestry and Horticulture	Transportation Planning
Landscape Architectural Services	Legal Services
Policy Planning	Development Planning

External Agency/Stakeholder Circulation:

Enbridge Gas	Bell Canada
Rogers	Cogeco Cable Canada Inc.
Alectra Utilities	Hydro One Inc.
Ministry of Transportation	Canadian National Railway
Niagara Escarpment Commission	Conservation Halton
Canadian Pacific Railway	TransCanada Pipeline
Trans Northern Pipelines	Enbridge Pipelines
Imperial Oil Pipeline	Sun-Canadian Pipeline
Southern Ontario Railway	Ministry of the Environment, Conservation and Parks
Huron Wendat Nation	City of Burlington
Halton Region	Haudenosaunee Development Institute
Mississaugas of the Credit First Nation	Royal Botanical Gardens
Union Gas	Hamilton Conservation Authority
Cootes to Escarpment EcoPark	Six Nations of the Grand River

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Public Consultation

On March 18, 2021 a web page was published to hamilton.ca/pleasantview that contains information on the purpose of the Study and provide relevant background materials for review.

On March 25, 2021 postcards were sent out to all properties within 120 metres of the Study Area notifying of residents of the Study commencement and directing them to the web page to collect further information. City Staff contact information was also provided for those who don't have access to the internet.

City Staff presented to the Cootes to Escarpment EcoPark System - Management Committee on two separate occasions (April 8 and July 8, 2021) to provide project information and updates on project progress as well as invite feedback.

On June 8, 2021 postcards were sent out to all properties within 120 metres of the Study Area notifying them of two Virtual Public Information Sessions and instructing them on how to participate by internet and by telephone. An email to the project mailing list was also sent to notify residents.

In June of 2021, a Draft of the Pleasantview Area Land Use Study was completed, and City Staff held two Virtual Public Information Sessions on June 23, 2021, which were attended by approximately 60 people. The presentation materials and video recording of the sessions were posted on the project webpage. A summary of public feedback and questions received during these public information sessions is attached hereto as Appendix "F" to Report PED21206. Feedback and comments on the Draft Study were subsequently accepted until July 14, 2021.

Drafts of both the Zoning By-law Amendment and Official Plan Amendment By-law were posted on the project webpage on August 6, 2021, feedback and comments on the By-laws were accepted until August 23, 2021. The posting of the draft Official Plan and Zoning By-law Amendments was advertised through the project email mailing list.

Please refer to the Public Engagement Summary attached hereto as Appendix "G" to Report PED21206 for a detailed breakdown of feedback received and the resultant changes made to the Official Plan and Zoning By-law Amendment documents.

On October 28, 2021, a Notice of Statutory Public Meeting was published in the Hamilton Spectator, Dundas Star, and Ancaster News. The project mailing list was also notified of the statutory public meeting via email.

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ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Pleasantview Area Land Use Study completed a detailed review of the applicable Provincial plans against the City's current policy and regulatory framework. Through this review, several updates to the City's municipal policy and regulatory documents were identified in order to bring them into conformity with Provincial policy. The proposed amendments to the RHOP and Zoning By-law 05-200 are required in order to establish policy and regulatory conformity and resolve any existing conflicts.

(1) Proposed Rural Hamilton Official Plan Amendment

The proposed RHOPA will modify the text and maps of Special Policy Area A – Pleasantview in Volume 3 and the schedules of Volume 1 for the implementation of the recommendations of the Pleasantview Area Land Use Study.

The proposed RHOPA replaces the existing Special Policy Area with a new Special Policy Area that carries forward the policy direction from the Section 2.2.21 of the NEP as it relates to Pleasantview. This amendment will ensure conformity with the applicable Provincial policies.

Several mapping changes are required to bring the Pleasantview area into the RHOP. The proposed mapping changes identify the provincial policy documents that cover the Pleasantview area, adjust the revised Special Policy Area boundary to align with the Special Policy Area for the Pleasant View Survey Lands in the NEP, apply the RHOP designations of "Rural" and "Open Space" to the Pleasantview lands, and modify the boundaries of several natural heritage features on RHOP schedules.

Schedule D – Rural Land Use Designations is proposed to be amended to redesignate certain lands as the 'Open Space' and 'Rural' designations. The 'Open Space' designation was applied to all lands that:

- Are designated as "Escarpment Natural Area" in the Niagara Escarpment Plan;
- Are identified as being part of the "Niagara Escarpment Parks and Open Space System" of the Niagara Escarpment Plan;
- Are a public park; and,
- are owned by the Hamilton Conservation Authority that are intended to be added to the "Niagara Escarpment Parks and Open Space System" of the Niagara Escarpment Plan in the future.

All other lands within the Study Area were designated as the "Rural" designation.

Schedules B - Natural Heritage System and Schedules B-1 through B-8 are proposed to be amended to modify the extent of certain natural heritage features based on the best

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available orthographic imagery and information received through Environmental Impact Studies submitted as part of development applications. This includes the addition of several Significant Woodlands on Schedule B-2 - Detailed Natural Heritage Features - Key Natural Heritage Feature Significant Woodlands, the addition of several Wetlands on Schedule B-4 - Detailed Natural Heritage Features – Key Natural Heritage Feature and Key Hydrologic Feature Wetlands, and the removal and addition of several Local Natural Environmentally Significant Areas on Schedule B-6 - Detailed Natural Heritage Features – Local Natural Area Environmentally Significant Areas.

Volume 3: Appendix A – Site Specific Key Map is proposed to be amended to add the lands known municipally as 2 Homestead Drive to Special Policy Area A – Pleasantview in order to align with the Special Policy Area for the Pleasant View Survey Lands in the NEP.

The text of Special Policy Area A – Pleasantview is also proposed to be deleted in its entirety and replaced with a new Special Policy Area that brings forward the policy framework from Section 2.2.21 (Special Provisions for the Pleasant View Survey Lands) of the NEP into the Rural Hamilton Official Plan. The proposed new Special Policy Area also ensures the balance of the RHOP policy framework is applied to the Pleasantview Area.

The proposed schedule and text amendments serve to formally bring the Pleasantview lands into the Rural Hamilton Official Plan and can be supported for the following reasons:

- (i) The proposed RHOPA implements the recommendations of the Pleasantview Area Land Use Study;
- (ii) The proposed RHOPA consistent with the PPS (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019 as amended), the Niagara Escarpment Plan (2017), and the Greenbelt Plan, (2017); and,
- (ii) The proposed RHOPA is essential in order to ensure the conformity of the City's Rural Hamilton Official Plan with the applicable Provincial policy.

(2) Proposed Amendment to the City of Hamilton Zoning By-law No. 05-200

The purpose of the amendments to the City of Hamilton Zoning By-law No. 05-200 is:

- To bring the subject lands into the City's Comprehensive Zoning By-law 05-200 and remove the lands from the by-law of the former Town of Dundas (Zoning by-law 3581-86); and,
- To bring forward the general existing zoning framework that resulted from the Municipal Board Decision for OMB File No. 0930179 (dated June 28, 1995), while

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also updating the zoning framework to ensure conformity with the proposed updated RHOP Special Policy Area and the NEP.

The proposed amendments to the City of Hamilton Zoning By-law No. 05-200 create 10 new Special Exceptions (Special Exceptions 800 – 809), 1 new Holding Provision (Holding 121) and 1 new Temporary Use (Temporary Use 9). The proposed Special Exceptions were required in order to effectively implement the NEP's restrictive policy framework for the Pleasantview area and the proposed Holding and Temporary Use Provisions recognize those currently existing in Pleasantview.

Section 4.33 Secondary Dwelling Unit and Secondary Dwelling Unit – Detached of By-law 05-200 was notwithstanding as, at this point in time, secondary dwelling units are not permitted in Pleasantview per the Special Provisions of Section 2.2.21 of the NEP. The NEC is currently reviewing this matter and should the NEP be amended, staff will review and report back on any required regulatory and zoning by-law updates.

The proposed zoning framework is summarised in Appendix “H” attached to Report PED21206.

The proposed Zoning By-law Amendment (ZBLA) is required in order to implement the proposed RHOPA and can be supported for the following reasons:

- (i) The proposed ZBLA implements the recommendations of the Pleasantview Area Land Use Study;
- (ii) The proposed ZBLA is consistent with the PPS (2020) and conforms to A Place to Grow: Growth Plan for the GGH (2019 as amended), the NEP (2017), and the Greenbelt Plan, (2017);
- (iii) The proposed ZBLA conforms to the Rural Hamilton Official Plan, as amended; and,
- (iv) The proposed ZBLA is essential in order to ensure the conformity of the City's RHOP and Zoning By-law with the applicable Provincial policy.

ALTERNATIVES FOR CONSIDERATION

Rural Hamilton Official Plan and Zoning By-law Amendment

Should Council choose not to approve the proposed RHOP and Zoning By-law Amendment, the former Town of Dundas Official Plan and the former Town of Dundas Zoning By-law 3581-86 will remain as the the in-force municipal planning instruments.

The policy and regulatory framework for the former Town of Dundas Official Plan and the former Town of Dundas Zoning By-law 3581-86 have not be recently updated to ensure conformity with the applicable Provincial plans, nor do they represent the City's

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latest policy and regulatory framework. If the Pleasantview Area remains under the jurisdiction of these documents, land use planning decisions may be made using outdated policy as guidance.

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.

Healthy and Safe Communities

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

Clean and Green

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21206 – Pleasantview Area Land Use Study

Appendix “B” to Report PED21206 – Location Map

Appendix “C” to Report PED21206 – Rural Hamilton Official Plan Amendment XX

Appendix “D” to Report PED21206 – Zoning By-law Amendment XX

Appendix “E” to Report PED21206 – Internal and External Stakeholder Comment Matrix

Appendix “F” to Report PED21206 – June 23 Virtual information Sessions Feedback
and Comment Summary

Appendix “G” to Report PED21206 – Draft OPA and ZBLA Public Engagement
Summary

Appendix “H” to Report PED21206 – Pleasantview Area Zoning Change Summary

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Hamilton

City of Hamilton

Pleasantview Area Land Use Study

October, 2021

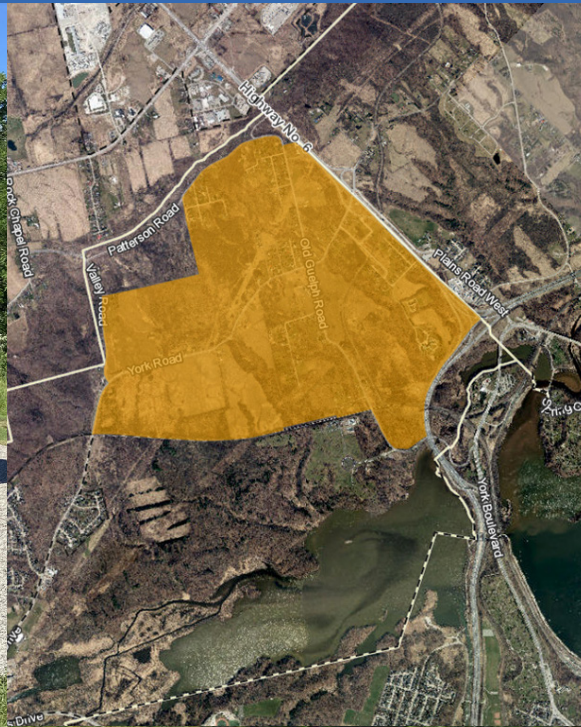


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1.0 Introduction

1.1 Purpose

1.1.1 Respond to the Interim Control By-Law

Hamilton City Council, at its meeting on September 10, 2020 passed By-law 20-186 (see Appendix A), an Interim Control By-law for Pleasantview in the former Town of Dundas. The Interim Control By-law was passed to give the City time to complete this Study and bring forward necessary amendments to the Rural Hamilton Official Plan and Hamilton Zoning By-law 05-200 that will clarify policy direction for Pleasantview, and to ensure conformity with the Niagara Escarpment Plan (NEP) policies and designations. It is the purpose of this Study to fulfill the requirements for a land use study as articulated in the Interim Control By-law (By-law 20-186) for the Pleasantview Lands (see **Map 1**) and to:

- > Prepare recommendations for necessary amendments to bring the Rural Hamilton Official Plan into conformity with the applicable Provincial Plans, including the Niagara Escarpment Plan (2017); and,
- > Prepare recommendations for zones and regulations to be included in City of Hamilton Zoning By-law 05-200 to implement the recommendations of the above Rural Hamilton Official Plan Amendments

1.1.2 Consider the Existing Policy Framework

The existing land use policy framework that is applicable to Pleasantview is complex - multi layered and multi-jurisdictional. Pleasantview is affected by an array of Provincial policies, including:

- > Provincial Policy Statement (2020);
- > Niagara Escarpment Plan (2017);
- > Greenbelt Plan (2017); and,
- > Growth Plan for the Greater Golden Horseshoe (2019, as amended)

The framework also comprises local policies and regulations, as follows:

- > Rural Hamilton Official Plan – “Special Policy Area A – Pleasantview”;
- > Dundas Official Plan, including Official Plan Amendment 23 (OPA 23), adopted by Dundas Council (1993) - including an Ontario Municipal Board Order making modifications to OPA 23 (1995); and,
- > Dundas Zoning By-law No. 3581-86, as amended (2017).

1.2 Approach

The approach to the required Land Use Study has followed the following work program:

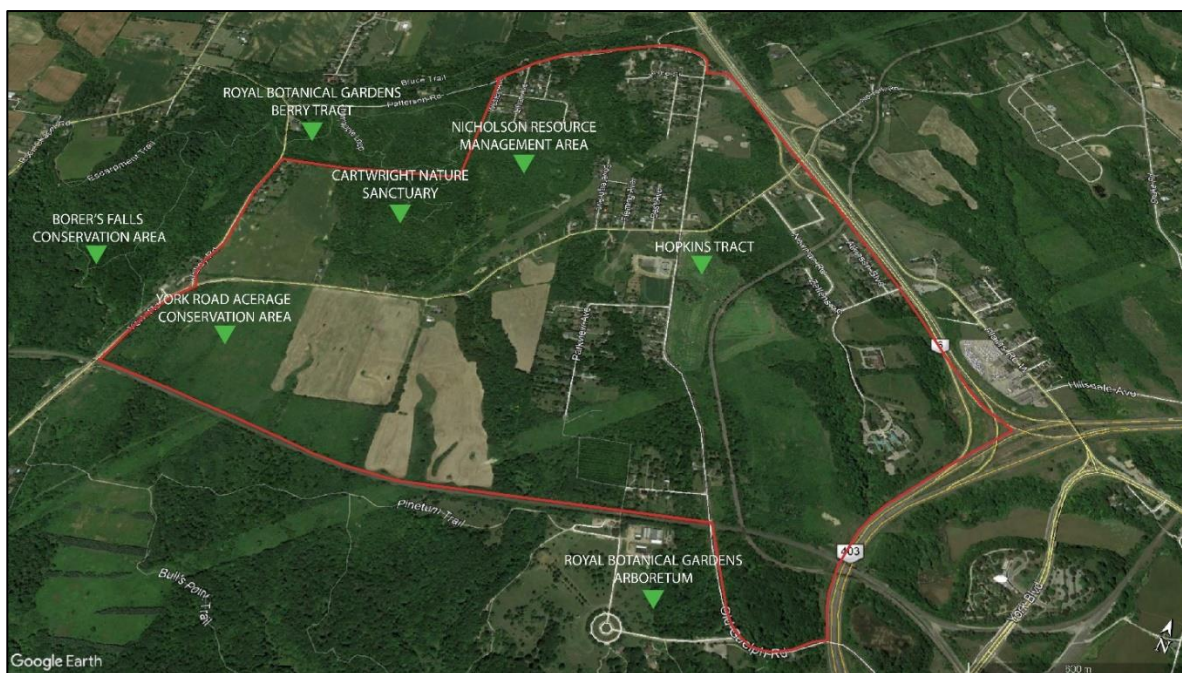
- > Review the history, past decisions and actions by the Town of Dundas, City of Hamilton, Province and OMB;
- > Review the current local and Provincial policy framework and zoning and prepare the preliminary policy analysis;
- > Review the existing zoning from the Town of Dundas Zoning By-law, including amendments and site-specific modifications and prepare the preliminary zoning analysis; and,
- > Prepare recommendations for bringing the local Official Plan and Zoning By-law framework into conformity with the applicable Provincial Plans, including the Niagara Escarpment Plan (2017).

1.3 Background

1.3.1 Context

Pleasantview is an area of the former Town of Dundas situated below the brow of the Niagara Escarpment, west of Highway 6 and generally north of the 403 and including some of the lands of the Royal Botanical Gardens, as identified on **Map 1**.

Map 1 - General Location and Context



The development of Pleasantview dates back to 1914. Today Pleasantview consists of approximately 415 hectares of land and includes a variety of natural areas as well as several businesses, places of worship, and about 250 private dwellings. Existing land uses are characterized by dispersed rural residential dwellings, farmland, natural areas and institutional uses. Approximately 750 people live in Pleasantview. Pleasantview has a number of unique physical attributes, including that it:

- > Is within the Niagara Escarpment Plan Area, an internationally significant ecosystem designated as a world biosphere reserve by the United Nations;
- > Includes the Royal Botanical Gardens Berry Tract South, that forms the headwaters of Cootes Paradise;
- > Includes Hickory Brook, a re-naturalized stream connecting Cootes Paradise to the Berry Tract;
- > Includes the Cartwright Nature Sanctuary, a nature preserve that is a key part of one of the primary ecological corridors linking the Niagara Escarpment and Cootes Paradise Marsh; and,
- > Includes deeply carved valleys and tablelands along the edge of the escarpment.

Institutional uses within Pleasantview include a missionary, monastery and former convent operating as a temporary student residence. Agricultural uses are located in the lands north of the Royal Botanical Gardens south of York Road.

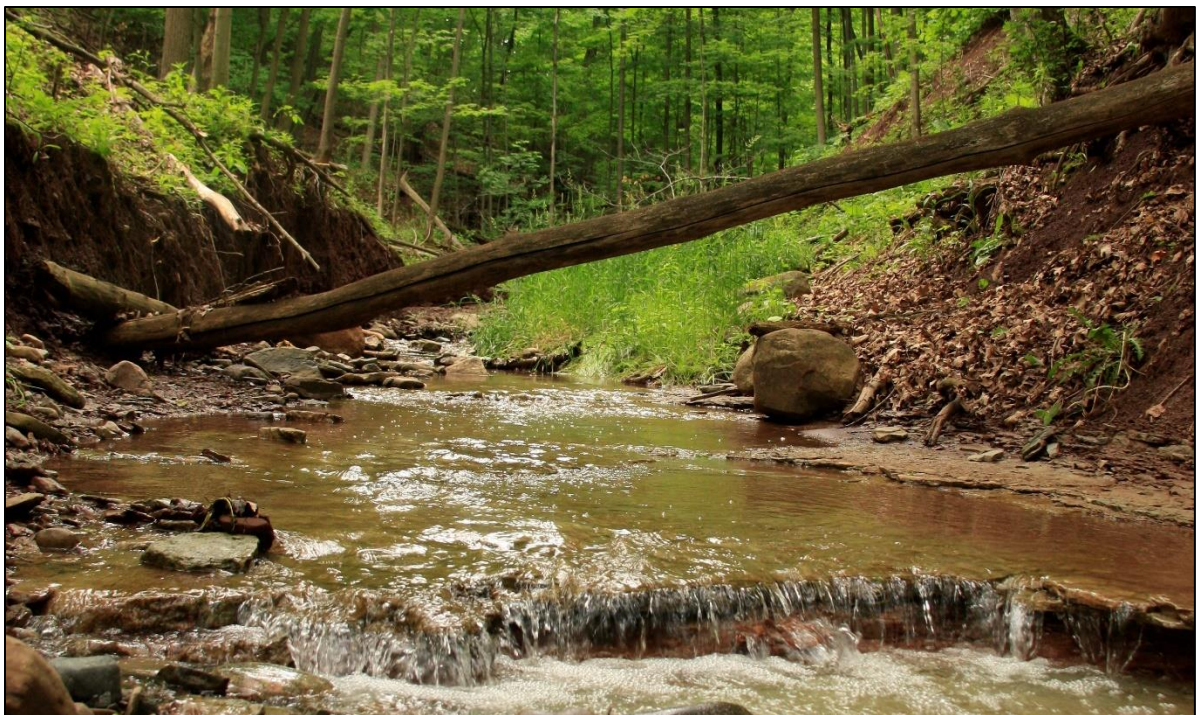


Figure 1: Hopkins Tract Tributary (photo credit - Conservation Halton)

1.3.2 Surrounding Land Use

The Royal Botanical Gardens including Coote's Paradise and the arboretum comprise the lands south of Pleasantview extending to Burlington Bay. The Borer's Falls Conservation Area is located East of Pleasantview separated by York and Valley Road. To the north the Royal Botanical Gardens Berry Tract contains the headwaters of Hickory Brook which extends southward into Berry Tract South in Pleasantview. The Cartwright Nature Sanctuary and Nicholson Resource Management Area form a continuous natural area in Pleasantview bordering the Berry Tracts. Near the intersection of Highway 6 and York Road the Valley Community Centre Park provides outdoor amenities to local residents. The Valley Community Centre Park is planned to be updated by the City of Hamilton in the near future. The lands north of Pleasantview, near the intersection of Highway 6 and Dundas Street East, contain an industrial area.

1.3.3 Current Initiatives and Development Interests in the Pleasantview Area

The Royal Botanical Gardens maintains 900 hectares of nature sanctuaries enveloping the western end of Lake Ontario within the Niagara Escarpment World Heritage Biosphere Reserve (UNESCO) and Cootes to Escarpment Ecopark System. The natural areas surrounding Pleasantview are connected by a series of trails extending from the Berry Tract through the Borer's Creek Conservation Area to Cootes Paradise.

Initiated in 2007, the Cootes to Escarpment EcoPark System (the EcoPark) is a voluntary collaboration of a group of nine partner agencies (City of Hamilton, Halton Region, City of Burlington, Conservation Halton, Hamilton Conservation Authority, Bruce Trail Conservancy, Hamilton Naturalist Club, McMaster University and Royal Botanical Gardens). The partner agencies own, manage and protect nearly 2,000 hectares of open space and natural lands between Cootes Paradise Marsh, Hamilton Harbour and the Niagara Escarpment. These lands are recognized for their significant biodiversity and long cultural history. The partner agencies own and manage lands within Pleasantview. EcoPark management plans contains voluntary guidelines that partner agencies, and adjacent land owners, can voluntarily adopt in their land management efforts to protect and enhance biodiversity. Management plans do not supersede or direct local land use plans or zoning.

In 2015 Conservation Halton began naturalizing the Hopkins Tract in Pleasantview, which has since been incorporated into the Cootes to Escarpment EcoPark System. Widening the natural corridor link between Lake Ontario and the Niagara Escarpment, restoring creeks, wetlands and forests ensuring the health and diversity of native species. Conservation Halton is currently working on providing public access through a passive trail system.

The lands have also recently been placed under NEC Development Control. On September 11, 2019, City of Hamilton Council directed Staff to work with NEC Staff to petition the Ministry of Natural Resources and Forestry to put Pleasantview under Development Control (Ontario Regulation 826) as soon as possible. On July 23, 2021, the Ministry of Natural Resources and Forestry posted "Amendment to Ontario Regulation 826 to add the Pleasant View Survey lands within the Niagara Escarpment Plan area in the City of Hamilton to the area of development control" to the Environmental Registry of Ontario webpage (ERO number 019-3898). On September 10, 2021 Ontario Regulation

826 under the Niagara Escarpment Planning and Development Act was amended to now include within the Area of Development Control the Pleasantview lands.

There is also an ongoing Preliminary Design & Class Environmental Assessment Study for the Highway 403 and Highway 6 interchange by the MTO, which may impact the MTO infrastructure adjacent to and within Pleasantview to the east

2.0 Background Review

2.1 Historic Context

The following provides an overview of the chronology of key planning activities/decisions that have had an impact on the development of Pleasantview over time:

- > **1914** | The original Pleasantview Survey was laid out in 1914 and began to spur some residential development in this part of the Town of Dundas. However, key aspects of the layout were not feasible to construct due to the existing topography, natural features and lack of municipal services. The survey was laid out prior to the modern planning approvals system. As a result, many of the roads that were laid out were never built and some lots remain in private ownership and are landlocked (i.e. have no frontage on an open municipal road).
- > **1914-1952** | Five other surveys were laid out in the immediate area, many of which were only partially implemented due to the various factors previously identified (topography, natural features and lack of municipal services). However, the surveys laid out in those 38 years make up most of the existing neighbourhood that exists today.
- > **1970s** | The original 1914 Pleasantview Survey was deregistered in the 1970's, but what remains are various clusters of residential development, City-owned road

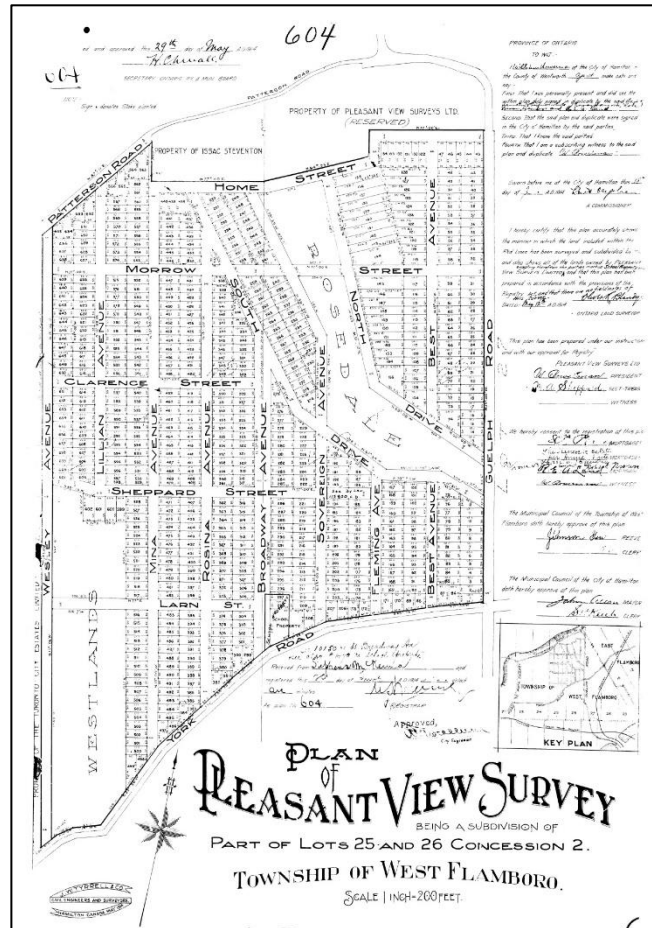


Figure 2: Original Pleasantview Survey (1914)

allowances, as well as various legal non-conforming uses.

- > **1973** | The Province of Ontario enacted a Minister's Zoning Order to freeze development within Pleasantview while they began to conduct background studies on what would become the Parkway Belt West Plan (PBWP) in 1978. Since that time, Pleasantview has been continuously subject to the PBWP. The Minister's Zoning Order was revoked.
- > **1986** | In response to the adopted PBWP, the Town of Dundas adopted an Amendment to the Town of Dundas Official Plan (OPA 13) to achieve conformity with the PBWP. OPA 13 created a Special Policy Area for Pleasantview, which permitted limited residential development on 0.4 ha (1 acre) lots.
- > **1988** | The Region of Hamilton-Wentworth extended piped water to the existing dwellings within Pleasantview to alleviate well contamination issues.
- > **1993** | The Town of Dundas adopted a new Official Plan Amendment for Pleasantview (OPA 23) and implementing Zoning By-law Amendments. At the same time, *Planning Act* applications were received for various forms of residential development. OPA 23, the Zoning By-law Amendments and the *Planning Act* applications were subsequently appealed to the Ontario Municipal Board (OMB) by several groups. The OPA and zoning as approved by Dundas Council:
 - Increased the minimum lot size from 0.4 ha to 0.8 ha for single detached dwellings;
 - Permitted "Cluster Form Development" for certain lands designated Rural; and,
 - Adjusted the open space designations as a result of more accurate information received as part of the Zoning By-law Amendments.
- > **1995** | As a result of the OMB appeal process associated with OPA 23, the Board issued an Order that significantly modified OPA 23 in the following ways:
 - No new single detached dwellings were permitted to be constructed after August 1993, save and except on lots with a minimum lot area of 10 hectares; and,
 - "Cluster Form Development" was prohibited - this resulted in the refusal of several subdivisions that were seeking planning approvals within Pleasantview.
- > **1998** | The Town of Dundas Zoning By-law (3581-86) was amended to implement the minimum 10 hectare lot area requirement for new single detached dwelling lots. Dundas Town Council passed the Zoning By-law Amendment in conformity with the 1995 OMB decision. Since the 1995 OMB decision, minimal development has occurred in Pleasantview.

- > **2006** | Following amalgamation of the Hamilton-Wentworth Region, which resulted in the City of Hamilton that exists today, the City adopted the Rural Hamilton Official Plan (RHOP) that contains a Special Policy Area to reflect the policy framework for Pleasantview in effect through the former Town of Dundas Official Plan.
- > **2013** | Through Niagara Escarpment Plan Amendment (NEPA) No. 179, the NEC included Pleasantview within the Niagara Escarpment Plan Area and designated the Lands as "Escarpment Natural Area", "Escarpment Protection Area" and "Escarpment Rural Area". In addition, NEPA 179 included a Special Policy Area (Policy 2.2.21) which predominantly reflects the planning framework from the 1995 OMB decision. No new dwellings were permitted on the remaining undeveloped lots with the exception of a single dwelling on a lot of at least 10 hectares in size, and, Site-Specific Policies were put into place to recognize existing uses and some existing permissions.
- > **2021** | The Ministry of Northern Development, Mines, Natural Resources and Forestry amended Ontario Regulation 826 under the Niagara Escarpment and Development Act to include the Pleasantview Area Lands into the area of NEC Development Control. Following the introduction of Development Control in the area, Hamilton City Council repealed the ICBL on September 29th, 2021 through By-law 21-169.
- > **Present** | Today, the lands continue to be under the jurisdiction of the NEP and the Former Town of Dundas Official Plan. As the lands were recently placed into NEC Development Control, Zoning By-law 3581-86 no longer has effect in the Study Area.



Figure 3: Oblique Aerial of Pleasantview (photo credit - Conservation Halton)

3.0 Relevant Provincial Policy

Provincial planning policy that is applicable to Pleasantview is complex and has been evolving for approximately 45 years. Provincial planning policies are also multi-jurisdictional, involving multiple Ministries with multiple mandates. Importantly, no Provincial policy is considered to be more important, or have any specific priority over any other Provincial policy. Rather, all Provincial policies are to be considered in their entirety and generally the more specific and/or most restrictive policy is to be applied, except for when specific guidance on applicable Provincial policy sections is provided within the relevant documents. Further, with respect to how Provincial policy is to be implemented by the City of Hamilton, it is a requirement that City's policies "conform" with Provincial policy, however, City policy may, in some instances, be more restrictive.

One notable difference in interpretation is the Provincial Policy Statement, where the City of Hamilton is required to be "consistent" with those policies. Generally, the test for consistency is interpreted to be conform with, unless there is a justifiable reason that conformity cannot be achieved.

3.1 The Provincial Policy Statement (2020)

The Provincial Policy Statements (PPS) was recently updated in 2020. The PPS applies to all decisions that affect a planning matter made on or after May 1, 2020, and it shall be read in its entirety and all relevant policies are to be applied to each situation.

It is a crucial element of the Provincial planning framework to understand the relationship of the PPS to all other Provincial plans (including the Niagara Escarpment Plan, the Greenbelt Plan, the Growth Plan and the Parkway Belt West Plan). All Provincial plans are to be read in conjunction with the PPS, and, importantly, those Provincial plans take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation states otherwise.

Further, where the policies of the identified Provincial plans address the same, similar, related, or overlapping matters as the policies of the PPS, applying the more specific policies of the Provincial plan satisfies the more general requirements of the PPS. In contrast, where matters addressed in the PPS do not overlap with policies in Provincial plans, the policies in the PPS must be independently satisfied. Nevertheless, land use planning decisions made by municipalities, must be "consistent with" the PPS. Where Provincial plans are in effect, planning decisions must conform or not conflict with them.

In Part IV: Vision for Ontario's Land Use Planning System, the PPS outlines a key planning principle affecting the ongoing management of development within the Niagara Escarpment Planning Area, and, more specifically, on Pleasantview. It states that the wise use of the Province's resources over the long term, which includes natural heritage and water resources, is a key provincial interest and that they must be managed in a

sustainable way (see Appendix B).

It is also a key principle of the PPS to focus growth and development to identified settlement areas. Pleasantview is specifically not within a settlement area and is within the Rural Area of the City of Hamilton. Pleasantview is consequently subject to the policies of Section 1.1.4 of the PPS, which states:

"Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy."

The PPS goes on to state in Section 1.1.5 that for development on rural lands, the planning authority must apply the relevant policies of the PPS and that development that is compatible with the rural landscape and the planned or available services should be promoted.

Pleasantview, like all of the Niagara Escarpment Planning Area, is within Eco-Regions 6E and 7E, as identified within the PPS. This means that the policies of Section 2.1 Natural Heritage of the PPS apply. The key elements of Section 2.1 are as follows:

- > Section 2.1.1 indicates that "*natural features and areas shall be protected for the long term*";
- > Section 2.1.2 states that "*the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features*";
- > Sections 2.1.3 states that "*natural heritage systems shall be identified*";
- > Sections 2.1.4 through 2.1.8 identify that development and site alteration shall not be permitted unless it has been demonstrated that there will be no negative impacts on the following natural features or their ecological functions:
 - Significant wetlands;
 - Significant woodlands;
 - Significant valleylands;
 - Significant wildlife habitat;
 - Significant areas of natural and scientific interest;

- Fish habitat;
- Habitat of endangered species and threatened species; and,
- Adjacent lands to the natural heritage features and areas.

Importantly, the requirement to protect *natural features and areas* is not interpreted as a flexible objective, but, rather a clear and definitive requirement of the Provincial planning policy framework. In addition, the relevant policies of the NEP, the Greenbelt Plan, as well as the City of Hamilton's current applicable planning framework fundamentally achieve this policy directive throughout Pleasantview.

There are also a number of natural hazards identified within Pleasantview, accordingly the policies of Section 3.0 of the PPS apply. Section 3.1 of the PPS generally serves to direct development outside of hazardous lands and hazardous sites that may pose a risk to public health and safety. In Pleasantview, these hazardous lands and sites are regulated through the Regulated Areas of both the Hamilton Conservation Authority and Conservation Halton. A Development Permit from the applicable Conservation Authority is required prior to developing within the Regulated Area. As most of the lands fall within the Conservation Halton regulated watershed, it is important to consult Conservation Halton's Policies and Guidelines for the Administration of Ontario Regulation 162/06. Overall, Pleasantview is subject to a multitude of Provincial planning policy, which is, for the most part, substantially more detailed and specific than the PPS, and consequently, those detailed and specific policies will take precedence. However, and notwithstanding the issues of applicability and precedence, the PPS does provide substantial Provincial planning policy support to the other applicable Provincial plans that are relevant to Pleasantview.

Further, the updated PPS provides a host of updated definitions that are particularly relevant to the definition of the natural heritage system, which in turn generally supports the NEP, the Greenbelt Plan and the existing planning policy framework of the City of Hamilton.

3.2 The Parkway Belt West Plan (1978)

Although the lands were previously subject to the Parkway Belt West Plan, in accordance with Section 22.1 (1) of the Ontario Planning and Development Act, the Parkway Belt West Plan shall cease to apply to lands that are part of the Niagara Escarpment Planning Area. Accordingly, the Parkway Belt West Plan no longer applies to the Pleasantview Lands as they were added to the Niagara Escarpment Planning Area in 2013.



Figure 4: Oblique Aerial of Pleasantview (photo credit - Conservation Halton)

3.3 The Niagara Escarpment Plan (2017)

The Provincial government established the Niagara Escarpment Planning and Development Act, which, in turn, established a planning process to ensure that the identified Niagara Escarpment would be protected from inappropriate development for the long-term. From the Niagara Escarpment Planning and Development Act emerged the Niagara Escarpment Plan (NEP), which serves as a framework of objectives and policies to strike a balance between development, protection and the enjoyment of this important landform feature and the resources it supports.

The NEP establishes very specific policies within the Niagara Escarpment Planning Area, including specific policies for Pleasantview. The NEP takes a landscape approach that recognizes the Escarpment as a continuous landform and provides land use designations to create a series of connected and protected areas. The purpose of the NEP is to:

- > Protect ecological areas;
- > Provide opportunities for outdoor recreation;
- > Maintain and enhance the open landscape character of the Escarpment; and,
- > Ensure all new development is compatible with the Plan.

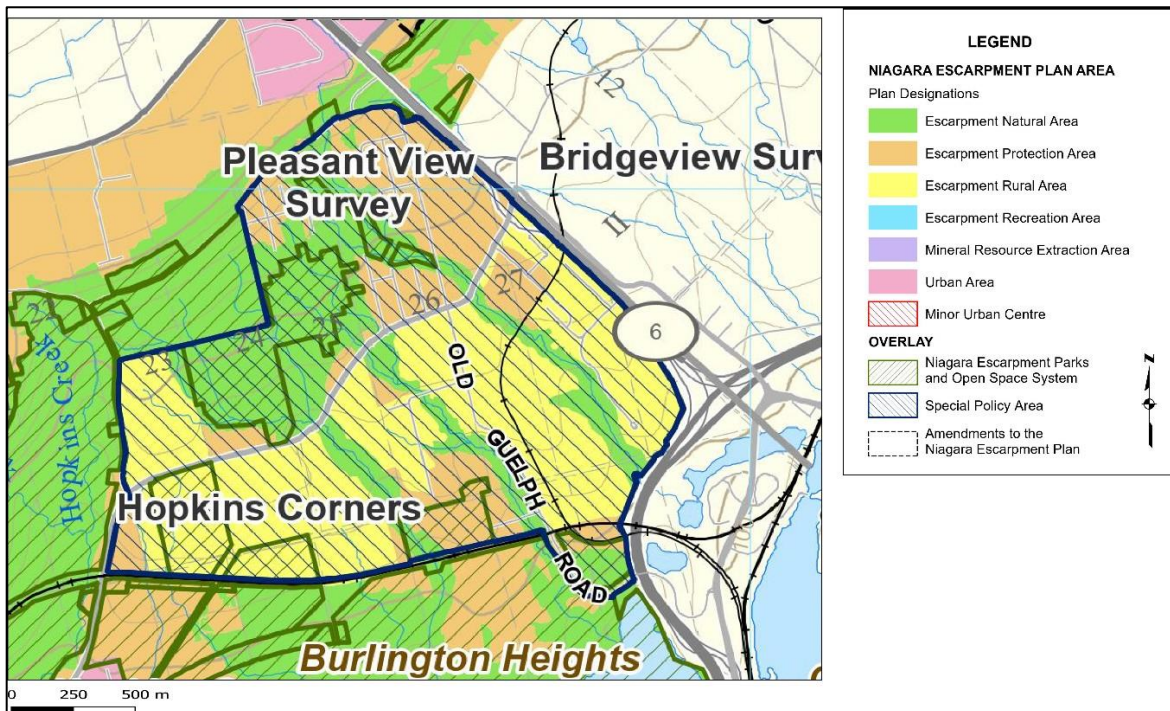
The NEP details what land uses are permitted within the Niagara Escarpment Planning Area. As identified on **Map 2**, lands within Pleasantview fall into three designations, “*Escarpment Natural Area*”, “*Escarpment Protection Area*” and “*Escarpment Rural Area*”,

each of which is described in detail below. It is important to note that Pleasantview is also identified as being within a Special Policy Area on **Map 2**. This Special Policy Area significantly modifies the permissions in each of the underlying land use designations, which will be discussed in detail later herein.

- > The "Escarpment Natural Area" designation includes lands that are in a relatively natural state and provide essential ecosystem supports. The "Escarpment Natural Area" designation is associated with escarpment slopes, abutting woodlands and underlying bedrock. Objectives of the "Escarpment Natural Area" designation include: recognition, protection and where possible enhancement of natural heritage and hydrological systems associated with the NEP Area and to protect the natural Escarpment's most important natural features.

The "Escarpment Natural Area" is the most restrictive and consequently has the least number of permitted uses of the three designations, which are subject to Part 2 Development Criteria. The "Escarpment Natural Area" designation does not permit lot creation for agriculture.

Map 2 - Niagara Escarpment Plan Excerpt from Map 2: City of Hamilton



- > The "Escarpment Protection Area" designation includes slopes and Escarpment related landforms, where existing land use developments have altered the natural environment. The "Escarpment Protection Area" designation expands to include areas in proximity to Escarpment slopes that are visually part of the general Niagara Escarpment landscape unit. Like the "Escarpment Natural Area" designation, this designation aims to maintain and enhance scenic resources and an open landscape

character, aiming to recognize and buffer, rather than specifically protect Escarpment features. The "*Escarpment Protection Area*" designation encourages forest management and agriculture.

The "*Escarpment Protection Area*" designation permits the uses within the "*Escarpment Natural Area*", plus expanding the permitted uses to recycling depots, home industries, institutional uses, agricultural and agriculture related uses and uses set out in the Special Provisions for the Pleasantview Survey Lands, again subject to Part 2 Development Criteria. The "*Escarpment Protection Area*" designation permits lot creation for agriculture.

- > The "*Escarpment Rural Area*" designation includes minor Escarpment slopes and landforms, any lands in the vicinity of the Niagara Escarpment that are necessary to provide an open landscape character or are of ecological importance. Lands within the "*Escarpment Rural Area*" designation are to maintain scenic resources, encourage forest management and recreation. Lands within the "*Escarpment Rural Area*" designation are not specifically required to include conservation and educational activities, as identified in the other two designations.

Permitted uses within the "*Escarpment Rural Area*" designation include the uses within the "*Escarpment Protection Area*" designation, plus secondary dwelling units, licensed mineral aggregate operations and wayside quarries, subject to Part 2 Development Criteria. The "*Escarpment Rural Area*" designation permits lot creation for agriculture.

Section 2.2 of the NEP outlines general development criteria for all permitted uses, protecting the escarpment environment, number of dwellings per lot and design considerations. Most importantly, Section 2.2.21 of the Plan contains Special Provisions that outline site-specific development criteria and permissions related to the Special Policy Area in effect for Pleasantview. These Special Provisions have a significant impact on development within Pleasantview in that they effectively 'notwithstanding' any permitted uses in the applicable land use designations, instead inserting a specific list of permitted uses, as well as the definitions for 'lot', 'existing lot of record' and 'existing use'. The details of Section 2.2.21 of the NEP are included in the Appendix C. Generally, the Special Provisions restrict permitted uses to existing uses, as well as accessory uses and a single dwelling on a lot with a minimum size of 10 hectares. The Special Provisions also identify several site-specific exceptions.

As noted, the restrictive elements of the NEP, as they apply to Pleasantview, make reference to the "*Development Criteria*". Section 2.1 states that the "*Development Criteria*" are to be applied to all development in conjunction with the other applicable policies of the NEP. The policies also indicate that the "*Development Criteria*" deal with development in a variety of situations and, therefore, all the "*Development Criteria*" will not apply to every development.

The objective of the "*Development Criteria*" "*is to permit reasonable enjoyment by the*

owners of all lots that can sustain development". These criteria include considerations such as protection of the Escarpment environment and avoiding natural hazards, prohibiting lot creation, promoting green building strategies, protection of heritage attributes, limits and criteria for home occupations and home industries, and limits and criteria for secondary dwelling units, including that only one is permitted per existing lot or record. The full excerpt from Section 2.2 General Development Criteria is located in Appendix C.

The key policy elements of the NEP that impact Pleasantview are the Special Provisions contained within Subsection 2.2.21, which states that only single dwellings that existed on or before August 14, 1998 shall be permitted. For any other use, only uses that existed on or before February 16, 1993 shall be permitted. This is both very clear, and very restrictive. This policy framework fundamentally shuts the door on any new development within Pleasantview, with the following exceptions:

- > A single dwelling may be permitted on a lot with a minimum size of 10 hectares in accordance with the Development Criteria of this Plan. There are seven remaining properties that are at least 10 hectares in area. However, of these properties, only three are privately owned and it is believed that one of those already contains a single dwelling, and another is the Columbia Northcliffe Campus;
- > Accessory uses may be permitted. Further, the replacement of an existing single dwelling may also be permitted. Accessory uses and/or the replacement of an existing single dwelling shall be in accordance with the Development Criteria of the NEP; and,
- > There are a number of site-specific exceptions contained within the Special Provisions [s. 2.2.21] where additional uses are permitted in accordance with the provisions included therein. Please refer to the NEP excerpts contained within Appendix B for details of the site-specific permissions for Pleasantview.

With the Pleasantview Lands being recently included within the Area of Development Control, the Niagara Escarpment Plan Development Criteria (Section 2.0) shall be used in the consideration of Development Permit applications. NEC Development permits now regulate development in Pleasantview. It is also important to note that:

- > The Development Criteria will be used as minimum standards for assessing the conformity of the Rural Hamilton Official Plan and associated Zoning By-law provisions, in accordance with the NEP; and,
- > Where an Official Plan, Zoning By-law, or other planning approval is silent on one or more Development Criteria included in the NEP, the Development Criteria still apply.

The Special Provisions of Subsection 2.2.21 significantly alter the development permissions of each of the underlying land use designations and serve to further restrict development in Pleasantview, while protecting ecological value and preserving the open landscape character of the Escarpment. As previously noted, the City of Hamilton's Official Plan(s) and Zoning By-laws are required to "conform with" this policy direction. Accordingly, the incorporation of the policy framework laid out in Section 2.2.21 of the NEP into municipal land use planning policy documents is integral to ensure conformity.



Figure 5: Hopkins Tract Ravine (photo credit - Conservation Halton)

3.4 The Greenbelt Plan (2017)

The Greenbelt Plan derives its authority from the *Greenbelt Act, 2005*, which authorizes the establishment of the Greenbelt Area, and further authorizes the establishment of the Greenbelt Plan for all or part of the Greenbelt Area. The Greenbelt Plan is applicable to the Greater Golden Horseshoe (GGH). The Greenbelt Plan identifies that the *"GGH is located in the heart of the Great Lakes region. It contains many of Canada's most ecologically and hydrologically significant natural environments and scenic landscapes, including the Oak Ridges Moraine and the Niagara Escarpment. These natural areas clean the air, provide drinking water, provide diverse flora and fauna habitats, including pollinators, and they provide opportunities for recreational activities that benefit public health and overall quality of life."*

Section 1.1 Context of the Greenbelt Plan identifies that the Greenbelt is the cornerstone of the Growth Plan, *"which is an overarching strategy that provides clarity and certainty about urban structure, where and how future growth should be accommodated and what must be protected for current and future generations."* For the Pleasantview Lands, the Greenbelt Plan, together with the Niagara Escarpment Plan, the Growth Plan and the Provincial Policy Statement *"identify where urbanization should not occur in order to*

provide permanent protection to the agricultural land base and the ecological and hydrological features, areas and functions occurring on this landscape". These plans also work in concert "with Ontario's Climate Change Strategy, 2015, the government's commitment to meet its long-term targets to reduce greenhouse gas emissions".

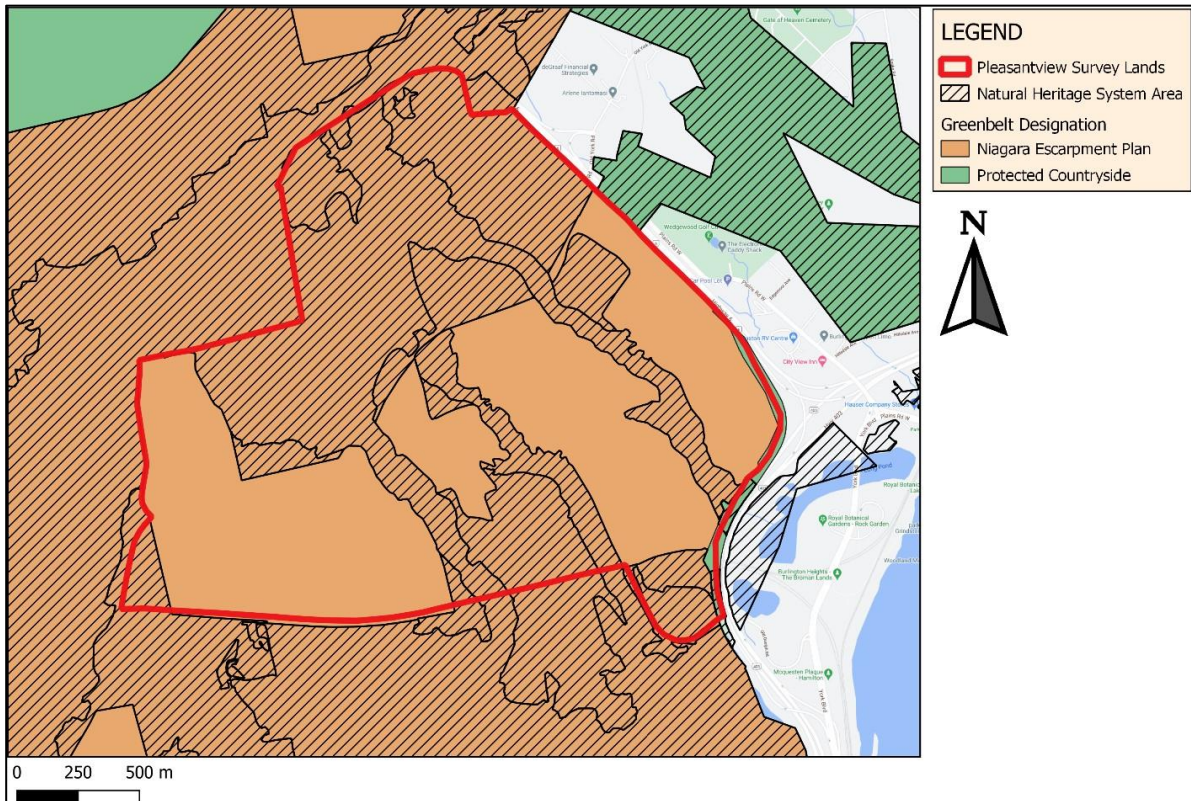
Section 1.2.1 Vision states that the Greenbelt is a broad band of permanently protected land which:

- > Protects against the loss and fragmentation of the agricultural land base and supports agriculture as the predominant land use;
- > Gives permanent protection to the natural heritage and water resource systems that sustain ecological and human health and that form the environmental framework around which major urbanization in south-central Ontario will be organized;
- > Provides for a diverse range of economic and social activities associated with rural communities, agriculture, tourism, recreation and resource uses; and,
- > Builds resilience to and mitigates climate change.

Importantly, the Greenbelt Plan must be read in conjunction with other Provincial plans, related planning mechanisms, regulations and standards of Conservation Authorities, other agencies and the federal government, including, the Growth Plan, the Niagara Escarpment Plan, the Parkway Belt West Plan, and, for the Pleasantview Lands, the Rural Hamilton Official Plan, the former Town of Dundas Official Plan and Zoning By-law No. 3581-86. Within the Greenbelt Area, any *"application, matter or proceeding related to these plans, regulations or standards shall conform with the Greenbelt Plan. However, where the plans, regulations or standards are more restrictive than this Plan, the more restrictive provision shall prevail"*.

Pleasantview falls within the Greenbelt Area and is identified as within the NEP Area (see **Map 3**). Requirements under the NEP and Parkway Belt West Plan continue to apply. As per Sections 2.2 and 2.3 of the Greenbelt Plan, the Protected Countryside policies of the Greenbelt Plan do not apply, with the exception of Section 3.3 for lands within the Niagara Escarpment and with the exception of Section 3.2 and 3.3 for lands within the Parkway Belt West Plan Area.

Map 3 - Greenbelt Plan Excerpt from Schedule 4 Natural Heritage System



Section 3.2 Natural System of the Greenbelt Plan states that the Natural System policies are intended to protect areas of natural heritage, hydrologic and landform features, which provide essential ecosystem services and contribute to the ecological integrity of the Greenbelt (see Appendix D). Fundamentally, the Natural System of the Greenbelt builds upon, and is connected to other GGH- scale natural systems as identified through the Growth Plan, and, importantly for the Pleasantview Lands, the NEP. The Greenbelt Plan states that the overall Natural System is made up of a Natural Heritage System and a Water Resource System. Those systems often coincide, given ecological linkages between terrestrial and water-based functions.

The Natural Heritage System - Section 3.2 of the Greenbelt Plan identifies a policy framework for the Natural Heritage System, which includes core areas and linkage areas of the Protected Countryside with the highest concentration of the most sensitive and/or significant natural features and functions. These areas need to be managed as a connected and integrated Natural Heritage System, given the functional inter-relationships between them and the fact that this Natural Heritage System builds upon the natural systems contained within the NEP, and will connect with the Natural Heritage System that will be issued pursuant to the Growth Plan. Together, these systems will comprise and function as a connected Natural Heritage System. For lands within the Natural Heritage System of the Protected Countryside, the following policies shall apply [s. 3.2.2]:

- > The provisions of the NEP, as they specifically are applied to the Pleasantview Lands,

permits existing agricultural uses, including new buildings for existing agricultural, agriculture-related and on-farm diversified uses and normal farm practices, subject to the policies of the NEP and the Greenbelt Plan; and,

- > Any development or site alteration shall demonstrate that:
 - There will be no negative impacts on key natural heritage features or key hydrologic features or their functions;
 - Connectivity along the system and between key natural heritage features and key hydrologic features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;
 - The removal of other natural features not identified as key natural heritage features and key hydrologic features should be avoided. Such features should be incorporated into the planning and design of the proposed use wherever possible;
 - Except for specifically defined uses in the Greenbelt Plan:
 - + The disturbed area, including any buildings and structures, of the total developable area will not exceed 25 per cent (40 per cent for golf courses); and,
 - + The impervious surface of the total developable area will not exceed 10 per cent; and,
 - At least 30 per cent of the total developable area will remain or be returned to natural self-sustaining vegetation, recognizing that the policies of the Greenbelt Plan establish specific standards for certain land uses.

The Water Resource System - Section 3.2 of the Greenbelt Plan also identifies the policy framework for the Water Resource System, comprising both ground and surface water features and areas and their associated functions, which provide the water resources necessary to sustain healthy aquatic and terrestrial ecosystems and human water consumption. With respect to Pleasantview, the NEP includes very significant elements of the broader Water Resource System identified by the Greenbelt Plan. The areas to which the NEP applies contain primary recharge, headwater and discharge areas, together with major drinking water aquifers, within the Greenbelt. Of influence on Pleasantview, the Protected Countryside includes several areas of hydrological significance, including:

- > The upper reaches of watersheds draining to Lake Ontario to the west of the Niagara Escarpment;
- > Lands around the primary discharge zones along the toe of the Niagara Escarpment;

and,

- > The major river valleys that flow from the Niagara Escarpment to Lake Ontario.

With respect to Water Resource System planning, the Greenbelt Plan promotes "a comprehensive, integrated and long-term approach for the protection, improvement or restoration of the quality and quantity of water. Such an approach shall consider all hydrologic features, areas and functions and include a systems approach to the inter-relationships between and/or among key hydrologic features and key hydrologic areas." The Greenbelt Plan goes on to identify that "watersheds are the most meaningful scale for hydrological planning. Municipalities, partnering with conservation authorities as appropriate, shall ensure that watershed planning is undertaken to support a comprehensive, integrated and long-term approach to the protection, enhancement or restoration of the quality and quantity of water within a watershed."

Key Natural Heritage Features/Key Hydrologic Features - More specific policies in the Greenbelt Plan affect any development or site alteration on lands within a key natural heritage feature or a key hydrologic feature. The policies of Section 3.2.5 are applicable to features within Pleasantview and generally prohibit development or site alteration in key hydrologic features and key natural heritage features within the Natural Heritage System. Furthermore, development adjacent to these features must address and identify minimum vegetation protection zones and identify when a natural heritage evaluation or hydrological evaluation is required. An excerpt of Section 3.2.5 is located in Appendix D.

Parkland, Open Space and Trails - Section 3.3 of the Greenbelt Plan is intended to support the maintenance and expansion of a publicly accessible system of parkland, open space and trails for current and future generations, in cooperation with all landowners. This Section further states that such a system serves as an important component of a complete community as well as provides environmental protection and improved air quality.

Further, the Greenbelt Plan recognizes that this "system of parklands, open spaces, water bodies and trails helps address the causes and impacts of climate change by capturing and storing carbon, recharging aquifers and protecting biodiversity and sensitive areas" as well as providing significant economic benefits and opportunities for a wide range of compatible uses, and should be the basis for future parkland, open space and trail development decisions.

For the most part, the policies that correspond to the Parkland, Open Space and Trails Section of the Greenbelt Plan are aspirational, and objective based. The associated policy framework focuses on "maintaining and expanding the supply of publicly accessible parkland, open space and trails is encouraged through strategic planning activities that identify, plan for and protect these resources for current and future generations..."

Section 3.3.2 provides a number of policies that focus on the activities of the Province, in partnership with municipalities, conservation authorities, non-government organizations

and other interested parties. Section 3.3.3 focuses on the creation of "strategies" and directs municipalities to ensure the provision of a full range of publicly accessory recreational facilities, parkland, open space area and trails (see Appendix D).

Overall, the Greenbelt Plan builds upon ecological protections that are articulated within the Niagara Escarpment Plan, directing where future growth will be accommodated within the Greater Golden Horseshoe. In conjunction with the Growth Plan and the Provincial Policy Statement, the Greenbelt Plan establishes a land use planning framework for the Greater Golden Horseshoe that supports a thriving economy and a clean healthy environment.

Municipal implementation of the Greenbelt Plan is required through the Greenbelt Act, 2005, ensuring that municipal decision making and local Official Plans and Zoning By-laws are approved in conformity with the Greenbelt Plan. In general, the Greenbelt Plan adds further protection to areas falling within the NEP. As per the above discussion, the key Greenbelt Plan policies with respect to the Pleasantview Lands can be summarized as follows:

- > Policies in Section 3.2 of the Greenbelt Plan protect natural heritage, hydrological features and landforms and collectively provide policy protection for essential ecosystem features and functions. New development or site alteration shall demonstrate there will be no negative impacts on key natural heritage features, key hydrological features or their ecological function.
- > Policies in Section 3.3 of the Greenbelt Plan recognize that a system of parkland and open space provides necessary opportunities for recreation, tourism, and the appreciation of natural heritage and forms an important component of *complete communities*. The policy framework in Section 3.3 is considered aspirational and does not identify specific policies that regulate development or site alteration. The primary objective is to maintain or expand the supply of publicly accessible parkland.
- > The Greenbelt Plan includes a host of new, or updated definitions that are useful for an updated planning policy framework, particularly in the articulation of a robust Natural System.

3.5 The Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan for the Greater Golden Horseshoe (the Growth Plan) was updated in 2019, with an amendment in 2020 (Amendment 1). It is important to recognize that the Growth Plan is to be read in conjunction with the PPS and other Provincial plans that apply to Pleasantview, such as the Greenbelt Plan, the NEP and the PBWP. Further, the policies of the Growth Plan that address the same, similar, related, or overlapping matters as the Greenbelt Plan or the NEP do not apply within those parts of those areas covered by those plans. The exception is where there is a conflict between the Greenbelt Plan or the NEP and the Growth Plan regarding the natural environment or human health, the direction that provides more protection to the natural environment or human health

prevails.

In Section 1.1, the Growth Plan recognizes that the Greater Golden Horseshoe contains Ontario's most significant ecological and hydrologic natural environments and scenic landscapes, including the Niagara Escarpment and Greenbelt Area, which provide key supports and ecological services (see Appendix E). In the Vision for the GGH, the Growth Plan also asserts that the Niagara Escarpment will continue to be enhanced and protected in perpetuity and that the GGH's natural areas will be accessible for residents to enjoy their beauty.

In Section 1.2.1 Guiding Principles, it is a key principle of the Growth Plan to *"protect and enhance natural heritage, hydrologic, and landform systems, features, and functions"*. Section 2.2 Policies for Where and How to Grow and specifically Section 2.2.1 Managing Growth indicates that *"the vast majority of growth will be directed to settlement areas that:*

- i. have a delineated built boundary;*
- ii. have existing or planned municipal water and wastewater systems;"...*

Section 2.2 further identifies that *"growth will be limited in settlement areas that":*

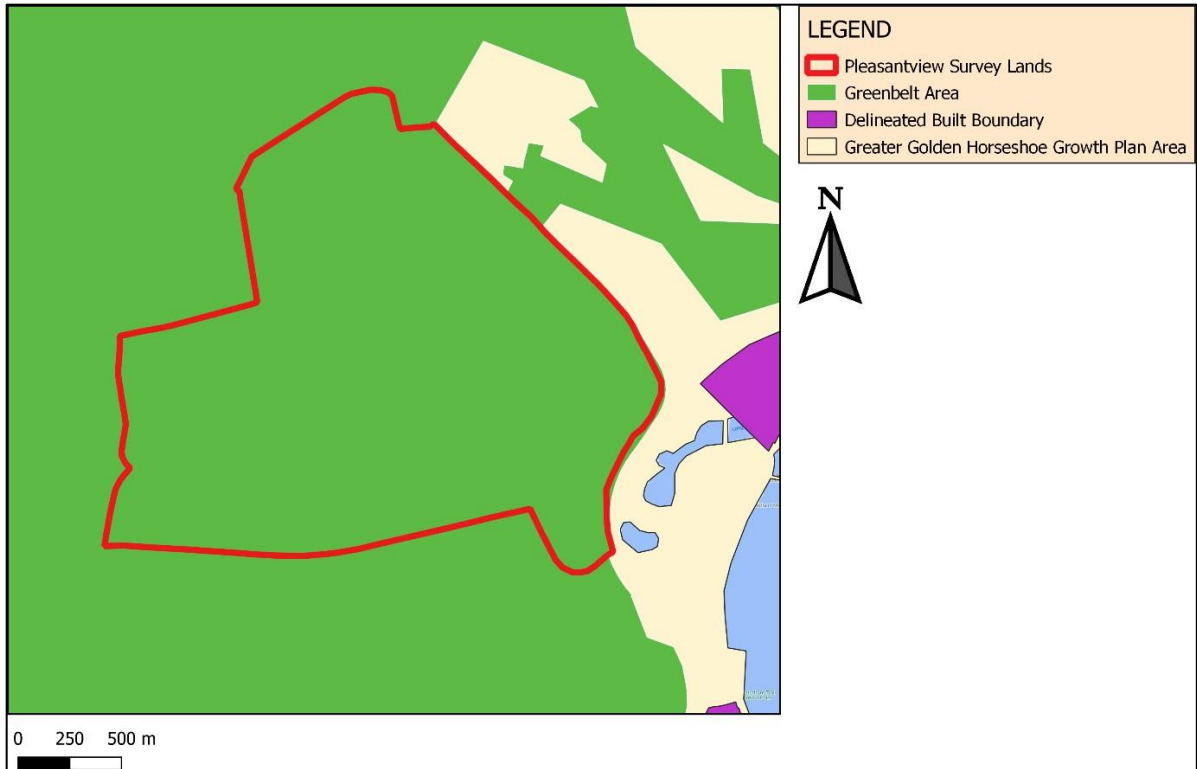
- "ii. are not serviced by existing or planned municipal water and wastewater systems; or*
- iii. are in the Greenbelt Area;"*

These policies are relevant to Pleasantview because they confirm that, as a rural area, they are not intended to accommodate any substantial growth. In addition, the Growth Plan includes foundational policy elements that are intended to ensure the protection and enhancement of the Niagara Escarpment in perpetuity.

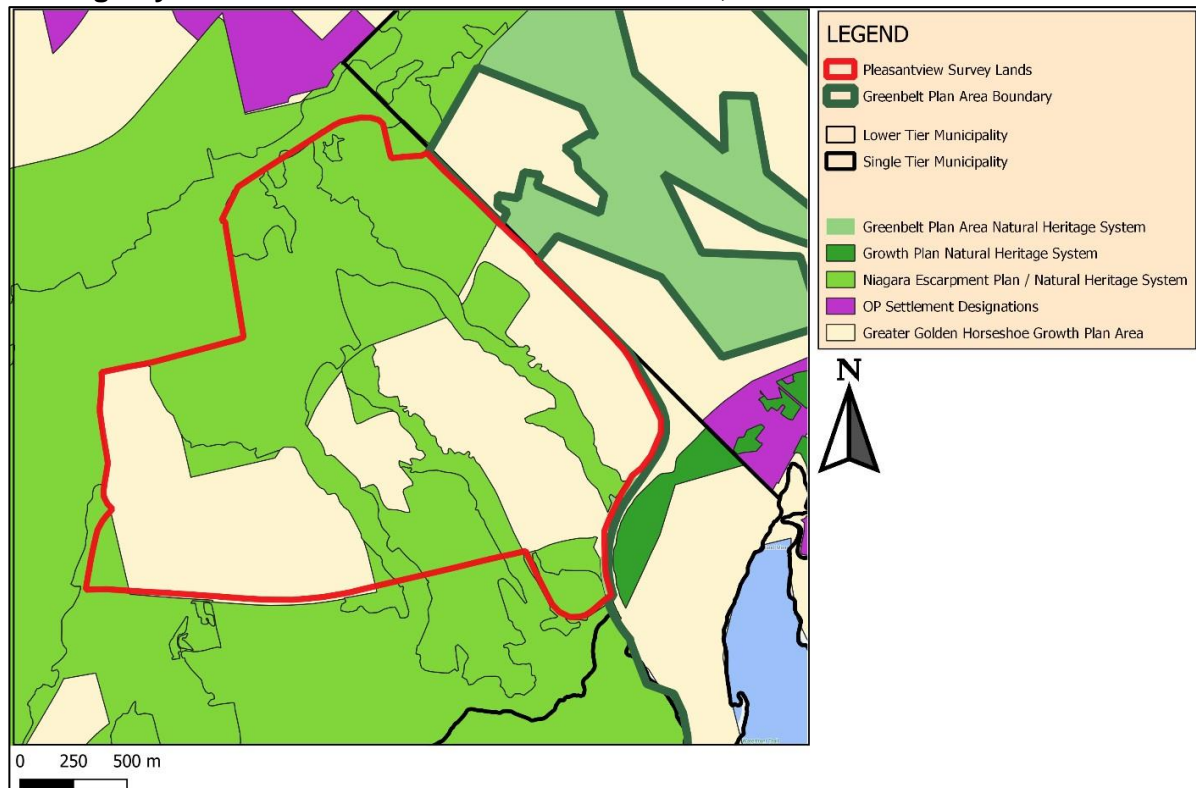
Pleasantview is designated as a "Greenbelt Area" in the Growth Plan, as shown on **Map 4**. As noted previously, any policies from the Greenbelt Plan, or NEP that address the same or similar matters take precedence over the Growth Plan within the Greenbelt Area unless specified otherwise.

Further in Section 4 Protecting What is Valuable of the Growth Plan, Section 4.1 Context identifies that the GGH contains a broad array of resources that are essential for long-term quality of life and that collectively provide essential ecosystem services and emphasizes that they must be wisely protected and managed (see Appendix E).

Map 4 - Growth Plan Excerpt from Schedule 4 Urban Growth Centres



Map 5 - Regional Natural Heritage System (Figure 19) from The Regional Natural Heritage System for the Greater Golden Horseshoe, 2018



It is important to note that Pleasantview is identified as part of the Growth Plan Natural Heritage System as shown on **Map 5** containing the Niagara Escarpment Plan / Natural Heritage System designation.

The Growth Plan does require that the City of Hamilton overlay the Growth Plan Natural Heritage System in its Official Plans, and to create policies to maintain, restore or enhance the ecological functions of the System. The policy framework for the Natural Heritage System found in the Growth Plan is similar to the policy framework provided for in the Greenbelt Plan. Section 4.2.2 Natural Heritage System states that new development or site alteration in the Natural Heritage System for the Growth Plan cannot have negative impacts on key natural heritage features or key hydrologic features or their functions, will maintain or enhance connectivity, will avoid removing other natural features and will limit the extent of the developed area (see Appendix E).

Overall, the Growth Plan directs growth and development to settlement areas and limits growth in defined rural areas, like Pleasantview. The Growth Plan also identifies strong policy support for the establishment and protection of a regional natural heritage system, that specifically includes the Niagara Escarpment Plan Area, the Greenbelt Plan Area, and consequently, the Pleasantview Lands. The Growth Plan defers to both the Greenbelt Plan and the NEP for more detailed and specific policies governing Pleasantview.



Figure 6: Hopkins Tract Restoration Work

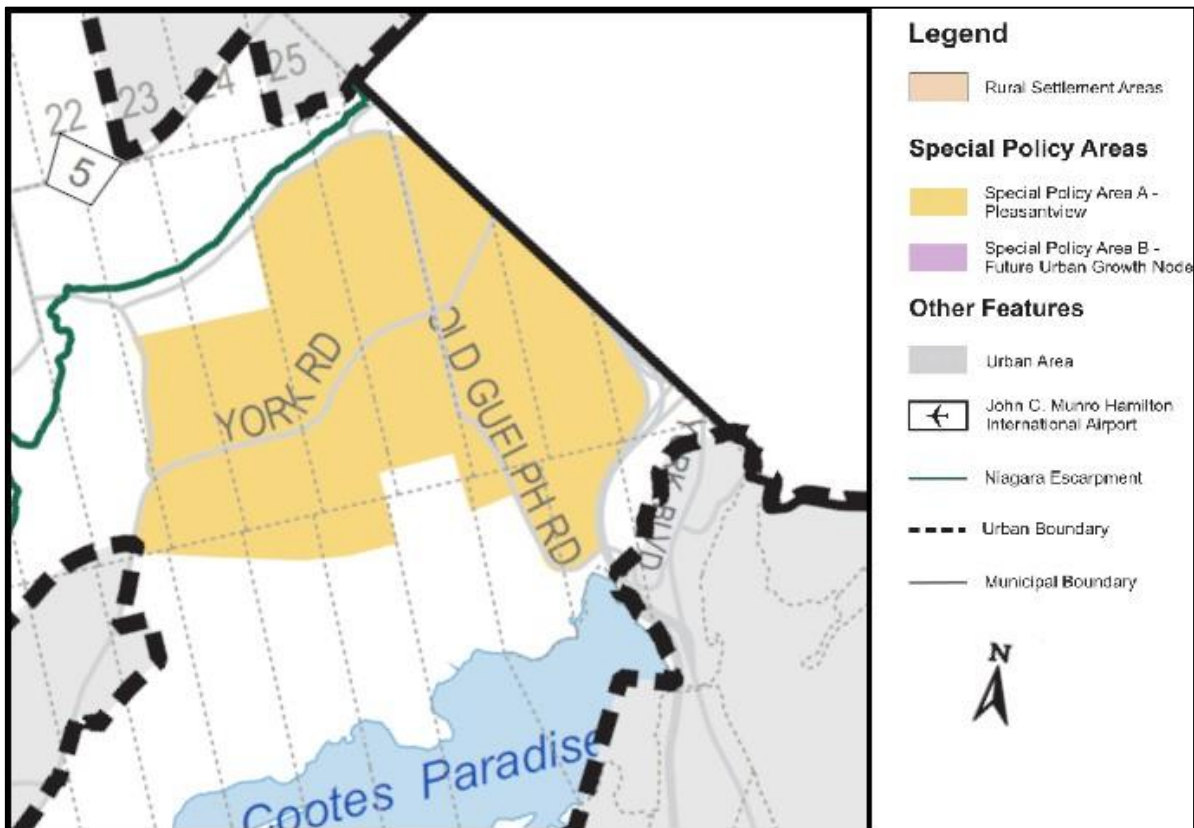
4.0 Relevant Local Policy

4.1 The Rural Hamilton Official Plan

The Rural Hamilton Official Plan contains reference to Pleasantview through the inclusion of "Special Policy Area A - Pleasantview" within Volume 3 of the RHOP, as identified on Map A of Volume 3 of the Plan (see **Map 6** below). The text of the Special Policy Area is included below for reference.

"A.1.1 Notwithstanding Section C.1.3.1 or any other applicable policies in Volume 1 of this Plan, the lands identified as Special Policy Area A on Map A - Special Policy Areas, remain subject to provisions of the Official Plan of the former Town of Dundas as set out by the Ontario Municipal Board Decision (dated June 28, 1995). Following completion of a comprehensive growth management study known as GRIDS (Growth Related Integrated Development Strategy), Council has approved SPA A to remain as a part of the Rural Area. To reflect the unique circumstances of these lands and permanently resolve their status under the Provincial Parkway Belt West Plan and ensure Greenbelt Plan conformity, the City shall conduct future studies, prepare Secondary Plan policies and undertake community consultation to adopt a future amendment to this Plan for SPA A in conformity with applicable Provincial plans and policies."

Map 6: RHOP Excerpt from Volume 3 - Map A - Special Policy Areas



Overall, the Rural Hamilton Official Plan recognizes the planning policy history of the former Town of Dundas through both the Town of Dundas Official Plan and the former 1995 OMB Order. The policy also indicates that following GRIDS, the City will undertake future studies and prepare Secondary Plan policies, including community consultation, to ensure conformity with the applicable Provincial plans and policies.

Should the lands be formally brought into the City's Rural Hamilton Official Plan, the policies of that Plan would apply. Most notably, the City's robust Natural Heritage System and the associated policy framework contained within Section C.2.0 of the RHOP would apply.

4.2 Former Town of Dundas Official Plan Amendment 23

The former Town of Dundas Official Plan Amendment 23 (OPA 23) provides the current local planning policy framework for the Pleasantview Lands. OPA 23 was adopted by Dundas Council in 1993, and subsequently appealed to the OMB (now LPAT) by multiple parties. As initially approved by Council, the general intent of OPA 23 was to revise the former Town of Dundas Official Plan as follows:

- > To increase the minimum lot area for each single detached dwelling from 0.4 hectares to 0.8 hectares.
- > To add a new policy to provide for the opportunity within the Rural designated lands for "cluster form development", either through the provision of a communal sewage system or by full municipal services, where readily available; and,
- > To revise the land use designation boundaries of Schedule "B" - Land Use Concept, Schedule "B-I" - Special Policy Areas, and Schedule "C" - Environmentally Sensitive Areas, to reflect the more accurate information received as part of the various Zoning By-law amendments.

4.2.1 OMB Order (1995)

During the process of preparing and approving OPA 23, a number of *Planning Act* applications were received for various forms of residential development within the Pleasantview Lands. OPA 23, the associated Zoning By-law Amendments and the *Planning Act* applications were appealed to the Ontario Municipal Board (OMB) by several groups in 1993. The outcome of the OMB hearing significantly modified OPA 23 through an Order issued on June 28th, 1995 in the following ways:

- > No new single detached dwellings were permitted to be constructed after August 1993, save and except on lots with a minimum lot area of 10 hectares.
- > "Cluster form development" was prohibited - this resulted in the refusal of several subdivisions that were seeking planning approvals within Pleasantview; and,

- > The minimum lot size for new dwellings was increased from 0.8 hectares to 10 hectares.

As a result, the policy framework from OPA 23 and the associated OMB Order, included in Appendix F, is currently in effect for Pleasantview. These policies were initially adopted by By-law No. 3354-82 by the Dundas Town Council, and approved by the MMAH on September 15, 1982, as amended by OPA #23 and OMB Order in Case No. PL930179, dated June 28, 1995.

These policies were carried into the Zoning By-law and to some extent the Special Provisions of the NEP. The OMB Order prohibiting construction of new single detached dwellings after August 1993 partly carries over into the NEP Special Provision (2.2.21) for permitted uses and Town of Dundas Zoning By-law (No. 3581-86) as an exception (No. 4066-93). Since the OMB decision minimal development has occurred in Pleasantview.

4.3 Former Town of Dundas Zoning By-law 3581-86

In accordance with OPA 23, and the associated OMB Order, Zoning By-law 3581-86 was amended to implement the relevant regulatory elements that affect various land use zones on the Pleasantview Lands through the adoption of By-law 4066-93, which remains largely unchanged today. The Zoning By-law identifies eight (8) base zones in Pleasantview; with a number of site-specific zones. It is important to note that as the lands were placed into NEC Development Control, Zoning By-law 3581-86 has no effect.

The eight (8) base zones currently in-effect in Pleasantview, along with the associated site-specific zones are identified below for reference. A brief explanation as to the purpose and intent of each zone has also been included.

- > **Rural Area (RU) Zone** - The purpose of the Rural Area (RU) Zone is to retain lands so zoned in an open space setting for agricultural purposes including very limited farm-related development. In addition to the Rural Area (RU) Zone, there are a number of Exception Zones, including:
 - **Rural Area RU/S-58 Exception Zone** - permission, site-specifically, for an existing or approved single detached dwelling in specified circumstances on a lot area of 0.8 hectares;
 - **Rural Area RU/S-59 Exception Zone** - permits a single-detached dwelling and includes a number of site-specific development provisions and performance standards;
 - **Rural Area RU/S-67 Exception Zone** – modifies, site-specifically, the minimum front yard setback and maximum height, and prohibits a fence beyond the building setback line;
 - **Rural Area RU/S-87A Exception Zone** - modifies, site-specifically, the lot requirements for the establishment of a single detached dwelling to a minimum lot

area of 1.4 hectares and a minimum frontage of 91 metres;

- **Rural Area RU/S-99 Exception Zone** - permits, site-specifically, a garden suite for a period of 10 years; and,
 - **Rural Area RU/S-111 Exception Zone** - permits, site-specifically, the development of a single detached dwelling on a lot of at least 0.8 hectares, with municipal water supply, while also establishing a series of site-specific performance standards.
- > **Open Space Conservation (OS) Zone** - The purpose of the Open Space Conservation (OS) Zone is to protect lands unsuitable for general urban development due to their physiographic characteristics or their ecological significance. With the exception of special public works for conservation purposes and limited development which enhances the cultural, recreational and natural resources of the zone, these lands are intended to be maintained in their natural state.
- > **Park and Recreation (PR1) Zone** - The purpose of the Park and Recreation (PR1) Zone is to provide for active and passive recreational uses, including landscape enhancement and conservation.
- > **Public And Private Service (PPS) Zone** - The purpose of the Public And Private Service (PPS) Zone is to make provision for services to the community provided by the Corporation of the Town of Dundas, Government or Public Authorities, Private and Non-Government Agencies. In addition to the Public And Private Service (PPS) Zone, there are two Exception Zones, as follows:
- **Public And Private Service Zone PPS/S-56 Exception Zone** - site-specifically limits the permitted uses to those uses existing at the date of passing of the by-law and those uses deemed "similar" to those uses permitted, as determined by the Committee of Adjustment; and,
 - **H-Public And Private Service Zone H-PPS/S-56A** – permits, on a site-specific basis, an 138-occupant dormitory in the existing building as a temporary use until July 12, 2022 and an existing driveway to be used for access, with a Holding Symbol which limits the capacity to 96 occupants while it is applicable, with its removal based on ability to provide adequate services.
- > **Public Utilities (U) Zone** - The purpose of the Public Utilities (U) Zone is to provide for public utility installation and facilities including rights-of-way required by public utility agencies. In addition to the Public Utilities (U) Zone, there is an Exception Zone, as follows:
- **Public Utilities U/S-57 Exception Zone** - provides for a prohibition of waste treatment facilities on a specific-site.
- > **Light Industrial (I.L) Zone** - The purpose of the Light Industrial (I.L) Zone is to provide

for a wide range of wholly enclosed industrial and business uses which are compatible with each other and do not adversely affect surrounding non-industrial land uses. In addition to the Light Industrial (I.L.) Zone, there is an Exception Zone, as follows:

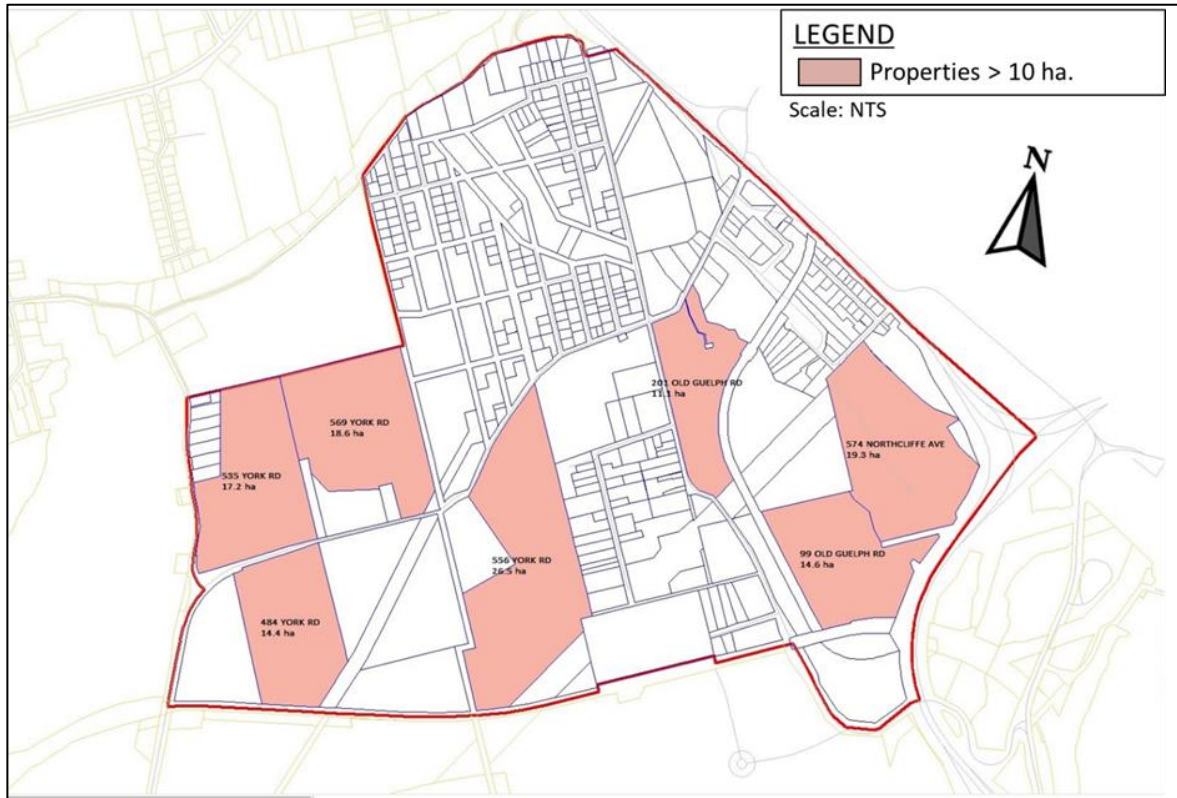
- **Light Industrial (Holding Zone) H-IL/S-101 Exception Zone** – provides a site specific provision for a limitation on permitted uses, and identifies zone regulations and performance standards for permitted uses. There is also a Holding Provisions in effect on these lands.
- > **Special Policy Area Two - Parkway Belt West Plan Zone (SP2) Zone** - identifies that for all lands within the corporate limits of the Town of Dundas designated “Special Complementary Use Area” on **Map 2**, Escarpment Link, Parkway Belt West Plan (1978) that all uses and accessory buildings, structures and uses legally existing on the date of passing of this By-law are permitted uses. Further, no development shall be permitted in an SP2 Zone unless it conforms with the provisions respecting the “Special Complementary Use Area” as contained in the Parkway Belt West Plan (1978).
- > **Highway Commercial (C.H) Zone** – The purpose of the Highway Commercial (C.H) Zone is to provide for certain commercial uses primarily serving the travelling public or which, by their nature, require locations on major streets with heavy traffic volumes, a high degree of exposure, and ease of access. An exception to this zone is located in the Pleasantview Lands:
 - **Highway Commercial C.H/S-54 Exception Zone** – permits only existing uses and uses determined by the Committee of Adjustment to be similar to existing uses.

In addition to the above, the Zoning By-law mapping identifies an “RR” Zone on certain parcels within the Pleasantview Lands. Based on research into the history of this zone, it appears that this zone, identified as the Rural Residential “RR” Zone, existed in the Dundas Zoning By-law previous to a 1998 Amendment. It is assumed that the “RR” Zone for this specific property was left in the zoning mapping by error, as opposed to being updated to the “RU” Zone, as it was elsewhere. It is anticipated that this error will be resolved through the Zoning By-law update that will result from this Land Use Study.

4.3.1 Development Potential

As a result of the current planning/policy framework in effect in Pleasantview it is recognized that ownership of large tracts (greater than 10 hectares) of land within Pleasantview is divided between private ownership and several government agencies. Conservation Halton owns the Hopkins Tract on the east side of Old Guelph Road and lands containing the Cartwright Nature Sanctuary. While Conservation Hamilton owns lands abutting Valley and York Road containing the York Road Conservation Area and Royal Botanical Gardens Berry Tract South. The large farm southeast of Cartwright Nature Sanctuary is privately owned. Lands containing the former convent are owned by Columbia Northcliffe Campus with adjacent lands under private ownership (see **Map 7**)

Map 7 – Properties Greater than 10 Hectares in the Study Area



it is important to note that all lots in Pleasantview, regardless of size, may be subject to additional constraints, such as the City’s Natural Heritage System and areas/features regulated by the applicable Conservation Authority or a Provincial Ministry.

5.0 Recommendations

Based on a review of the historic development context and the planning policy framework that has evolved in Pleasantview over the past 45 years, and as it continues to evolve, the following preliminary recommendations are considered appropriate for the City of Hamilton to consider:

Recommendation 1: "Special Policy Area A - Pleasantview" of the Rural Hamilton Official Plan recognizes the need for this Study of Pleasantview in order to resolve its planning policy and regulatory status in conformity with applicable Provincial policy. Further, it is the Niagara Escarpment Plan and specifically Section 2.2.21 that are both the most specific to Pleasantview, and the most restrictive of all of the applicable Provincial policies and, as such, provide the most appropriate planning framework to be included within the City of Hamilton's planning policy and regulatory regime. It is therefore recommended that the City implement an Official Plan Amendment to Special Policy Area A - Pleasantview of the Rural Hamilton Official Plan to be in explicit conformity with Section 2.2.21 of the Niagara Escarpment Plan.

Recommendation 2: Zoning By-law 3581-86 for the former Town of Dundas remains the zoning in place for the Pleasantview Study Area. The current zoning was established by the 1998/1999 OMB Decision to implement OPA 23. It is recommended that:

- > The Pleasantview Study Area be brought into the City of Hamilton Comprehensive Zoning By-law 05-200.
- > The new zoning carry forward the zoning established by the 1998/1999 OMB Decision, implement the Niagara Escarpment Special Provision of Section 2.2.21 of the NEP, and further implement the policy directives of the Rural Hamilton Official Plan.
- > The proposed Zoning will serve as a reference when City Staff provide comments on NEC Development Permit Applications.

Appendices



Appendix A: City of Hamilton By-law 20-186

Authority: Item 3.3
CM: September 10, 2020
Ward: 13

Bill No. 186

CITY OF HAMILTON

By-Law No. 20-186

To Establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 3581-86, in the former Town of Dundas, generally in the area bounded by Patterson Road to the north, Cootes Paradise to the south, Highway No. 6 to the east, and Valley Road/ York Road to the west (Pleasant View)

WHEREAS section 38 of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended, permits the council of a municipality to pass an interim control by-law where the council has directed that a review or study be undertaken in respect of land use planning policies within the municipality or in any defined area or areas thereof;

AND WHEREAS subsection 38(1) of the *Planning Act*, R.S.O. 1990 c.P. 13 as amended provides as follows:

Where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law;

AND WHEREAS the land which is the subject of this By-law was, as of January 1st, 2001 placed within the jurisdiction of the City of Hamilton, a new municipality incorporated as of January 1, 2001 by the *City of Hamilton Act*, 1999 (S.O. 1999, Chapter 14, Schedule C);

AND WHEREAS the City will be undertaking a land use study in respect of land use policies and future underlying zoning by-law regulations to ensure the Rural Hamilton Official Plan and underlying Zoning By-laws are in conformity with Provincial policies including the Niagara Escarpment Plan and the future development control for lands within the Pleasant View area of the former Town of Dundas;

AND WHEREAS the Rural Hamilton Official Plan was declared in force and effect on March 7, 2012 and is the Official Plan in effect for lands within the Rural Area of the City of Hamilton;

To Establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 3581-86, in the former Town of Dundas, generally in the area bounded by Patterson Road to the north, Cootes Paradise to the south, Highway No. 6 to the east, and Valley Road / York Road to the west (Pleasant View)

Page 2 of 4

AND WHEREAS this By-law is in conformity with the Rural Hamilton Official Plan;

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

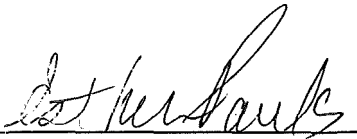
1. Staff are hereby directed to undertake planning studies in respect of land use policies and zoning by-law regulations, in the area described in Schedule "A", attached hereto.
2. No buildings or structures are permitted on the lands subject to this by-law, except for those legally existing on the date of passage of this by-law. Notwithstanding the foregoing restriction, the following actions are permitted:
 - a) an expansion of such legally existing buildings or structures, to a maximum of 20% of the existing gross floor area.
 - b) a change to the interior or façade of legally existing buildings or structures;
 - c) the reconstruction or replacement of such legally existing buildings or structures which are totally or partially destroyed by fire, accident or natural disaster, provided the building or structure is reconstructed on its original site and the floor area and dimensions are not increased; and,
 - d) the erection of a new accessory building or structure.
3. Within the area described in Schedule "A" attached hereto, a building permit may be issued in accordance with the following provisions:
 - a) a building permit may be issued to permit the erection of a building or structure in accordance with any minor variance, site specific zoning, site plan, or consent, that has been approved or conditionally approved by the City of Hamilton or the Local Planning Appeal Tribunal after the date of Ministerial approval of Niagara Escarpment Plan Amendment No. 179 (Pleasant View) (October 28, 2013) and up to the day before By-law No. 20-186 was passed by Council; and,
 - b) a building permit may be issued to permit the construction of a building or structure in accordance with a building permit application received by the City of Hamilton on or before the day before By-law No. 20-186 was passed by Council.
 - c) For the purposes of determining zoning conformity, the following shall apply:

To Establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 3581-86, in the former Town of Dundas, generally in the area bounded by Patterson Road to the north, Coates Paradise to the south, Highway No. 6 to the east, and Valley Road/ York Road to the west (Pleasant View)

Page 3 of 4

- i. This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Subsection a) or b) above.
 - ii. Once the permit or approval under Subsection a) or b) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.
4. This By-law shall be in effect for a period of one year from the date of passage of this By-law.
5. The Municipal 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 10th day of September, 2020.

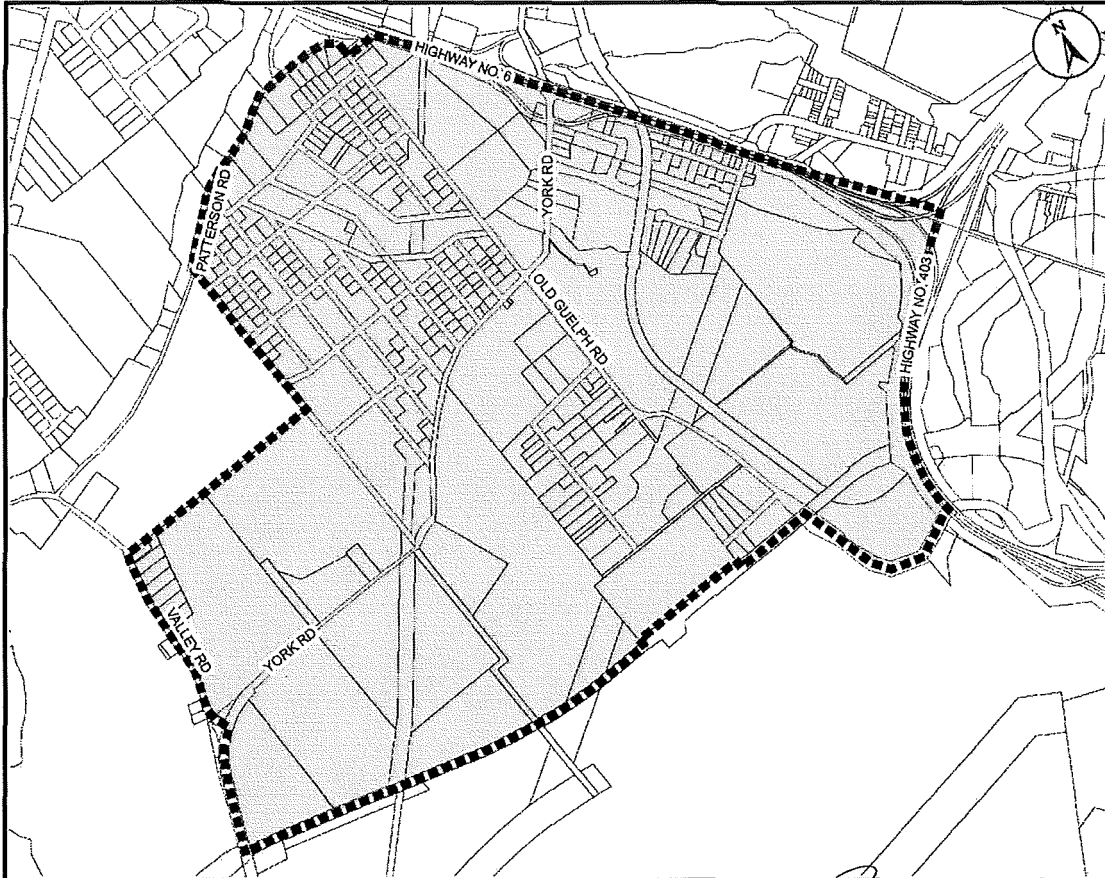


E. Pauls
Acting Mayor

'S,.s,.1 . . .

L. Kelsey
Acting City Clerk

To Establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 3581-86, in the former Town of Dundas, generally in the area bounded by Patterson Road to the north, Cootes Paradise to the south, Highway No. 6 to the east, and Valley Road / York Road to the west (Pleasant View)



<p>This is Schedule "A" to By-law No. 20-186 Passed the <u>10</u> day of <u>September</u>, 2020</p>	<p style="text-align: center;"><i>Esther Parks</i> _____ Mayor</p> <p style="text-align: center;"><i>Kesey</i> _____ Clerk</p>
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<p>Schedule "A"</p> <p>Map forming Part of By-law No. 20-186</p> <p>to Amend By-law No. 3581-86</p>	<p>Subject Property</p> <p> Geographical Area (lands) subject to By-law No. 20-186</p>
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<p>Scale: N.T.S.</p>	<p>File Name/Number: Interim Control By-law - Pleasant View</p>	<p>Hamilton</p>
<p>Date: September 10, 2020</p>	<p>Planner/Technician: CN/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Provincial Policy Statement, 2020

Under the *Planning Act*

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

The long-term prosperity and social well-being of Ontario depends upon planning for strong, sustainable and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy.

Ontario is a vast province with diverse urban, rural and northern communities which may face different challenges related to diversity in population, economic activity, pace of growth and physical and natural conditions. Some areas face challenges related to maintaining population and diversifying their economy, while other areas face challenges related to accommodating and managing the development and population growth which is occurring, while protecting important resources and the quality of the natural environment.

The Province's rich cultural diversity is one of its distinctive and defining features. Indigenous communities have a unique relationship with the land and its resources, which continues to shape the history and economy of the Province today. Ontario recognizes the unique role Indigenous communities have in land use planning and development, and the contribution of Indigenous communities' perspectives and traditional knowledge to land use planning decisions. The Province recognizes the importance of consulting with Aboriginal communities on planning matters that may affect their section 35 Aboriginal or treaty rights. Planning authorities are encouraged to build constructive, cooperative relationships through meaningful engagement with Indigenous communities to facilitate knowledge-sharing in land use planning processes and inform decision-making.

The Provincial Policy Statement focuses growth and development within urban and rural settlement areas while supporting the viability of rural areas. It recognizes that the wise management of land use change may involve directing, promoting or sustaining development. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety. Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.

Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel. They support the financial well-being of the Province and municipalities over the long term, and minimize the undesirable effects of development, including impacts on air, water and other resources. They also permit better adaptation and response to the impacts of a changing climate, which will vary from region to region.

Strong, liveable and healthy communities promote and enhance human health and social well-being, are economically and environmentally sound, and are resilient to climate change.

Part V: Policies

1.0 Building Strong Healthy Communities

Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Accordingly:

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

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and 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;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
- 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;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and,
- i) preparing for the regional and local impacts of a changing climate.

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 *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*, *public service facilities* and *employment areas* beyond a 25-year time horizon.

1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario’s settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 *Settlement areas* shall be the focus of growth and development.

1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the *impacts of a changing climate*;
- e) support *active transportation*;
- f) are *transit-supportive*, where transit is planned, exists or may be developed; and,
- g) are *freight-supportive*.

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

- 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.
- 1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.
- 1.1.3.5 Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions. However, where provincial targets are established through *provincial plans*, the provincial target shall represent the minimum target for affected areas.
- 1.1.3.6 New development taking place in *designated growth areas* 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, *infrastructure* and *public service facilities*.
- 1.1.3.7 Planning authorities 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.
- 1.1.3.8 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;
 - b) the *infrastructure* and *public service facilities* which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;
 - c) in *prime agricultural areas*:
 - 1. the lands do not comprise *specialty crop areas*;
 - 2. alternative locations have been evaluated, and

- i. there are no reasonable alternatives which avoid *prime agricultural areas*; and
 - ii. there are no reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*;
- d) the new or expanding *settlement area* is in compliance with the *minimum distance separation formulae*; and
- e) impacts from new or expanding *settlement areas* on agricultural operations which are adjacent or close to the *settlement area* are mitigated to the extent feasible.

In undertaking a *comprehensive review*, the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary expansion or development proposal.

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.

1.1.4 Rural Areas in Municipalities

Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Ontario's rural areas have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario's natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.

1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- b) promoting regeneration, including the redevelopment of *brownfield sites*;
- c) accommodating an appropriate range and mix of housing in rural *settlement areas*;
- d) encouraging the conservation and *redevelopment* of existing rural housing stock on *rural lands*;
- e) using rural *infrastructure* and *public service facilities* efficiently;

- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
- g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
- h) conserving biodiversity and considering the ecological benefits provided by nature; and
- i) providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3.

1.1.4.2 In *rural areas*, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.4.3 When directing development in *rural settlement areas* in accordance with policy 1.1.3, planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.

1.1.4.4 Growth and development may be directed to *rural lands* in accordance with policy 1.1.5, including where a municipality does not have a *settlement area*.

1.1.5 Rural Lands in Municipalities

1.1.5.1 When directing development on *rural lands*, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.5.2 On *rural lands* located in municipalities, permitted uses are:

- a) the management or use of resources;
- b) resource-based recreational uses (including recreational dwellings);
- c) residential development, including lot creation, that is locally appropriate;
- d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices*, in accordance with provincial standards;
- e) home occupations and home industries;
- f) cemeteries; and
- g) other rural land uses.

1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.1.5.5 Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.

- 1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.
- 1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.
- 1.1.5.8 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

1.1.6 Territory Without Municipal Organization

- 1.1.6.1 On *rural lands* located in territory without municipal organization, the focus of development activity shall be related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings).
- 1.1.6.2 Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.
- 1.1.6.3 The establishment of new permanent townsites shall not be permitted.
- 1.1.6.4 In areas adjacent to and surrounding municipalities, only development that is related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings) shall be permitted. Other uses may only be permitted if:
 - a) the area forms part of a planning area;
 - b) the necessary *infrastructure* and *public service facilities* are planned or available to support the development and are financially viable over their life cycle; and
 - c) it has been determined, as part of a *comprehensive review*, that the impacts of development will not place an undue strain on the *public service facilities* and *infrastructure* provided by adjacent municipalities, regions and/or the Province.

1.2 Coordination

- 1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:
 - a) managing and/or promoting growth and development that is integrated with *infrastructure* planning;
 - b) economic development strategies;

2.0 Wise Use and Management of Resources

Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

Accordingly:

2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas, surface water features and ground water features*.

2.1.3 *Natural heritage systems* shall be identified in Ecoregions 6E & 7E¹, recognizing that *natural heritage systems* will vary in size and form in *settlement areas, rural areas, and prime agricultural areas*.

2.1.4 *Development and site alteration* shall not be permitted in:

- a) *significant wetlands* in Ecoregions 5E, 6E and 7E¹; and
- b) *significant coastal wetlands*.

2.1.5 *Development and site alteration* shall not be permitted in:

- a) *significant wetlands* in the Canadian Shield north of Ecoregions 5E, 6E and 7E¹;
- b) *significant woodlands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)¹;
- c) *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)¹;
- d) *significant wildlife habitat*;
- e) *significant areas of natural and scientific interest*; and
- f) *coastal wetlands* in Ecoregions 5E, 6E and 7E¹ that are not subject to policy 2.1.4(b)

unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.

¹ Ecoregions 5E, 6E and 7E are shown on Figure 1.

- 2.1.6 *Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.*
- 2.1.7 *Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*
- 2.1.8 *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*
- 2.1.9 Nothing in policy 2.1 is intended to limit the ability of *agricultural uses* to continue.

2.2 Water

- 2.2.1 Planning authorities shall protect, improve or restore the *quality and quantity of water* by:
 - a) using the *watershed* as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
 - b) minimizing potential *negative impacts*, including cross-jurisdictional and cross-*watershed* impacts;
 - c) evaluating and preparing for the *impacts of a changing climate* to water resource systems at the watershed level;
 - d) identifying water resource systems consisting of *ground water features, hydrologic functions, natural heritage features and areas, and surface water features* including shoreline areas, which are necessary for the ecological and hydrological integrity of the *watershed*;
 - e) maintaining linkages and related functions among *ground water features, hydrologic functions, natural heritage features and areas, and surface water features* including shoreline areas;
 - f) implementing necessary restrictions on *development and site alteration* to:
 - 1. protect all municipal drinking water supplies and *designated vulnerable areas*; and
 - 2. protect, improve or restore *vulnerable* surface and ground water, *sensitive surface water features* and *sensitive ground water features*, and their *hydrologic functions*;
 - g) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;
 - h) ensuring consideration of environmental lake capacity, where applicable; and
 - i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

2.2.2 *Development and site alteration* shall be restricted in or near *sensitive surface water features* and *sensitive ground water features* such that these features and their related *hydrologic functions* will be protected, improved or restored.

Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore *sensitive surface water features*, *sensitive ground water features*, and their *hydrologic functions*.

2.3 Agriculture

2.3.1 *Prime agricultural areas* shall be protected for long-term use for agriculture.

Prime agricultural areas are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the *prime agricultural area*, in this order of priority.

2.3.2 Planning authorities shall designate *prime agricultural areas* and *specialty crop areas* in accordance with guidelines developed by the Province, as amended from time to time.

Planning authorities are encouraged to use an *agricultural system* approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the *agri-food network*.

2.3.3 Permitted Uses

2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses*.

Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

2.3.3.2 In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards.

2.3.3.3 New land uses in *prime agricultural areas*, including the creation of lots and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

3.0 Protecting Public Health and Safety

Ontario's long-term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards.

Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

Mitigating potential risk to public health or safety or of property damage from natural hazards, including the risks that may be associated with the impacts of a changing climate, will require the Province, planning authorities, and conservation authorities to work together.

Accordingly:

3.1 Natural Hazards

3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

- a) *hazardous lands* adjacent to the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes* which are impacted by *flooding hazards, erosion hazards* and/or *dynamic beach hazards*;
- b) *hazardous lands* adjacent to *river, stream and small inland lake systems* which are impacted by *flooding hazards* and/or *erosion hazards*; and
- c) *hazardous sites*.

3.1.2 *Development* and *site alteration* shall not be permitted within:

- a) the *dynamic beach hazard*;
- b) *defined portions of the flooding hazard along connecting channels* (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
- c) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards, erosion hazards* and/or *dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and
- d) a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding.

3.1.3 Planning authorities shall prepare for the *impacts of a changing climate* that may increase the risk associated with natural hazards.

3.1.4 Despite policy 3.1.2, *development* and *site alteration* may be permitted in certain areas associated with the *flooding hazard along river, stream and small inland lake systems*:

- a) in those exceptional situations where a *Special Policy Area* has been approved. The designation of a *Special Policy Area*, and any change or modification to the official plan policies, land use designations or boundaries applying to *Special Policy Area* lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications; or
- b) where the *development* is limited to uses which by their nature must locate within the *floodway*, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

3.1.5 *Development* shall not be permitted to locate in *hazardous lands* and *hazardous sites* where the use is:

- a) an *institutional use* including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
- b) an *essential emergency service* such as that provided by fire, police and ambulance stations and electrical substations; or
- c) uses associated with the disposal, manufacture, treatment or storage of *hazardous substances*.

3.1.6 Where the *two zone concept for flood plains* is applied, *development* and *site alteration* may be permitted in the *flood fringe*, subject to appropriate floodproofing to the *flooding hazard* elevation or another *flooding hazard* standard approved by the Minister of Natural Resources and Forestry.

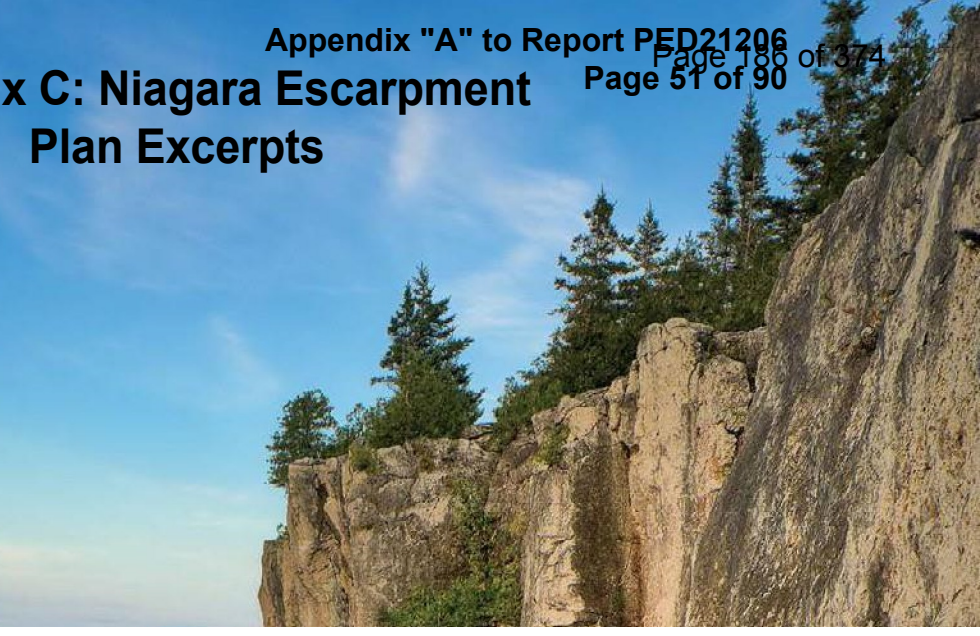
3.1.7 Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) *development* and *site alteration* is carried out in accordance with *floodproofing standards, protection works standards, and access standards*;
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) new hazards are not created and existing hazards are not aggravated; and
- d) no adverse environmental impacts will result.

3.1.8 *Development* shall generally be directed to areas outside of lands that are unsafe for *development* due to the presence of *hazardous forest types for wildland fire*.

Development may however be permitted in lands with *hazardous forest types for wildland fire* where the risk is mitigated in accordance with *wildland fire assessment and mitigation standards*.

Appendix C: Niagara Escarpment Plan Excerpts



Niagara Escarpment Plan (2017)



Introduction

The Niagara Escarpment Plan

The *Niagara Escarpment* includes a variety of topographic features and land uses extending 725 kilometres from Queenston on the Niagara River to the islands off Tobermory on the Bruce Peninsula.

The particular combination of geological and ecological features along the *Niagara Escarpment* results in a landscape unequalled in Canada. The natural areas found across the *Niagara Escarpment* act to clean the air, provide drinking water and support recreational activities that benefit public health and overall quality of life, as well as helping to address and mitigate the effects of climate change. In addition, the region's cultural heritage, including First Nations and Métis and European presence, is visible on the *Escarpment* landscape. These resources need to be protected over the long term to ensure that the connection to our shared past is maintained and that quality of life is not diminished as growth takes place.

First Nations and Métis people in Ontario have a unique relationship with the land and its resources and this relationship continues to be of central importance to First Nation and Métis communities in the area of the *Niagara Escarpment* today. Ontario, including the area covered by the Niagara Escarpment Plan Area, is largely covered by a number of Treaties which provide for treaty rights. In addition, *Aboriginal* communities may have *Aboriginal* rights within the Plan area.

Human impact on the *Escarpment environment* is reflected in a variety of ways. The *Escarpment* area is the site of a large mineral aggregate extraction industry. Demand for permanent and seasonal residences in many areas is intense. Farming ranges from the cultivation of tender fruit and other specialty crops in the Niagara Peninsula to the raising of beef cattle in Bruce County and provision of local food to Ontario's largest population centres nearby. The proximity of that large population also makes the Escarpment a popular tourist destination.

The Niagara Escarpment Planning and Development Act established a planning process to ensure that the area would be protected. From this emerged the *Niagara Escarpment Plan* (this Plan), which serves as a framework of objectives and policies to strike a balance between development, protection and the enjoyment of this important landform feature and the resources it supports.

On February 8, 1990, the Bureau of the United Nations Educational, Scientific and Cultural Organization (UNESCO) Man and Biosphere (MAB) program approved the designation of the *Niagara Escarpment* as a *Biosphere Reserve*. The designation was confirmed in 2002 and again in 2016 through the 10-year periodic review process which was led by the Niagara Escarpment Commission.

The *Greenbelt Act, 2005* authorized the preparation of the Greenbelt Plan, which was first approved in February 2005. The Greenbelt Plan identifies where urbanization should not occur in order to provide permanent protection of the agricultural land and the ecological features and functions occurring in the Greenbelt Plan Area, which includes the Niagara Escarpment Plan Area, as well as the Oak Ridges Moraine Conservation Plan Area, and the Protected Countryside of the Greenbelt Plan. The Greenbelt Plan provides that the policies of the Niagara Escarpment Plan are the policies of the Greenbelt Plan for the Niagara Escarpment Plan Area and the Protected Countryside policies do not apply with the exception of section 3.3 (Parkland, Open Space and Trails).

The Niagara Escarpment Plan, the Oak Ridges Moraine Conservation Plan and the Greenbelt Plan work within the framework set out by the Growth Plan for the Greater Golden Horseshoe for where and how future population and employment growth should be accommodated. Together, all four provincial plans build on the Provincial Policy Statement to establish a land use planning framework for the Greater Golden Horseshoe and the Greenbelt Plan Area that supports a thriving economy, a clean and healthy environment and social equity.



*Cape Rich Bay View Nature Reserve Credit:
Bruce Trail Conservancy*

Part 2 Development Criteria

2.1 Introduction

The development criteria are to be applied to all development within the area of the Niagara Escarpment Plan in conjunction with the other policies of this Plan. These criteria deal with development in a variety of situations; therefore, all the criteria will not apply to every development.

Where the development permit system as established pursuant to the *Niagara Escarpment Planning and Development Act* and its regulations as amended are in effect, the development criteria shall be used in the consideration of development permit applications. For greater certainty, general criteria are to be applied to all proposed development, in addition to any specific development criteria that may apply to a particular class of development.

Monitoring designed to assess the impact of a development may be required as a condition of a development permit.

The development criteria will also be used as minimum standards for assessing the conformity of local *official plans*, *secondary plans* and, where applicable, zoning by-laws and for administering site-plan control approvals. If an *official plan*, *secondary plan*, zoning by-law, or other planning approval is silent on one or more development criteria included in this Plan, the development criteria of this Plan still apply.

2.2 General Development Criteria

The objective is to permit reasonable enjoyment by the owners of all lots that can sustain development.

1. The *Escarpment environment* shall be protected, restored and where possible enhanced for the long term having regard to single, multiple or successive development that have occurred or are likely to occur.
2. The site shall not be prone to natural hazards, and the development will not impact the control of these natural hazards including *flooding hazards*, *erosion hazards*, or *other water-related hazards* and hazard events associated with unstable soil or unstable bedrock.
3. Development is permitted only on an *existing lot of record*.
4. A *property* listed as a *nature preserve* in Appendix 4 of this Plan, acquired by an approved *conservation organization*, shall not be used as a building *lot* or for any other purpose inconsistent with the maintenance and protection of the natural features and values for which the *nature preserve* was established.
5. Where a *lot* is located in more than one designation, development shall be located on that portion of the *lot* located in the least restrictive designation, except where the impact of development on the *Escarpment environment* would be reduced by locating the development on a portion of the *lot* located in a more restrictive designation.

6. Any development permitted should be designed and located in such a manner as to promote design and orientation that:
 - a) maximizes energy efficiency and *conservation* and considers the mitigating effects of vegetation;
 - b) maximizes opportunities for the use of renewable energy systems and alternative energy systems; and
 - c) reduces greenhouse gas emissions so that the development is contributing to the goal of low-carbon communities and net-zero communities in Minor Urban Centres, Urban Areas, and Escarpment Recreation Areas.
7. Only one *single dwelling* is permitted on each *existing lot of record* in the Escarpment Natural, Escarpment Protection and Escarpment Rural Area designations, unless a second *single dwelling* is, in the opinion of the *implementing authority*, the only viable way to *conserve* the *heritage attributes* of an existing *single dwelling*; and
 - a) the existing *single dwelling* is a *heritage attribute* and is subject to a *heritage conservation easement agreement*; this existing *single dwelling* is the only *single dwelling* located on the *lot*;
 - b) the second *single dwelling* is located on the same *existing lot of record* as the existing *single dwelling* to be preserved;
 - c) the second *single dwelling* is not located within the Escarpment Natural Area unless the *implementing authority* has determined that there is no other less restrictive designation within which the new dwelling can be sited; and
 - d) municipal *official plan* policies and standards are met (e.g., lot size).
8. Development permitted should be designed and located in such a manner as to provide for or protect access to the *Niagara Escarpment*, including the *Bruce Trail corridor*.



Ball's Falls Conservation Area
Credit: Stephen Dominick and Niagara Peninsula Conservation Authority

Institutional uses

9. The gross floor area of buildings and related structures used for *institutional uses* shall not exceed 500 square metres, unless a larger size can be demonstrated to be *compatible* with the site and the surrounding landscape.

Home Occupations and Home Industries

10. *Home occupations* and *home industries* in Urban Areas, Minor Urban Centres and Escarpment Recreation Areas are subject to the policies for such uses as set out in the municipal *official plan* and/or zoning by-law. In the case of all other land use designations, the following provisions apply to *home occupations* and *home industries*:
- a) in the Escarpment Natural Area designation, *home occupations* shall be located in the *single dwelling* or in an addition to the dwelling;
 - b) in the Escarpment Protection Area, Escarpment Rural Area and Mineral Resource Extraction Area designations, *home occupations* and *home industries* shall be located in the *single dwelling* or in an addition to the dwelling, unless the need to locate it within an *accessory facility* can be justified;
 - c) *home occupations* or *home industries* should normally be limited to one per *lot*;
 - d) where the *home occupation* or *home industry* is located within the *single dwelling* or in an addition to the dwelling, not more than 25 per cent of the total floor area, including any addition to the dwelling, shall be devoted to the use, to a maximum of 100 square metres;
 - e) where the *home occupation* or *home industry* is located in an *accessory facility*, not more than 100 square metres of the building shall be devoted to the use;
 - f) in no instance shall there be more than 125 square metres devoted to the use, where the *home occupation* or *home industry* is located within the *single dwelling* or in an addition to the dwelling and an *accessory facility*;
 - g) where there is more than one *home occupation* or *home industry* on a *lot*, the total floor area of all *home occupations* and *home industries* cannot exceed the maximum sizes set out in sub-sections d), e) and f) above;
 - h) where the *home occupation* or *home industry* is located in an *accessory facility*, the *accessory facility* must share a common driveway and where possible must share residential services (e.g., septic system for domestic waste only, well, parking) with the *single dwelling*;
 - i) *home occupations* and *home industries* shall:
 - i. be secondary to the primary residential or *agricultural use* on the *lot*;
 - ii. be operated by residents of the *household* on the *lot*; and,
 - iii. be located in a manner that considers potential land use compatibility issues, such as noise, odour and dust, with adjacent more sensitive uses (e.g., residential, daycare).
 - j) municipal *official plan* policies and standards (e.g., lot size, parking, floor area, retail space) must be met.

Secondary Dwelling Units

11. The following provisions apply to secondary *dwelling units*:
- a) a single secondary *dwelling unit* may be permitted on an *existing lot of record*;
 - b) notwithstanding the above, a secondary *dwelling unit* shall not be permitted on an *existing lot of record* where there is more than one *single dwelling*, including any dwelling approved under Part 2.2.7 of this Plan;
 - c) the secondary *dwelling unit* shall be contained entirely within a *single dwelling* or in an addition to a *single dwelling* and shall not be permitted in a detached *accessory facility*;
 - d) the floor area of a secondary *dwelling unit* shall be subordinate in size to the *single dwelling*;
 - e) secondary *dwelling units* shall not be permitted in a *group home* or a *single dwelling* containing a *bed and breakfast*; and,
 - f) a *home occupation* or *home industry* shall not be permitted within a secondary *dwelling unit*.

Signs and Billboards

12. The following additional provisions apply to *signs* where permitted as an *accessory use* and *billboards* where permitted as a principal use:
- a) a *sign* may be permitted where the *sign* and its information is *accessory* to the existing principal use located on the same *lot* (e.g., *home occupation* or *home industry*, *agriculture-related use*, etc.);
 - b) *signs* and *billboards* shall not alter the natural features or *cultural heritage landscape* of the *property* and shall be *compatible* with the local topography, surrounding *scenic resources* and rural or residential community;
 - c) *signs* and *billboards* shall have minimal *negative impact* on the *Escarpment environment* through *compatible* design, materials, colour, siting and landscaping;
 - d) *billboards* are not permitted on prominent *Escarpment slopes* or in places where such *billboards* would obstruct views associated with prominent *Escarpment slopes*;
 - d) illumination of *signs* and *billboards* is discouraged and, where permitted, shall be subdued (e.g., shielded, downward directional, not internally lit);
 - e) *signs* shall be limited to one per *lot* and shall not exceed 0.9 square metres, unless it can be demonstrated that a larger *sign* or an additional *sign* would have minimal *negative impact* on the *Escarpment environment*;
 - f) roof *signs*, *signs* attached to towers or other similar structures, animated or automated *signs*, and *signs* affixed to trucks and trailers adjacent to roads are not permitted; and,
 - g) municipal *official plan* policies and standards respecting *signs* and *billboards* must be met, including any municipal *sign by-laws*.

- i) with the exception of subsection h), the above restrictions do not apply to the following *signs* or *billboards*:
 - i. election signs;
 - ii. temporary real estate signs advertising the sale of the property on which they are located;
 - iii. temporary construction site signs;
 - iv. no trespassing or warning signs; and,
 - v. signs approved, sponsored or required by a *public body*.

Special Provisions (See Amendment 117)

- 13. The existing *institutional use* located in the Escarpment Rural Area designation on part of the West Half of Lot 6, Concession 7 East of Hurontario Street in the Town of Mono, County of Dufferin, may be expanded in accordance with Permitted Use # 25 in Part 1.5 of this Plan provided all the following minimum provisions are met:
 - a) the new building shall be located in proximity to the existing cluster of institutional buildings such that the new facility would form part of the cluster;
 - b) the new building shall not exceed 3,200 square metres in total floor area, not including open courtyards;
 - c) the new building will be screened and landscaped in accordance with a professional landscape plan which shall include screen and buffer plantings along the perimeter of the *property* adjacent to Airport Road and along the Fifth Sideroad, and around the new building and its associated parking lots;
 - d) the preparation of a professional grading and rehabilitation plan showing final contours around the site of the new building and any other areas disturbed or bermed during construction;
 - e) the facility shall meet the water quality and quantity standards as determined by the Ministry of Environment, Conservation and Parks under the *Ontario Water Resources Act*;
 - f) the quality and quantity of water shall continue to be monitored on a regular basis in accordance with the requirements of the Ministry of Environment, Conservation and Parks under the *Ontario Water Resources Act*;
 - g) the facility shall not interfere with wells or groundwater on adjacent properties;
 - h) water conservation devices shall be installed throughout the facility; and,
 - i) a Permit to Take Water shall be obtained from the Ministry of Environment, Conservation and Parks should the Ministry determine that such a Permit is necessary.

Special Provisions for the Queenston Quarry Lands (see Amendment UA 05)

20. The Queenston Quarry lands on Part of Lots 44, 45, 46, 47, 48 and 49 and Part of the Road allowance between Lots 44 and 49, and Part of the Road allowance between Lots 45 and 48, and Part of the Road allowance between Lots 47 and 48, Geographic Township of Niagara, in the Town of Niagara-on-the-Lake in the Region of Niagara, as identified on Map 1 to this Plan, are subject to the following additional provisions:
- a) The lands will continue to be governed by the Mineral Resource Extraction Area policies of this Plan until such time as the Ministry of Natural Resources and Forestry is satisfied that rehabilitation is complete and the quarry license surrendered in accordance with the *Aggregate Resources Act* and the Ministry of Environment, Conservation and Parks confirms in writing that any required site remediation and decommissioning has been satisfactorily completed. Prior to surrender of the licence, site rehabilitation may be permitted to occur at the same time as, and consistent with the development of new uses, which may be permitted provided they are in accordance with all other relevant policies of this Plan.
 - b) The exact delineation of the Escarpment Natural Area designation on the lands is as shown on Map 1 to this Plan.
 - c) Notwithstanding the permitted uses of the Escarpment Protection Area, the portion of the lands designated Escarpment Protection Area may be used in association with a golf course for uses *accessory* to the design and operation of a golf course
 - d) Following the surrender of the quarry licence as referred to in a) above, all or part of the lands may be permitted to connect to municipal servicing subject to compliance with all other relevant policies of this Plan and the approval of such servicing by the Region of Niagara.
 - e) The uses which may be permitted are those provided for on the lands in the Region Niagara Official Plan Amendment No. 1-2009 and the Town of Niagara-on-the-Lake Official Plan Amendment No. 45, as they may be amended from time to time.

Special Provisions for the Pleasant View Survey Lands (see Amendment 179)

21. The Pleasant View Survey Lands consisting of Part of Lots 23, 24, 25, 26, 27 and 28, Concession 1 and Part of Lots 22, 23, 24, 25, 26, 27, 28 and 29, Concession 2, City of Hamilton (former Town of Dundas), as identified on Schedule A of Amendment 179 to this Plan, are subject to the following additional special provisions:
- a) notwithstanding the permitted uses, and the definitions for *lot*, *existing lot of record* and *existing use* in this Plan, the following apply:
 - i. only uses, except for *single dwellings*, that existed on or before February 16, 1993 shall be permitted; and,
 - ii. only *single dwellings* that existed on or before August 14, 1998 shall be permitted.

- b) notwithstanding the provisions set out in a) i) and ii) above, uses *accessory* to an *existing use* or to an existing *single dwelling* (e.g., garage, *accessory* building, swimming pool) may be permitted in accordance with the Development Criteria of this Plan. The replacement of an existing *single dwelling* may also be permitted in accordance with the Development Criteria of this Plan.
- c) notwithstanding the provision set out in a) ii) above, a *single dwelling* may be permitted on a *lot* with a minimum size of 10 hectares in accordance with the Development Criteria of this Plan.
- d) notwithstanding the provisions set out in a) i) and ii) above, the following uses may be permitted for the *property* located at 1810 Highway 6 (325 Old Guelph Road) in accordance with the Development Criteria of this Plan:

The manufacturing of candles, a mini-storage facility and light industrial manufacturing, together with related administration and business offices, research and development, scientific laboratory, warehousing and repair and ancillary sales, subject to the following:

- i. for the purposes of these uses, light industrial uses are to be small scale, wholly enclosed operations, including the production and storage of goods;
 - ii. operations shall have infrequent truck movement of products and/or heavy truck traffic; low movements of truck traffic; limited amounts of outdoor storage; limited fugitive emissions, and use small amounts of water in the manufacture and processing of goods;
 - iii. access onto Old Guelph Road by way of tractor-trailer/semi-trucks will not be permitted, and no truck access is allowed, excepting nothing will prevent access of vehicles which typically serve a residential neighbourhood on an infrequent basis such as moving vans; and
 - iv. no authorization, permit or approval shall be issued until such time as the owner/operator receives site plan approval from the City of Hamilton to set out the location of and signage for the access and driveway onto Old Guelph Road.
- e) the existing institutional building on lands located at No. 154 Northcliffe Avenue (Sisters of the Precious Blood) may be used for the following institutionally related uses provided the uses are contained within the existing building only:
 - i. a Place of Worship; and
 - ii. a Convent.
 - f) the existing institutional building on lands located at No. 574 Northcliffe Avenue (Sisters of St. Joseph) may be used for the following institutionally related uses provided the uses are contained within the existing building only:
 - i. a Place of Worship; ii. a Convent; iii. a residential care facility for a maximum of 35 residents; and iv. a dormitory with a maximum of 36 students and *accessory uses* for an educational establishment provided it is located in conjunction with the convent of the Sisters of St. Joseph.

- g) nothing in the Special Provisions for the Pleasant View Survey Lands, as set out in this Section, is intended to prevent the following uses of land:
 - i. *forest, wildlife and fisheries management*; archaeological activities; public park and open space uses; trails (including the Bruce Trail); *nature preserves* and non-intensive recreational activities, and essential transportation and *utility* facilities, provided such uses meet the Objectives of the applicable designation and Development Criteria of this Plan.

Special Provisions for 2637 Bluffs Way, City of Burlington (see Amendment 199)

- 22. Notwithstanding the policies of 2.8.1 as set out in the Niagara Escarpment Plan dated November 10, 2014, a driveway, a driveway apron, an underground septic tile field, and underground services associated with a *single dwelling* may be permitted within the identified habitat of an *endangered species* for the *existing lot of record* with the municipal address of 2637 Bluffs Way, City of Burlington and with the legal description of Part Lots 14 and 15, Concession 2 N.D.S. (Geographic Township of Nelson) and Part Block 28, Registered Plan 20M-883, City of Burlington, more particularly described as Parts 3 and 4, Plan 20R-18349, provided that a Development Permit is obtained and that a permit is issued pursuant to subsection 17 (2) (c) of the *Endangered Species Act*.

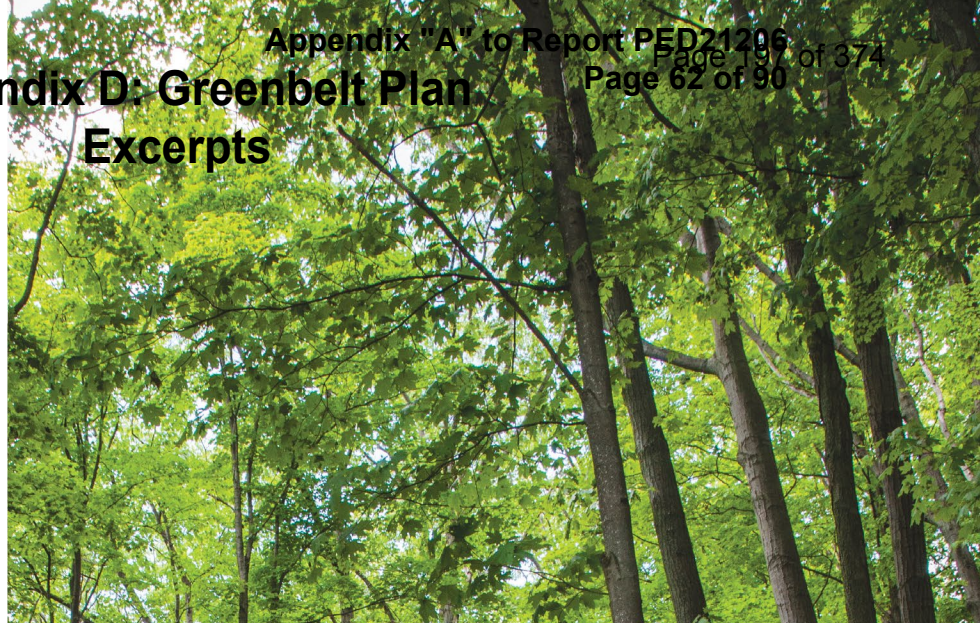
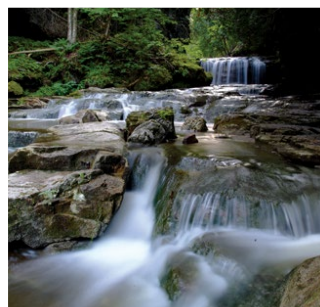
Special Provisions for Part Lot 10, Concessions 1 through 6, Nelson, City of Burlington and Part Lot 10, Concession 7, Nelson, Town of Milton in Halton Region (see Amendment 205)

- 23. Notwithstanding sub-section 10 of Part 2.6 as set out in the Niagara Escarpment Plan dated February 10, 2016 and subject to obtaining a Development Permit, a subterranean natural gas pipeline may be permitted to traverse the Kilbride Swamp Provincially Significant Wetland, as well as other wetlands as shown on Schedule A to the Niagara Escarpment Plan Amendment PH 205 15, located at Part Lots 10, Concessions 1 through 6, Nelson, City of Burlington and Part Lot 10, Concession 7, Nelson, Town of Milton in Halton Region.

Special Provisions for Part Lot 9, Concession 5 in Township of Clearview, County of Simcoe (see Amendment 206)

- 24. Notwithstanding the policy of 2.3.4 as set out in the Niagara Escarpment Plan dated March 10, 2016, the existing commercial- industrial use located on Part Lot 9, Concession 5 in Township of Clearview, County of Simcoe may be expanded in accordance with the following provisions:
 - a) the combined original building, new shop, and storage space, and attached garage shall not exceed 734 square metres (7901 square feet) in total floor area;
 - b) the existing private sewage system shall have the capacity to properly treat effluent generated on site, in accordance with applicable environmental and health regulations;
 - c) no further expansions of floor area will be permitted;
 - d) no accessory buildings will be permitted;

Appendix D: Greenbelt Plan Excerpts



in the Greenbelt and is an important economic factor in the quality of life for communities in and beyond the Greenbelt.

To strengthen the connections between the *Agricultural Systems* of the Greenbelt and the rest of the *GGH*, municipalities, farming organizations and other agencies and levels of government are encouraged to collaborate with each other to support the *Agricultural System*. As well, consideration should be given to activities and changes in land use, both within and in proximity to the Greenbelt, and how they relate to the broader agricultural system and economy of southern Ontario. Municipalities should plan appropriately to ensure both functional and economic connections are maintained and strengthened in conjunction with natural heritage systems, water resources, growth management and *infrastructure* to maximize synergies and support a viable agri-food sector.

3.2 Natural System

3.2.1 Description

The Protected Countryside contains a Natural System that provides a continuous and permanent land base necessary to support human and ecological health in the Greenbelt and beyond. The Natural System policies protect areas of natural heritage, hydrologic and/or *landform features*, which are often functionally inter-related and which collectively provide essential ecosystem services, including water storage and filtration, cleaner air, habitat, support for pollinators, carbon storage and resilience to climate change. The Natural System policies contribute to conserving Ontario's biodiversity and maintaining the *ecological integrity* of the Greenbelt.

The Natural System within the Protected Countryside functions at three scales:

1. The system is connected to and/or supports broader natural systems in southern Ontario such as the Great Lakes Coast, the Carolinian Zone, the Kawartha Highlands and the Algonquin to Adirondacks Corridor;
2. The system builds upon and is connected to other *GGH*-scale natural systems as identified through the Growth Plan, the NEP and the ORMCP (see Appendix 1); and
3. The system is supported by a multitude of natural and hydrologic features and functions found within the *GGH* but outside of the NEP and the ORMCP. In particular, the numerous watersheds, subwatersheds and groundwater resources, including the network of tributaries that support the major river systems identified in this Plan, are critical to the long-term health and sustainability of water resources, biodiversity and overall *ecological integrity*. Official plans and related resource management

efforts by conservation authorities and others shall continue to assess and plan for these natural and hydrologic features and functions in a comprehensive and integrated manner through the identification and protection of natural systems, building upon and supporting the natural systems identified within the Greenbelt.

The Natural System is made up of a Natural Heritage System and a Water Resource System that often coincide given ecological linkages between terrestrial and water-based functions.

The **Natural Heritage System** includes core areas and linkage areas of the Protected Countryside with the highest concentration of the most sensitive and/or *significant* natural features and functions. These areas need to be managed as a connected and integrated natural heritage system, given the functional inter-relationships between them and the fact that this system builds upon the natural systems contained in the NEP and the ORMCP (see Schedule 4) and will connect with the Natural Heritage System that will be issued pursuant to the Growth Plan. Together, these systems will comprise and function as a connected natural heritage system.

The **Water Resource System** is made up of both ground and surface water features and areas and their associated functions, which provide the water resources necessary to sustain healthy aquatic and terrestrial ecosystems and human water consumption. The ORMCP and NEP include very significant elements of and are fundamental to the Water Resource System. The areas to which these plans apply contain primary recharge, headwater and discharge areas, together with major drinking water aquifers, within the Greenbelt.

The Protected Countryside includes several areas of hydrological significance, including:

- The upper reaches of watersheds draining to Lake Ontario to the west of the Niagara Escarpment;
- Lands around the primary discharge zones along the toe of the Niagara Escarpment and base of the Oak Ridges Moraine;
- The major river valleys that flow from the Oak Ridges Moraine and the Niagara Escarpment to Lake Ontario;
- The portions of the Lake Simcoe watershed and the former Lake Algonquin Shoreline within York and Durham Regions; and
- The former Lake Iroquois shoreline in Durham and Niagara Regions.

These areas of hydrological significance incorporated into the Greenbelt function together with other hydrological features and areas both within the Greenbelt

and within the remainder of watersheds that extend outside of the Greenbelt to form water resource systems.

3.2.2 Natural Heritage System Policies

For lands within the Natural Heritage System of the Protected Countryside, the following policies shall apply:

1. The full range of existing and new *agricultural, agriculture-related and on-farm diversified uses and normal farm practices* are permitted subject to the policies of section 3.2.2.2.
2. New buildings or structures for *agriculture, agriculture-related and on-farm diversified uses* are not subject to the policies of section 3.2.2.3, but are subject to the policies of section 3.2.5.
3. New *development or site alteration* in the Natural Heritage System (as permitted by the policies of this Plan) shall demonstrate that:
 - a) There will be no *negative impacts on key natural heritage features or key hydrologic features* or their functions;
 - b) *Connectivity* along the system and between *key natural heritage features* and *key hydrologic features* located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;
 - c) The removal of other natural features not identified as *key natural heritage features* and *key hydrologic features* should be avoided. Such features should be incorporated into the planning and design of the proposed use wherever possible;
 - d) Except for uses described in and governed by the policies of sections 4.1.2 and 4.3.2,
 - i. The disturbed area, including any buildings and structures, of the *total developable area* will not exceed 25 per cent (40 per cent for golf courses); and
 - ii. The impervious surface of the *total developable area* will not exceed 10 per cent; and
 - e) At least 30 per cent of the *total developable area* will remain or be returned to *natural self-sustaining vegetation*, recognizing that section 4.3.2 establishes specific standards for the uses described there.

Geographic-Specific Policies in the Protected Countryside

4. The Natural Heritage System, including the policies of section 3.2.5, does not apply within the existing boundaries of *settlement areas*, but does apply when considering expansions to *settlement areas* as permitted by the policies of this Plan. Municipalities should consider the Natural Heritage Systems connections within *settlement areas* when implementing municipal policies, plans and strategies.
5. When official plans are brought into conformity with this Plan, the boundaries of the Natural Heritage System may be refined, with greater precision, in a manner that is consistent with this Plan and the system shown on Schedule 4.
6. Towns/Villages are not permitted to expand into the Natural Heritage System.

3.2.3 Water Resource System Policies

The following Water Resource System policies apply throughout the Protected Countryside:

1. All planning authorities shall provide for a comprehensive, integrated and long-term approach for the protection, improvement or restoration of the quality and quantity of water. Such an approach shall consider all hydrologic features, areas and functions and include a systems approach to the inter-relationships between and/or among *key hydrologic features* and *key hydrologic areas*.
2. Watersheds are the most meaningful scale for hydrological planning. Municipalities, partnering with conservation authorities as appropriate, shall ensure that *watershed planning* is undertaken to support a comprehensive, integrated and long-term approach to the protection, enhancement or restoration of the quality and quantity of water within a watershed.
3. Water Resource Systems shall be identified, informed by *watershed planning* and other available information, and the appropriate designations and policies shall be applied in official plans to provide for the long-term protection of *key hydrologic features*, *key hydrologic areas* and their functions.
4. Decisions on allocation of growth and planning for water, wastewater, and stormwater *infrastructure* shall be informed by applicable *watershed planning* in accordance with the Growth Plan.
5. Cross-jurisdictional and cross-watershed impacts need to be considered in the development of watershed plans. The development of watershed plans and watershed management approaches in the Protected

Countryside shall be integrated with *watershed planning* and management in the NEP, the ORMCP and the Growth Plan.

6. Municipalities shall consider the Great Lakes Strategy, the targets and goals of the *Great Lakes Protection Act, 2015* and any applicable Great Lakes agreements as part of *watershed planning* and coastal or waterfront planning initiatives.

3.2.4 Key Hydrologic Areas

Key hydrologic areas are areas which contribute to the *hydrologic functions* of the Water Resource System. These areas maintain ground and surface water quality and quantity by collecting, storing and filtering rainwater and overland flow, recharge aquifers and feed downstream tributaries, *lakes, wetlands* and discharge areas. These areas are also sensitive to contamination and feed *key hydrologic features* and drinking water sources.

Key hydrologic areas include:

- *Significant groundwater recharge areas;*
- *Highly vulnerable aquifers; and*
- *Significant surface water contribution areas.*

For lands within a *key hydrologic area* in the Protected Countryside, the following policies apply:

1. *Major development* may be permitted where it has been demonstrated that the *hydrologic functions*, including groundwater and surface water quality and quantity, of these areas shall be protected and, where possible, improved or restored through:
 - a) The identification of planning, design and construction practices and techniques;
 - b) Meeting other criteria and direction set out in the applicable *watershed planning or subwatershed plan*; and
 - c) Meeting any applicable provincial standards, guidelines and procedures.
2. Section 3.2.4.1 does not apply to *major development* that is a new or expanding building or structure for *agricultural uses, agriculture-related uses or on-farm diversified uses* where the total impervious surface does not exceed 10 per cent of the lot.

3.2.5 Key Natural Heritage Features and Key Hydrologic Features Policies

Key natural heritage features include:

- *Habitat of endangered species and threatened species;*
- *Fish habitat;*
- *Wetlands;*
- *Life science areas of natural and scientific interest (ANSIs);*
- *Significant valleylands;*
- *Significant woodlands;*
- *Significant wildlife habitat (including habitat of special concern species);*
- *Sand barrens, savannahs and tallgrass prairies; and*
- *Alvars.*

Key hydrologic features include:

- *Permanent and intermittent streams;*
- *Lakes (and their littoral zones);*
- *Seepage areas and springs; and*
- *Wetlands.*

For lands within a *key natural heritage feature* or a *key hydrologic feature* in the Protected Countryside, the following policies shall apply:

1. *Development or site alteration* is not permitted in *key hydrologic features* and *key natural heritage features* within the Natural Heritage System, including any associated *vegetation protection zone*, with the exception of:
 - a) *Forest, fish and wildlife management;*
 - b) *Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered; or*
 - c) *Infrastructure, aggregate, recreational, shoreline and existing uses, as described by and subject to the policies of section 4.*

Geographic-Specific Policies in the Protected Countryside

2. Beyond the Natural Heritage System within the Protected Countryside, *key hydrologic features* are defined by and subject to the policies of section 3.2.5.
3. Beyond the Natural Heritage System within the Protected Countryside, *key natural heritage features* are not subject to the policies of section 3.2.5, but are to be defined pursuant to, and subject to the policies of, the PPS.
4. In the case of *wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, lakes and significant woodlands*, the minimum *vegetation protection zone* shall be a minimum of 30 metres measured from the outside boundary of the *key natural heritage feature* or *key hydrologic feature*.
5. A proposal for new *development* or *site alteration* within 120 metres of a *key natural heritage feature* within the Natural Heritage System or a *key hydrologic feature* anywhere within the Protected Countryside requires a natural heritage evaluation or a hydrological evaluation which identifies a *vegetation protection zone* which:
 - a) Is of sufficient width to protect the *key natural heritage feature* or *key hydrologic feature* and its functions from the impacts of the proposed change and associated activities that may occur before, during and after construction and, where possible, restore or enhance the feature and/or its function; and
 - b) Is established to achieve and be maintained as *natural self-sustaining vegetation*.
6. A proposal for new *development* or *site alteration* within the Natural Heritage System is not subject to section 3.2.5.5 where the only *key natural heritage feature* is the *habitat of endangered species and threatened species*.
7. Notwithstanding section 3.2.5.5, new buildings and structures for *agricultural, agriculture-related* or *on-farm diversified uses* are not required to undertake a natural heritage or hydrologic evaluation if a minimum 30 metre *vegetation protection zone* is provided from a *key natural heritage feature* or *key hydrologic feature*. In addition, these uses are exempt from the requirement of establishing a condition of *natural self-sustaining vegetation* if the land is and will continue to be used for agricultural purposes. However, *agricultural, agriculture-related* and *on-farm diversified uses* shall pursue best management practices to protect and/or restore *key natural heritage features* and *key hydrologic features* and functions.

8. Notwithstanding sections 3.2.5.4 and 3.2.5.5, within the Niagara Peninsula Tender Fruit and Grape Area, new buildings or structures for *agricultural, agriculture-related* and *on-farm diversified uses* are permitted within 30 metres of *permanent* and *intermittent streams*, where:
- a) The *permanent* or *intermittent stream* also functions as an agricultural swale, roadside ditch or municipal drain as determined through provincially approved mapping;
 - b) A minimum 15 metre *vegetation protection zone* is established between the building or structure and the *permanent* or *intermittent stream*; however, this *vegetation protection zone* is not required to be maintained as *natural self-sustaining vegetation* if the land is and will continue to be used for agricultural purposes;
 - c) There is no alternative location for the building or structure on the property without impacting lands that are in specialty crop production;
 - d) A new individual on-site sewage system will not be located within 30 metres of the stream; and
 - e) *Agricultural, agriculture-related* and *on-farm diversified uses* shall pursue best management practices to protect or restore *key hydrologic features* and functions.

3.2.6 External Connections

The Natural Heritage System is connected to local, regional and provincial scale natural heritage, water resource and agricultural systems beyond the boundaries of the Greenbelt, including the Natural Heritage System that will be issued pursuant to the Growth Plan. The Greenbelt's Natural Heritage System also connects to those areas designated as Urban River Valley in this Plan.

The external connections are generally depicted by a dotted green line on Schedules 1, 3 and 4 and Appendices 1 and 2 but are not within the regulated boundary of the Greenbelt Plan. Many of the external connections shown on Schedules 1, 2 and 4 at the time of the Plan's approval in 2005 have been added to the Greenbelt Plan as Urban River Valley areas and are subject to the policies of section 6 of this Plan.

1. To support the connections between the Greenbelt's Natural System and the local, regional and broader scale natural heritage systems of southern Ontario, such as the Lake Ontario shoreline, including its remaining coastal *wetlands*, the Great Lakes Coast, Lake Simcoe, the Kawartha

Highlands, the Carolinian Zone and the Algonquin to Adirondack Corridor, the federal government, municipalities, conservation authorities, other agencies and stakeholders should:

- a) Consider how activities and land use change both within and abutting the Greenbelt relate to the areas of external connections and Urban River Valley areas identified in this Plan;
 - b) Promote and undertake appropriate planning and design to ensure that external connections and Urban River Valley areas are maintained and/or enhanced; and
 - c) Undertake *watershed planning*, which integrates supporting ecological systems with those systems contained in this Plan.
2. The river valleys that run through existing or approved urban areas and connect the Greenbelt to inland *lakes* and the Great Lakes, including areas designated as Urban River Valley, are a key component of the long-term health of the Natural System. In recognition of the function of the urban river valleys, municipalities and conservation authorities should:
- a) Continue with stewardship, remediation and appropriate park and trail initiatives which maintain and, to the extent possible, enhance the ecological features and functions found within these valley systems;
 - b) In considering land conversions or redevelopments in or abutting an urban river valley, strive for planning approaches that:
 - i. Establish or increase the extent or width of *vegetation protection zones* in *natural self-sustaining vegetation*, especially in the most ecologically sensitive areas (i.e. near the stream and below the stable top of bank);
 - ii. Increase or improve *fish habitat* in streams and in the adjacent riparian lands;
 - iii. Include landscaping and habitat restoration that increase the ability of native plants and animals to use valley systems as both *wildlife habitat* and movement corridors; and
 - iv. Seek to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts associated with the quality and quantity of urban runoff into the valley systems; and
 - c) Integrate *watershed planning* and management approaches for lands both within and beyond the Greenbelt, taking into consideration the

goals and objectives of protecting, improving and restoring the Great Lakes.

3. In addition to the urban river valleys, portions of the former Lake Iroquois shoreline, particularly within Durham Region, traverse existing or approved urban areas. Municipalities should consider planning, design and construction practices that maintain or, where possible, enhance the size, diversity, *connectivity* and functions of *key natural heritage features*, *key hydrologic features* and *key hydrologic areas* of those portions of the Lake Iroquois shoreline within their approved urban boundaries.

3.2.7 The Rouge River Watershed and Rouge National Urban Park

The Rouge River watershed is of particular significance within the Protected Countryside because of the extensive public investment in establishing Rouge National Urban Park, the efforts of all levels of government in preparing past and current plans in the Rouge watershed and the Park, and the environmental restoration and sustainability efforts within both the watershed and the Park.

The Rouge watershed and the Little Rouge River serve as a vital ecological corridor linking the environmental systems of Lake Ontario to the Oak Ridges Moraine in this area of the Greater Toronto Area.

This Plan identifies a 600 metre wide corridor for the Little Rouge River as the main ecological corridor between Lake Ontario and the southerly boundary of the ORMCP. It also includes several other Rouge River tributaries.

Land use planning and resource management within those portions of the Rouge River watershed within the Protected Countryside shall comply with the provisions of both this Plan and the Rouge North Management Plan. In the case of a conflict between this Plan and the Rouge North Management Plan, the more restrictive policies apply. For those lands within the watershed north of Steeles Avenue outside of the Protected Countryside, the Rouge North Management Plan and the Rouge North Implementation Manual, together with any municipal or conservation authority plans or initiatives which build on and/or support the Rouge North Management Plan, should be considered as the guiding land use planning and resource management documents.

Rouge National Urban Park has been established for the purposes of protecting and presenting for current and future generations the agricultural, natural and cultural heritage of the Park and its diverse landscapes. The Park will play a role in linking Lake Ontario with the Oak Ridges Moraine. Upon lands being transferred to the Park they will become federally administered, the *Rouge National Urban Park Act* and Management Plan will be the guiding documents

and the Greenbelt Plan or other provincial plans/policies will not apply. Until such transfers, provincial plans and policies continue to apply, and will continue to apply to lands not proposed for transfer, such as roads, hydro corridors and other public and private lands.

Ontario will work collaboratively with Parks Canada, municipalities and other relevant agencies and organizations to ensure ecological integrity is the first management priority for the Rouge National Urban Park while also supporting ongoing agricultural activities and sustainable farming practices. Planning of surrounding lands outside of the Rouge National Urban Park should be undertaken in a manner that considers the interface with and supports the vision and the ecological and other functions of the Park. This includes connections to surrounding natural heritage, agricultural and open space and trail systems, together with transportation *infrastructure*, visitor facilities and cultural heritage. In particular, *infrastructure* traversing the Park should be planned, designed and constructed to limit and mitigate impacts, support recreational uses and promote environmental restoration opportunities.

3.3 Parkland, Open Space and Trails

3.3.1 Description

A system of parklands, open spaces, water bodies and trails across the Greenbelt is necessary to provide opportunities for recreation, tourism and appreciation of cultural heritage and natural heritage. They serve as an important component of *complete communities* and provide important benefits to support environmental protection, improved air quality and climate change mitigation. This system currently supports a variety of passive and active uses as well as health, economic and other quality of life benefits within the Greenbelt.

A system of parklands, open spaces, water bodies and trails helps address the causes and impacts of climate change by capturing and storing carbon, recharging aquifers and protecting biodiversity and sensitive areas.

It should be recognized that parkland, open space and trails exist within surroundings of predominantly privately held lands. While private landowners may, and do, adopt a collaborative approach with groups such as hiking and snowmobile associations to allow public access across portions of their property, this is only with the consent of the landowner.

Maintaining and expanding the supply of publicly accessible parkland, open space and trails is encouraged through strategic planning activities that identify, plan for and protect these resources for current and future generations. The planning and activity associated with parkland, open space and trail uses should maximize the opportunity to co-operate with all landowners. This includes

measures to prevent trespassing on farm properties to avoid risks to farm biosecurity and crop damage.

Throughout the Greenbelt, there is existing public parkland and open space, such as the Rouge National Urban Park, as well as existing major trails such as the Bruce Trail, the Trans Canada Trail, the Niagara Greenway and the Lake Ontario Waterfront Trail. This system of parks and trails provides significant economic benefits and opportunities for a multitude of uses and activities compatible with the Greenbelt's vision and goals. This system should serve as a base for future decisions on parkland and open space use and trail development.

3.3.2 Parkland, Open Space and Trail Policies

The Province should, in partnership with municipalities, conservation authorities, non-government organizations and other interested parties:

1. Encourage the development of a system of publicly accessible parkland, open space and trails where people can pursue the types of recreational activities envisaged by this Plan, and to support the *connectivity* of the Natural Heritage System and the achievement of *complete communities* in *settlement areas* across the Greenbelt.
2. Encourage the development of a trail plan and a co-ordinated approach to trail planning and development in the Greenbelt to enhance key existing trail networks and to strategically direct more intensive activities away from sensitive landscapes.
3. Promote good stewardship practices for public and private lands within the Greenbelt, including clear demarcation of where public access is permitted.

3.3.3 Municipal Parkland, Open Space and Trail Strategies

For all lands falling within the Protected Countryside, municipalities should:

1. Provide for a full range of publicly accessible, built and natural settings for recreation, including facilities, parklands, open space areas, trails and water-based activities.
2. Develop and incorporate strategies (such as community-specific levels of provision) into official plans to guide the adequate provision of municipal recreation facilities, parklands, open space areas and trails.
3. Include the following considerations in municipal parks plans and open space strategies:

Geographic-Specific Policies in the Protected Countryside

- a) Providing for open space areas for current and future populations and promoting stewardship of open space areas;
 - b) Providing facilities, parklands, open space areas and trails that particularly support an active, healthy community lifestyle;
 - c) Identifying key areas or sites for the future development of major facilities that avoid sensitive landscapes;
 - d) Identifying and targeting under-serviced areas for improved levels of protection;
 - e) Protecting the recreation and tourism values of waterfront areas as a high priority; and
 - f) Supporting urban agriculture and other local food initiatives.
4. Include the following considerations in municipal trail strategies:
- a) Preserving the continuous integrity of corridors (e.g. abandoned railway rights-of-way and utility corridors);
 - b) Planning trails on a cross-boundary basis to enhance interconnectivity where practical;
 - c) Incorporating the existing system of parklands and trails where practical;
 - d) Restricting trail uses that are inappropriate to the reasonable capacity of the site (notwithstanding the ability to continue existing trails/uses);
 - e) Providing for multi-use trail systems which establish a safe system for both motorized and non-motorized uses;
 - f) Protecting farmland and supporting and ensuring compatibility with agriculture; and
 - g) Ensuring the protection of the *key natural heritage features* and *key hydrologic features* and functions of the landscape.

Federal parks, provincial parks and conservation authority lands are also important components in the development of parkland, open space and trail strategies. Ongoing management of these lands for publicly accessible recreation, in keeping with environmental management plans and strategies for such areas and the policies of this Plan, is important in providing access to this system. Where geographic-specific park or public land management plans exist, municipalities, agencies and other levels of government must consider such plans when making decisions on land use or *infrastructure* proposals.

Appendix E: Growth Plan for the Greater Golden Horseshoe Excerpts

A Place to Grow

Growth Plan for the
Greater Golden Horseshoe

Office Consolidation 2020

[Ontario.ca/growthplanning](https://ontario.ca/growthplanning)

4 Protecting What is Valuable

4.1 Context

The *GGH* contains a broad array of important hydrologic and *natural heritage features and areas*, a vibrant and diverse agricultural land base, irreplaceable *cultural heritage resources*, and valuable renewable and non-renewable resources. These lands, features and resources are essential for the long-term quality of life, economic prosperity, environmental health, and *ecological integrity* of the region. They collectively provide essential ecosystem services, including water storage and filtration, cleaner air and habitats, and support pollinators, carbon storage, adaptation and resilience to climate change.

These valuable assets must be wisely protected and managed as part of planning for future growth. This is of particular importance in the fast-growing *GGH*, which supports some of the most diverse vegetation and wildlife in Canada, including the Niagara Escarpment (a UNESCO World Biosphere Reserve) and the Oak Ridges Moraine – two of Ontario's most significant landforms – as well as the Rouge National Urban Park. There are existing legislation and policies in place to identify and protect these features, areas, and sites, including the Ontario Heritage Act, statements of provincial policy such as the PPS, and provincial plans such as the Greenbelt, Oak Ridges Moraine Conservation, Niagara Escarpment, and Lake Simcoe Protection Plans.

Through their historic relationship with the lands and resources in this region, Indigenous communities have gained traditional knowledge that is of value to the planning decisions being made today. A balanced approach to the wise use and management of all resources, including those related to water, natural heritage, agriculture, cultural heritage, and mineral aggregates, will be implemented in the *GGH*.

This Plan recognizes and supports the role of municipal policy in providing leadership and innovation in developing a culture of conservation and addressing climate change. As the *GGH* grows, so will the overall demand for water, energy, air, and land. The ongoing availability of these natural resources is essential for the sustainability of all communities.

This Plan requires the identification of *water resource systems* and the protection of *key hydrologic features* and *key hydrologic areas*, similar to the level of protection provided in the Greenbelt. This provides a consistent framework for water protection across the *GGH*, and builds on existing plans and policies, including the Lake Simcoe Protection Plan and source protection plans developed under the Clean Water Act, 2006. Recognizing that *watersheds* are the most important scale for protecting the *quality and quantity of water*,

municipalities are required to undertake *watershed planning* to inform the protection of *water resource systems* and decisions related to planning for growth.

This Plan also provides for the identification and protection of a *Natural Heritage System for the Growth Plan* outside of the *Greenbelt Area* and *settlement areas*, and applies protections similar to those in the Greenbelt Plan to provide consistent and long-term protection throughout the *GGH*.

The *GGH* is home to some of Canada's most important and productive farmland, which is a finite, non-renewable resource. The region's fertile soil, favourable climate, and access to water make it significant on both a national and international scale. This Plan provides for the identification and protection of the *Agricultural System* in the *GGH*. The *Agricultural System* includes a continuous and productive land base, comprised of *prime agricultural areas*, including *specialty crop areas*, and *rural lands*, as well as a complementary *agri-food network* that together enable the agri-food sector to thrive. Many farms within the *Agricultural System* also contain important natural heritage and hydrologic features, and farmers play a vital role in their stewardship. Protecting the *Agricultural System* will support the viability of the agricultural sector as the region grows.

The *GGH* also contains important *cultural heritage resources* that contribute to a sense of identity, support a vibrant tourism industry, and attract investment based on cultural amenities. Accommodating growth can put pressure on these resources through *development* and *site alteration*. It is necessary to plan in a way that protects and maximizes the benefits of these resources that make our communities unique and attractive places to live.

Building compact communities and the *infrastructure* needed to support growth requires significant *mineral aggregate resources*. The Aggregate Resources Act establishes the overall process for the management of *mineral aggregate operations*, and this Plan works within this framework to provide guidance on where and how aggregate resource extraction can occur, while balancing other planning priorities. The *GGH* contains significant deposits of *mineral aggregate resources*, which require long-term management, including aggregate reuse and recycling. Ensuring *mineral aggregate resources* are available in proximity to demand can support the timely provision of *infrastructure* and reduce transportation-related greenhouse gas emissions.

The *water resource systems*, *Natural Heritage System for the Growth Plan*, and *Agricultural System* for the *GGH* also play an important role in addressing climate change and building resilience. Greenhouse gas emissions can be offset by natural areas that act as carbon sinks. Municipalities play a crucial role in managing and reducing Ontario's greenhouse gas emissions and supporting

adaptation to the changing climate. The Province will work with municipalities to develop approaches to inventory, reduce, and offset greenhouse gas emissions in support of provincial targets as we move towards environmentally sustainable communities.

4.2 Policies for Protecting What is Valuable

4.2.1 Water Resource Systems

1. Upper- and single-tier municipalities, partnering with lower-tier municipalities and conservation authorities as appropriate, will ensure that *watershed planning* is undertaken to support a comprehensive, integrated, and long-term approach to the protection, enhancement, or restoration of the *quality and quantity of water* within a *watershed*.
2. *Water resource systems* will be identified to provide for the long-term protection of *key hydrologic features, key hydrologic areas*, and their functions.
3. *Watershed planning* or equivalent will inform:
 - a) the identification of *water resource systems*;
 - b) the protection, enhancement, or restoration of the *quality and quantity of water*;
 - c) decisions on allocation of growth; and
 - d) planning for water, wastewater, and stormwater *infrastructure*.
4. Planning for large-scale *development* in *designated greenfield areas*, including secondary plans, will be informed by a *subwatershed plan* or equivalent.
5. Municipalities will consider the Great Lakes Strategy, the targets and goals of the Great Lakes Protection Act, 2015, and any applicable Great Lakes agreements as part of *watershed planning* and coastal or waterfront planning initiatives.

4.2.2 Natural Heritage System

1. A *Natural Heritage System for the Growth Plan* has been mapped by the Province to support a comprehensive, integrated, and long-term approach to planning for the protection of the region's natural heritage and biodiversity. The *Natural Heritage System for the Growth Plan* excludes lands within *settlement area* boundaries that were approved and in effect as of July 1, 2017.

2. Municipalities will incorporate the *Natural Heritage System for the Growth Plan* as an overlay in official plans, and will apply appropriate policies to maintain, restore, or enhance the diversity and connectivity of the system and the long-term ecological or *hydrologic functions* of the features and areas as set out in the policies in this subsection and the policies in subsections 4.2.3 and 4.2.4.
3. Within the *Natural Heritage System for the Growth Plan*:
 - a) new *development* or *site alteration* will demonstrate that:
 - i. there are no *negative impacts* on *key natural heritage features* or *key hydrologic features* or their functions;
 - ii. connectivity along the system and between *key natural heritage features* and *key hydrologic features* located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;
 - iii. the removal of other natural features not identified as *key natural heritage features* and *key hydrologic features* is avoided, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible;
 - iv. except for uses described in and governed by the policies in subsection 4.2.8, the disturbed area, including any buildings and structures, will not exceed 25 per cent of the *total developable area*, and the impervious surface will not exceed 10 per cent of the *total developable area*;
 - v. with respect to golf courses, the disturbed area will not exceed 40 per cent of the *total developable area*; and
 - vi. at least 30 per cent of the *total developable area* will remain or be returned to *natural self-sustaining vegetation*, except where specified in accordance with the policies in subsection 4.2.8; and
 - b) the full range of existing and new *agricultural uses*, *agriculture-related uses*, *on-farm diversified uses*, and *normal farm practices* are permitted. However, new buildings or structures for *agricultural uses*, *agriculture-related uses*, or *on-farm diversified uses* are not subject to policy 4.2.2.3 a), but are subject to the policies in subsections 4.2.3 and 4.2.4.
4. Provincial mapping of the *Natural Heritage System for the Growth Plan* does not apply until it has been implemented in the applicable upper- or single-tier official plan. Until that time, the policies in this Plan that refer

to the *Natural Heritage System for the Growth Plan* will apply outside *settlement areas* to the *natural heritage systems* identified in official plans that were approved and in effect as of July 1, 2017.

5. Upper- and single-tier municipalities may refine provincial mapping of the *Natural Heritage System for the Growth Plan* at the time of initial implementation in their official plans. For upper-tier municipalities, the initial implementation of provincial mapping may be done separately for each lower-tier municipality. After the *Natural Heritage System for the Growth Plan* has been implemented in official plans, further refinements may only occur through a *municipal comprehensive review*.
6. Beyond the *Natural Heritage System for the Growth Plan*, including within *settlement areas*, the municipality:
 - a) will continue to protect any other *natural heritage features and areas* in a manner that is consistent with the PPS; and
 - b) may continue to protect any other *natural heritage system* or identify new systems in a manner that is consistent with the PPS.
7. If a *settlement area* is expanded to include the *Natural Heritage System for the Growth Plan* in accordance with the policies in subsection 2.2.8, the portion that is within the revised *settlement area* boundary will:
 - a) be designated in official plans;
 - b) no longer be subject to policy 4.2.2.3; and
 - c) continue to be protected in a manner that ensures that the connectivity between, and diversity and functions of, the *natural heritage features and areas* will be maintained, restored, or enhanced.

4.2.3 Key Hydrologic Features, Key Hydrologic Areas and Key Natural Heritage Features

1. Outside of *settlement areas*, *development* or *site alteration* is not permitted in *key natural heritage features* that are part of the *Natural Heritage System for the Growth Plan* or in *key hydrologic features*, except for:
 - a) forest, fish, and wildlife management;
 - b) conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered;
 - c) activities that create or maintain *infrastructure* authorized under an environmental assessment process;
 - d) *mineral aggregate operations* and wayside pits and quarries;

- e) expansions to existing buildings and structures, accessory structures and uses, and conversions of legally existing uses which bring the use more into conformity with this Plan, subject to demonstration that the use does not expand into the *key hydrologic feature* or *key natural heritage feature* or *vegetative protection zone* unless there is no other alternative, in which case any expansion will be limited in scope and kept within close geographical proximity to the existing structure;
 - f) expansions or alterations to existing buildings and structures for *agricultural uses, agriculture-related uses, or on-farm diversified uses* and expansions to existing residential dwellings if it is demonstrated that:
 - i. there is no alternative, and the expansion or alteration in the feature is minimized and, in the *vegetation protection zone*, is directed away from the feature to the maximum extent possible; and
 - ii. the impact of the expansion or alteration on the feature and its functions is minimized and mitigated to the maximum extent possible; and
 - g) small-scale structures for recreational uses, including boardwalks, footbridges, fences, docks, and picnic facilities, if measures are taken to minimize the number of such structures and their *negative impacts*.
2. Outside of *settlement areas*, proposals for large-scale *development* proceeding by way of plan of subdivision, vacant land plan of condominium or site plan may be permitted within a *key hydrologic area* where it is demonstrated that the *hydrologic functions*, including the *quality and quantity of water*, of these areas will be protected and, where possible, enhanced or restored through:
- a) the identification of planning, design, and construction practices and techniques;
 - b) meeting other criteria and direction set out in the applicable *watershed planning or subwatershed plans*; and
 - c) meeting any applicable provincial standards, guidelines, and procedures.

4.2.4 Lands Adjacent to Key Hydrologic Features and Key Natural Heritage Features

- 1. Outside *settlement areas*, a proposal for new *development* or *site alteration* within 120 metres of a *key natural heritage feature* within the

Natural Heritage System for the Growth Plan or a *key hydrologic feature* will require a natural heritage evaluation or hydrologic evaluation that identifies a *vegetation protection zone*, which:

- a) is of sufficient width to protect the *key natural heritage feature* or *key hydrologic feature* and its functions from the impacts of the proposed change;
 - b) is established to achieve and be maintained as *natural self-sustaining vegetation*; and
 - c) for *key hydrologic features, fish habitat, and significant woodlands*, is no less than 30 metres measured from the outside boundary of the *key natural heritage feature* or *key hydrologic feature*.
2. Evaluations undertaken in accordance with policy 4.2.4.1 will identify any additional restrictions to be applied before, during, and after *development* to protect the *hydrologic functions* and *ecological functions* of the feature.
3. *Development* or *site alteration* is not permitted in the *vegetation protection zone*, with the exception of that described in policy 4.2.3.1 or shoreline *development* as permitted in accordance with policy 4.2.4.5.
4. Notwithstanding policies 4.2.4.1, 4.2.4.2 and 4.2.4.3:
- a) a natural heritage or hydrologic evaluation will not be required for a proposal for *development* or *site alteration* on a site where the only *key natural heritage feature* is the *habitat of endangered species and threatened species*;
 - b) new buildings and structures for *agricultural uses, agriculture-related uses, or on-farm diversified uses* will not be required to undertake a natural heritage or hydrologic evaluation if a minimum 30 metre *vegetation protection zone* is provided from a *key natural heritage feature* or *key hydrologic feature*; and
 - c) uses permitted in accordance with policy 4.2.4.4 b):
 - i. are exempt from the requirement of establishing a condition of *natural self-sustaining vegetation* if the land is, and will continue to be, used for agricultural purposes; and
 - ii. will pursue best management practices to protect and restore *key natural heritage features, key hydrologic features*, and their functions.
5. Outside of *settlement areas*, in developed shoreline areas of inland lakes that are designated or zoned for concentrations of *development* as of July 1, 2017, *infill development, redevelopment* and *resort development* is permitted, subject to municipal and agency planning and regulatory requirements, if the *development* will:

- a) be integrated with existing or proposed parks and trails, and will not constrain ongoing or planned stewardship and remediation efforts;
- b) restore, to the maximum extent possible, the ecological features and functions in developed shoreline areas; and
- c) in the case of *redevelopment* and *resort development*:
 - i. establish, or increase the extent and width of, a *vegetation protection zone* along the shoreline to a minimum of 30 metres;
 - ii. increase the extent of *fish habitat* in the littoral zone;
 - iii. be planned, designed, and constructed to protect *hydrologic functions*, minimize erosion, and avoid or mitigate sedimentation and the introduction of nutrient or other pollutants into the lake;
 - iv. exclude shoreline structures that will impede the natural flow of water or exacerbate algae concerns along the shoreline;
 - v. enhance the ability of native plants and animals to use the shoreline as both *wildlife habitat* and a movement corridor;
 - vi. use lot-level stormwater controls to reduce stormwater runoff volumes and pollutant loadings;
 - vii. use natural shoreline treatments, where practical, for shoreline stabilization, erosion control, or protection;
 - viii. meet other criteria and direction set out in applicable *watershed planning* and *subwatershed plans*;
 - ix. be serviced by *sewage works* which reduce nutrient inputs to groundwater and the lake from baseline levels; and
 - x. demonstrate available capacity in the receiving water body based on inputs from existing and approved development.

4.2.5 Public Open Space

1. Municipalities, conservation authorities, non-governmental organizations, and other interested parties are encouraged to develop a system of publicly-accessible parkland, open space, and trails, including in shoreline areas, within the *GGH* that:
 - a) clearly demarcates where public access is and is not permitted;
 - b) is based on a co-ordinated approach to trail planning and development; and

Appendix F: OPA 23 and OMB Order Excerpts

Town of Dundas Official Plan Policies concerning lands known as the Pleasant View Neighbourhood

Excerpt from Town of Dundas Official Plan (Adopted by By-law No. 3354-82 by the Dundas Town Council, and approved by the Ministry of Municipal Affairs and Housing on September 15, 1982, as amended by OPA #23 and OMB Decision in Case No. PL930179 et al, dated June 28, 1995.)

1.3.1.14A
(O.P.A. #13)
(O.P.A. #23)

For those lands designated "RURAL" on Schedule "B" and identified on Schedule "B-1" as SPECIAL POLICY AREA 14, the following provisions will apply:

(O.P.A. #13,
Amended by
Board Order)

- i) Notwithstanding Policy 4.3.7(ii), the lands will be subject to Site Plan Control;
- ii) If a piped water supply is approved by the Ministry of Environment for extension into the area, a Neighbourhood Plan will be prepared which will identify the pipeline easement and road pattern;
- iii) Development of one single detached dwelling on a lot of not less than 10 ha will be permitted in accordance with the following provisions:
 - a) Development will only be permitted as if and when the area is serviced with a piped water supply;
 - b) All developments by plan of subdivision or conveyance will be subject to the following requirements:
 - a report from a qualified soils engineer to determine suitability to support a septic system detailing the percolation rate and grain size distribution; the amount of over burden to a minimum depth of 2.1 m; depth of water table (if less than 3 m); and, plan of finished grades;
 - sewage disposal shall be by a private system acceptable to and approved by the Medical Officer of Health on a lot by lot basis;
 - zero increase in run-off from developed areas;

(O.P.A. #13,
Amended by
O.P.A. #23)

- storm water brought to the invert of the stream system with the appropriate erosion control protection at outlets;
 - minimize run-off down valley slopes;
 - no development will be permitted adjacent to lands designated Conservation – Hazard Lands where any portion of a building, structure or tile field will be closer than 60 m from the edge of a stream or natural water course or pond, or 15 m from valley “fill” lines or “top-of-bank” lines, as determined by the Conservation Authority having jurisdiction, whichever results in the greatest distance. If slopes are determined to be unstable, appropriate setbacks will be established at the time of development. Alternatively, an appropriate distance may be established by the appropriate Conservation Authority, and the Department of Public Health Services;
 - submission of a grading and drainage plan showing proposed site grading, land slopes and overland flow direction, in accordance with the requirements of the Conservation Authority having jurisdiction; and,
 - provide for an appropriate storm water management scheme and maintenance of systems within the ravine network;
- c) Special consideration will be given to development proposed adjacent to rail lines in accordance with Sub-section 2.3.4 - Rail Service and provided such measures as may be identified by the railway concerned are satisfied and may include:
- additional setbacks from rail lines;
 - adequate buffers and screening; and,
 - special building techniques to protect against high noise and vibrations;
- d) Any development proposed in the vicinity of the Niagara Escarpment, Borer’s Falls Conservation

Area and the Royal Botanical Gardens will have regard for the following in order to protect and preserve the unique views and vistas in the area:

- nature and intensity of developments;
- site design;
- landscaping and buffering;
- access;
- setbacks;
- building height; and,
- potential traffic generation relative to the protection and enhancement of these unique features; and,




- e) In considering development proposals, Council will encourage the siting of building, the provision of landscaped screening and use of the natural materials to complement and blend with the natural landscape.

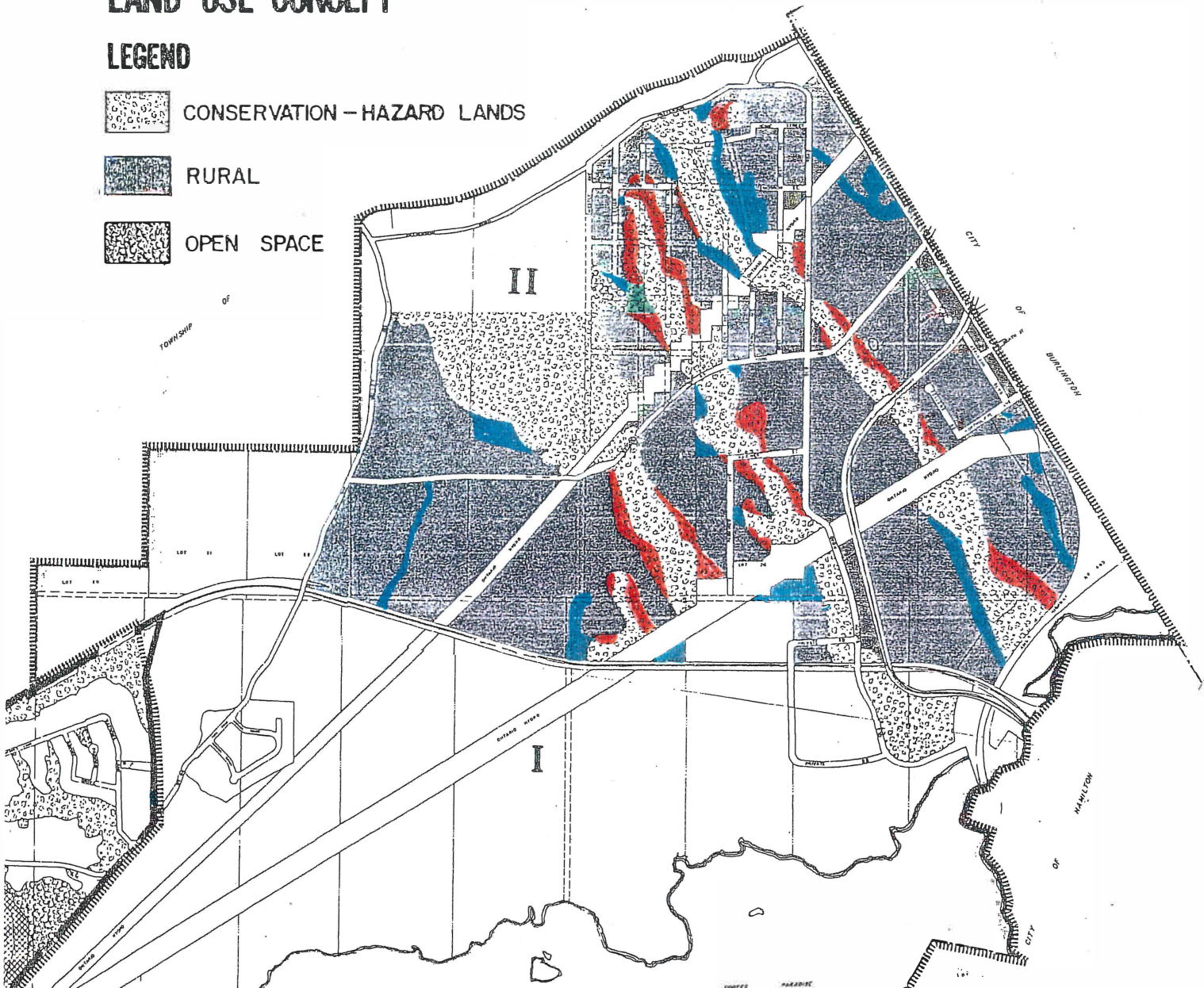
1.3.1.15
(O.P.A. #13)

Notwithstanding Sub-section 1.2.9 and its related policies, the area identified on Schedule "B-1" as SPECIAL POLICY AREA 15 and designated as Conservation-Hazard Lands on Schedule "B", is ecologically significant and will be preserved for conservation uses.




LAND USE CONCEPT

LEGEND

-  CONSERVATION - HAZARD LANDS
-  RURAL
-  OPEN SPACE



schedule B
 to O.P.A. #23
 to the
 official plan
 for the
 Town of Dundas

- legend
 Redesignation from:
-  "Conservation-Hazard Lands" to "Rural"
 -  "Rural" to "Conservation Hazard Lands"
 -  "Conservation-Hazard Lands" to "Open Space"

date	drawn by	reference file no.
October 1992	R.L.	D - 28 - G

SCHEDULE B TO THE OFFICIAL PLAN FOR THE TOWN OF DUNDAS

EXCERPT

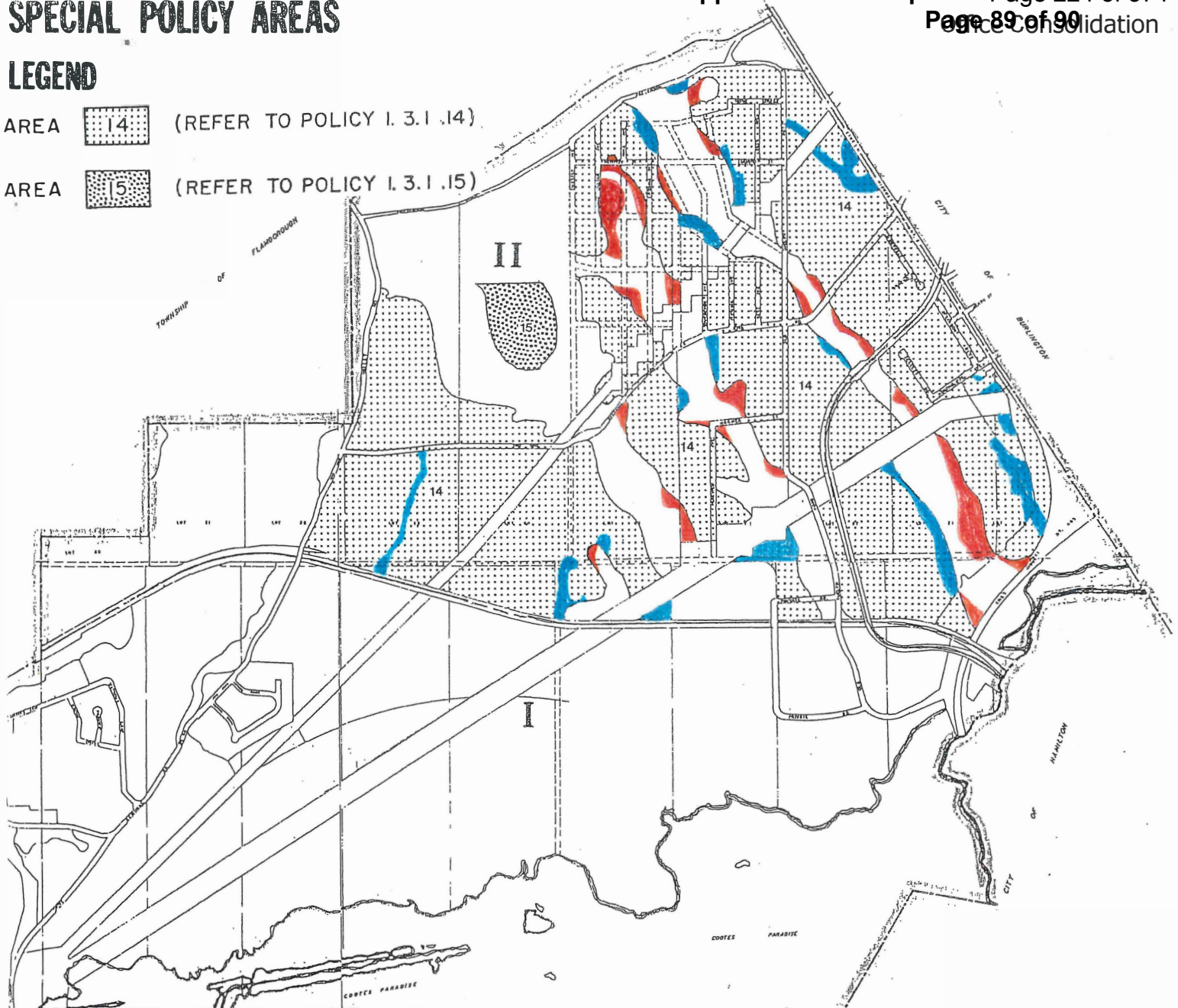


SPECIAL POLICY AREAS

LEGEND

AREA 14 (REFER TO POLICY I.3.1.14)

AREA 15 (REFER TO POLICY I.3.1.15)



schedule B-1
 to O.P.A. #23
 to the
 official plan
 for the
 Town of Dundas

legend

- Add to Special Policy Area 14
- Delete from Special Policy Area 14


date	drawn by	reference file no.
October 1992	R.L.	D - 28 - G

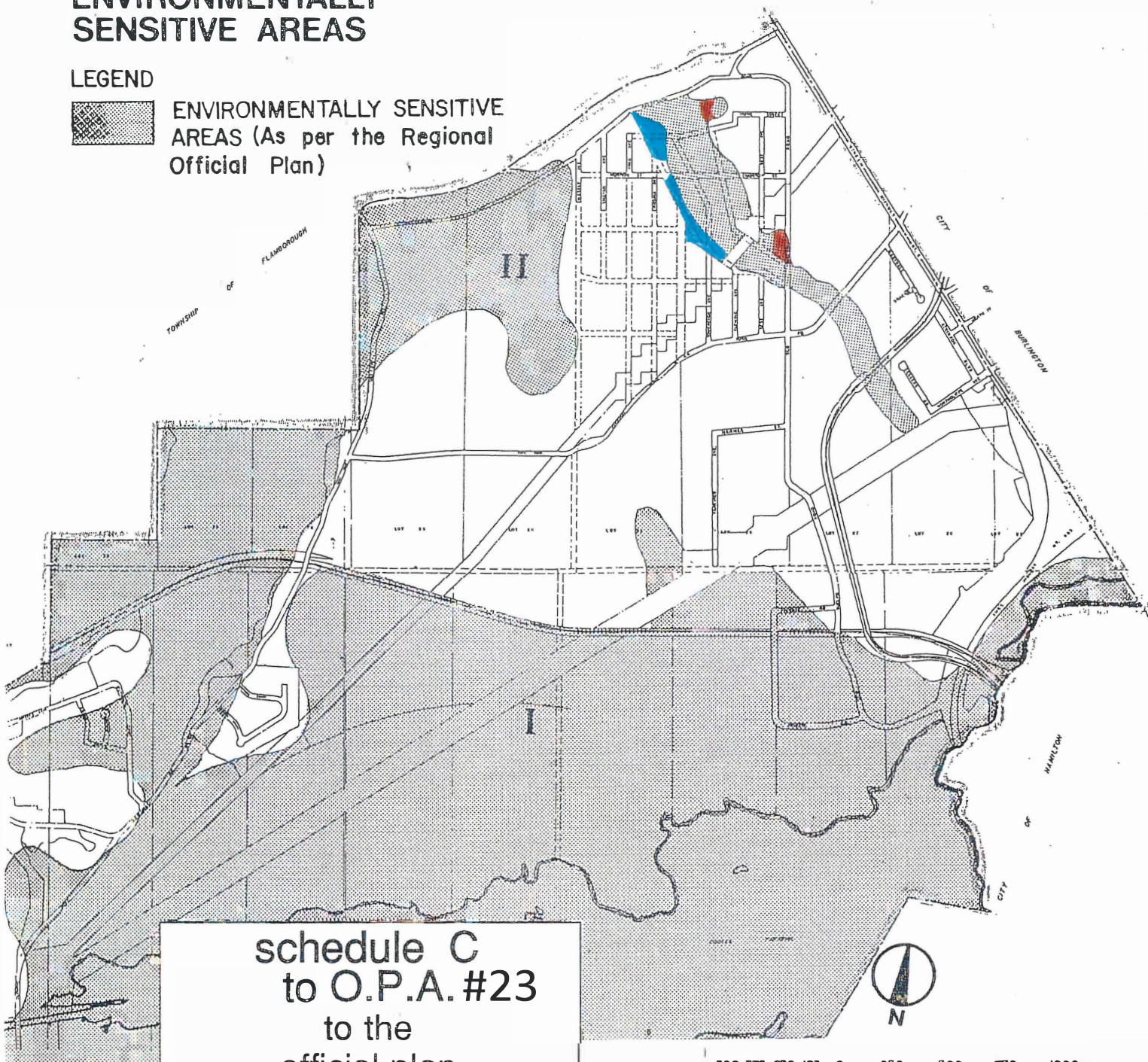
**SCHEDULE B-1
 TO THE OFFICIAL PLAN
 FOR THE
 TOWN OF
 DUNDAS**

EXCERPT

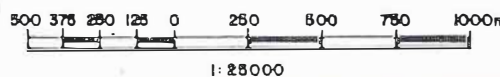
ENVIRONMENTALLY SENSITIVE AREAS

LEGEND

 ENVIRONMENTALLY SENSITIVE AREAS (As per the Regional Official Plan)



schedule C
 to O.P.A. #23
 to the
 official plan
 for the
 Town of Dundas



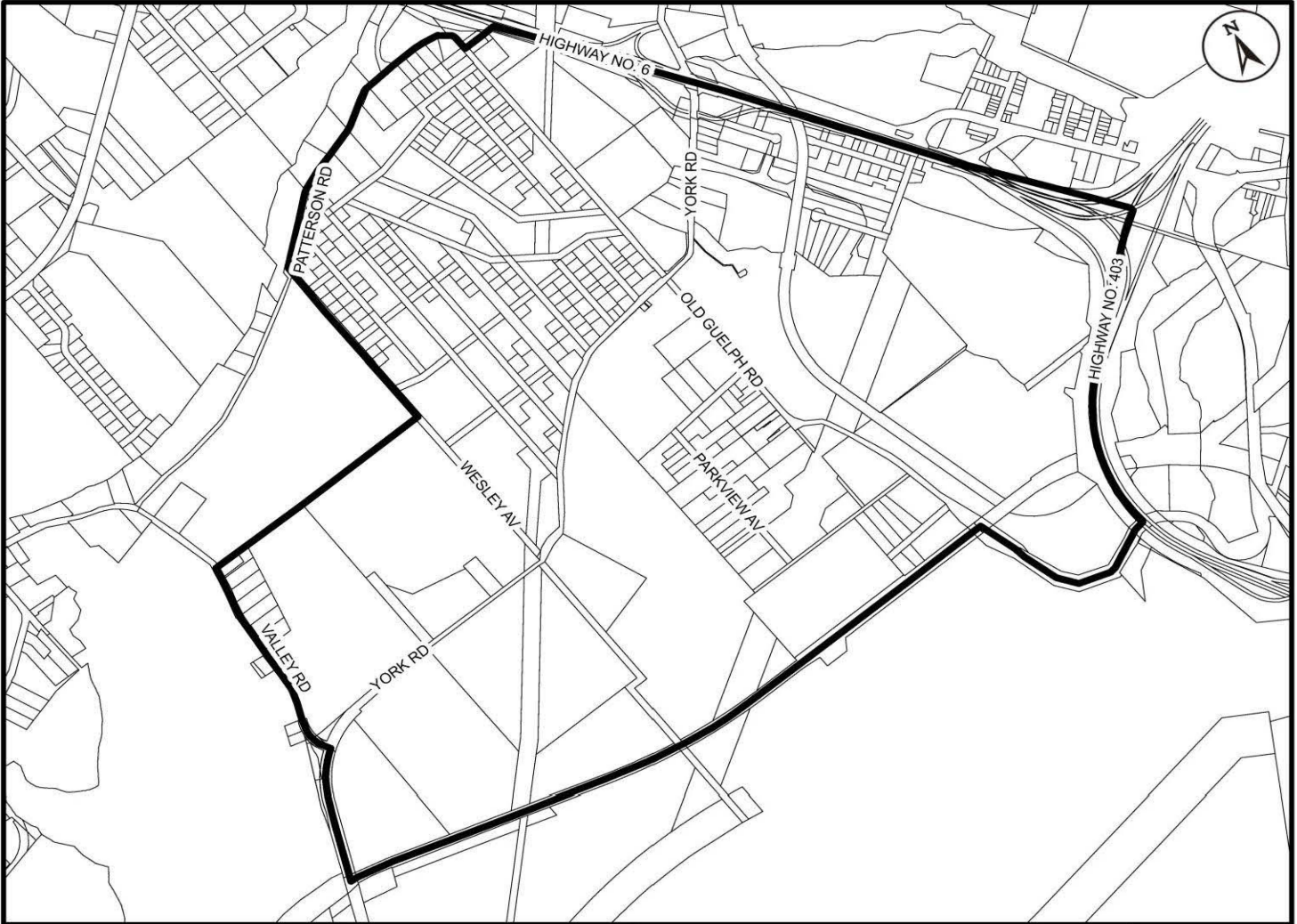
legend

-  Delete from Enviromentally Sensitive Area Designation
-  Add to Enviromentally Sensitive Area Designation

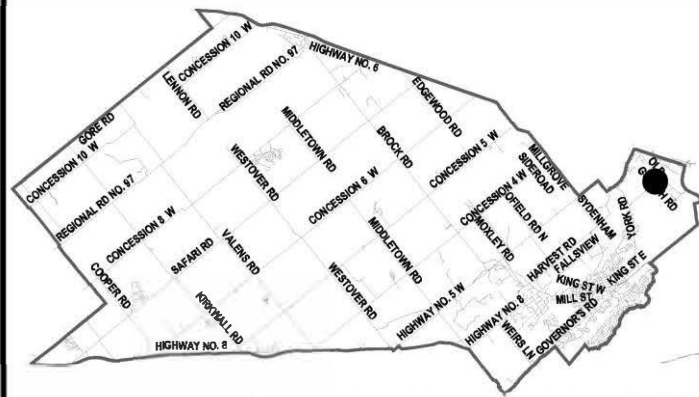
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October 1992	R.L.	D - 28 - G

**Schedule C
 TO THE OFFICIAL PLAN
 FOR THE TOWN OF
 DUNDAS**

EXCERPT



● Site Location



Key Map - Ward 13

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
 Pleasant View Area Land Use Study

Date:
 November 16th, 2021

Appendix "B"

Scale:
 N.T.S

Planner/Technician:
 SS/NB

Study Area

— Pleasant View Area Land Use Study, Dundas (Ward 13)



DRAFT Rural Hamilton Official Plan Amendment No. X

The following text, together with:

Appendix “A”	Volume 1: Schedule A – Provincial Plans
Appendix “B”	Volume 1: Schedule B – Natural Heritage System
Appendix “C”	Volume 1: Schedule B-1 – Detailed Natural Heritage Features – Key Natural Heritage Feature Life Science ANSI
Appendix “D”	Volume 1: Schedule B-2 – Detailed Natural Heritage Features– Key Natural Heritage Feature Significant Woodlands
Appendix “E”	Volume 1: Schedule B-3 – Detailed Natural Heritage Features – Key Natural Heritage Feature Alvar and Tallgrass Prairie
Appendix “F”	Volume 1: Schedule B-4 – Detailed Natural Heritage Features – Key Natural Heritage Feature and Key Hydrologic Feature Wetlands
Appendix “G”	Volume 1: Schedule B-5 – Detailed Natural Heritage Features – Key Hydrologic Feature Lakes and Littoral Zones
Appendix “H”	Volume 1: Schedule B-6 – Detailed Natural Heritage Features – Local Natural Area Environmentally Significant Areas
Appendix “I”	Volume 1: Schedule B-7 – Detailed Natural Heritage Features – Local Natural Area Earth Science ANSI
Appendix “J”	Volume 1: Schedule B-8 – Detailed Natural Heritage Features – Key Hydrologic Features Streams
Appendix “K”	Volume 1: Schedule D – Rural Land Use Designations
Appendix “L”	Volume 3: Map A – Special Policy Areas

attached hereto, constitutes Official Plan Amendment No. “X” to the Rural Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to provide a policy framework for the appropriate use and development of lands within the Pleasantview Area.

2.0 Location:

The lands affected by this Amendment are generally bounded by Patterson Road to the north, Old Guelph Road and the Canadian National Rail Line to the south, Highway 6 to the east, and Valley Road/York Road to the west, in the former Town of Dundas.

3.0 **Basis:**

The basis for permitting this Amendment is:

- The Amendment implements the recommendations of the Pleasantview Area Land Use Study;
- The Amendment will provide a policy framework for Niagara Escarpment Commission staff for their review of Development Permit Applications; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Niagara Escarpment Plan, 2017.

4.0 **Actual Changes:**

4.1 **Volume 1 – Parent Plan**

Schedules and Appendices

4.1.1 Schedules

a. That Volume 1: Schedule A – Provincial Plans be amended by:

- i. redesignating lands from "Parkway Belt West Plan" to Niagara Escarpment "Natural Area";
- ii. redesignating lands from "Parkway Belt West Plan" to Niagara Escarpment "Protection Area" and,
- iii. redesignating lands from "Parkway Belt West Plan" to Niagara Escarpment "Rural Area",

as shown on Appendix "A", attached to this Amendment.

b. That Volume 1: Schedule B – Natural Heritage System be amended by:

- i. removing the "Greenbelt Natural Heritage System" identification from the subject lands;
- ii. identifying the subject lands as "Niagara Escarpment Plan Area";
- iii. adding "Core Area" identifications;

- iv. removing "Core Area" identifications; and,
 - v. adding "Linkage" identifications,
- as shown on Appendix "B", attached to this Amendment.
- c. That Volume 1: Schedule B-1 – Detailed Natural Heritage Features – Key Natural Heritage Feature Life Science ANSI be amended by:
 - i. removing the "Greenbelt Natural Heritage System" identification from the subject lands; and,
 - ii. identifying the subject lands as "Niagara Escarpment Plan Area",as shown on Appendix "C", attached to this Amendment.
 - d. That Volume 1: Schedule B-2 – Detailed Natural Heritage Features – Key Natural Heritage Feature Significant Woodlands be amended by:
 - i. removing the "Greenbelt Natural Heritage System" identification from the subject lands;
 - ii. identifying the subject lands as "Niagara Escarpment Plan Area"; and,
 - iii. adding "Key Natural Heritage Feature Significant Woodlands" identifications,as shown on Appendix "D", attached to this Amendment.
 - e. That Volume 1: Schedule B-3 – Detailed Natural Heritage Features – Key Natural Heritage Feature Alvar and Tallgrass Prairie be amended by:
 - i. removing the "Greenbelt Natural Heritage System" identification from the subject lands; and,
 - ii. identifying the subject lands as "Niagara Escarpment Plan Area",as shown on Appendix "E", attached to this Amendment.
 - f. That Volume 1: Schedule B-4 – Detailed Natural Heritage Features – Key Natural Heritage Feature and Key Hydrologic Feature Wetlands be amended by:

- i. removing the “Greenbelt Natural Heritage System” identification from the subject lands;
- ii. identifying the subject lands as “Niagara Escarpment Plan Area”; and,
- iii adding “Key Natural Heritage and Key Hydrologic Feature Wetlands” identifications,

as shown on Appendix “F”, attached to this Amendment.

- g. That Volume 1: Schedule B-5 – Detailed Natural Heritage Features – Key Natural Heritage Feature Lakes and Littoral Zones be amended by:

- i. removing the “Greenbelt Natural Heritage System” identification from the subject lands; and,
- ii. identifying the subject lands as “Niagara Escarpment Plan Area”,

as shown on Appendix “G”, attached to this Amendment.

- h. That Volume 1: Schedule B-6 – Detailed Natural Heritage Features – Local Natural Area Environmentally Significant Areas be amended by:

- i. removing the “Greenbelt Natural Heritage System” identification from the subject lands;
- ii. identifying the subject lands as “Niagara Escarpment Plan Area”;
- iii. adding “Local Natural Area Environmentally Significant Area” identifications, and,
- iv. removing “Local Natural Area Environmentally Significant Area” identifications,

as shown on Appendix “H”, attached to this Amendment.

- i. That Volume 1: Schedule B-7 – Detailed Natural Heritage Features – Local Natural Area Earth Science ANSI be amended by:

- i. removing the “Greenbelt Natural Heritage System” identification from the subject lands; and,
- ii. identifying the subject lands as “Niagara Escarpment Plan Area”,

as shown on Appendix "I", attached to this Amendment.

j. That Volume 1: Schedule B-8 – Detailed Natural Heritage Features – Key Hydrologic Features Streams be amended by:

i. removing the "Greenbelt Natural Heritage System" identification from the subject lands; and,

ii. identifying the subject lands as "Niagara Escarpment Plan Area",

as shown on Appendix "J", attached to this Amendment.

k. That Volume 1: Schedule D – Rural Land Use Designations be amended by:

i. redesignating lands from "Rural" to "Open Space"; and,

ii. redesignating lands from "Open Space" to "Rural",

as shown on Appendix "K", attached to this Amendment.

4.2 Volume 3 – Special Policy and Site Specific Areas

Text

4.2.1 Chapter A – Special Policy Areas

a. That Volume 3: Chapter A – Special Policy Areas be amended by deleting the text of Section 1.0 – SPA A – Pleasantview in its entirety and replacing it with following text:

"1.0 SPA A – PLEASANTVIEW

For the lands generally bounded by Patterson Road to the north, Old Guelph Road and the Canadian National Rail Line to the south, Highway 6 to the east, and Valley Road/York Road to the west and identified as Special Policy Area A – Pleasantview on Volume 3: Map A – Special Policy Areas of the Rural Hamilton Official Plan the following policies shall apply:

a) Development within Special Policy Area A – Pleasantview shall be subject to the policies within Section C.1.1 – Niagara Escarpment Plan of Volume 1.

- b) That Policy F.1.12.6 of Volume 1 shall not apply.
- c) In considering development proposals; the siting of buildings, the provision of landscaped screening and the use of the natural materials to complement and blend with the natural landscape shall be encouraged.
- d) Any development proposed in the vicinity of the Niagara Escarpment, Borer's Falls Conservation Area and the Royal Botanical Gardens will have regard for the following in order to protect and preserve the unique views and vistas in the area:
 - i) nature and intensity of developments;
 - ii) site design;
 - iii) landscaping and buffering;
 - iv) access;
 - v) setbacks;
 - vi) building height; and,
 - vii) potential traffic generation relative to the
 - viii) protection and enhancement of these unique features.
- e) New Development shall only be permitted on lots serviced with municipal water.

Permitted Uses

- f) Notwithstanding Section D.4.1 – Permitted Uses and Section C.3.3.1, C.3.3.2 and C.3.3.7 of Volume 1, only the following uses shall be permitted:
 - i) Forest, wildlife and fisheries management; archaeological activities; public park and open space uses; trails (including the Bruce Trail); nature preserves; non-intensive recreational activities; essential transportation, and utility facilities;

- ii) Uses that existed on or before February 16, 1993;
- iii) Single detached dwellings that existed on or before August 14, 1998;
- iv) A new single detached dwelling on an existing lot of record that has a minimum lot size of 10 hectares;
- v) The replacement of an existing single detached dwelling in accordance with the policies of this Plan; and,
- vi) Accessory uses (e.g., garage, accessory building, swimming pool, etc.) may also be permitted in accordance with the policies of this Plan.

1810 Highway 6 (325 Old Guelph Road)

- g) Notwithstanding Policy 1.0 f) and Section D.4.1 – Permitted Uses of Volume 1, only the following uses shall be permitted for the property located at 1810 Highway 6 (325 Old Guelph Road):
 - i) The manufacturing of candles;
 - ii) mini-storage facility;
 - iii) light industrial manufacturing; and,
 - iv) the following accessory uses: administration and business offices; research and development; scientific laboratory; warehousing; and, the repair and sales of goods manufactured on the premises.
- h) All permitted and accessory uses in Policy 1.0 g) are subject to the following:
 - i) Light industrial uses are to be small scale, wholly enclosed operations, including the production and storage of goods;
 - ii) Operations shall have infrequent truck movement of products and/or heavy truck traffic; low movements of truck traffic; limited amounts of outdoor storage; limited fugitive emissions, and use small amounts of water in the manufacture and processing of goods;

- iii) Access onto Old Guelph Road by way of tractor-trailer/semi-truck will not be permitted, and no truck access is allowed, except nothing will prevent access of vehicles which typically serve a residential neighbourhood on an infrequent basis, such as moving vans; and,
- iv) No authorization, permit or approval shall be issued until such time as the owner/operator receives site plan approval from the City of Hamilton to set out the location of and signage for the access and driveway onto Old Guelph Road.

154 Northcliffe Avenue (Sisters of the Precious Blood)

- i) In addition to Policy 1.0 f) and notwithstanding Section D.4.1 – Permitted Uses of Volume 1, within the existing building on the property located at No. 154 Northcliffe Avenue (Sisters of the Precious Blood), only the following uses shall be permitted:
 - i) A Place of Worship; and
 - ii) A Convent.

574 Northcliffe Avenue (Sisters of St. Joseph)

- j) In addition to Policy 1.0 f) and notwithstanding Section D.4.1 – Permitted Uses of Volume 1, within the existing building located at No. 574 Northcliffe Avenue (Sisters of St. Joseph), only the following uses shall be permitted:
 - i) A Place of Worship;
 - ii) A Convent;
 - iii) A residential care facility for a maximum of 35 residents; and,
 - iv) A dormitory with a maximum of 36 students and accessory uses for an educational establishment provided it is in conjunction with the convent of the Sisters of St. Joseph.

Schedules and Appendices

4.3.1 Appendix

- a. That Volume 3: Appendix A – Site Specific Key Map be amended by adding lands known municipally as 2 Homestead Drive to Special Policy Area A - Pleasantview, as shown on Appendix "L", attached to this Amendment.

5.0 Implementation:

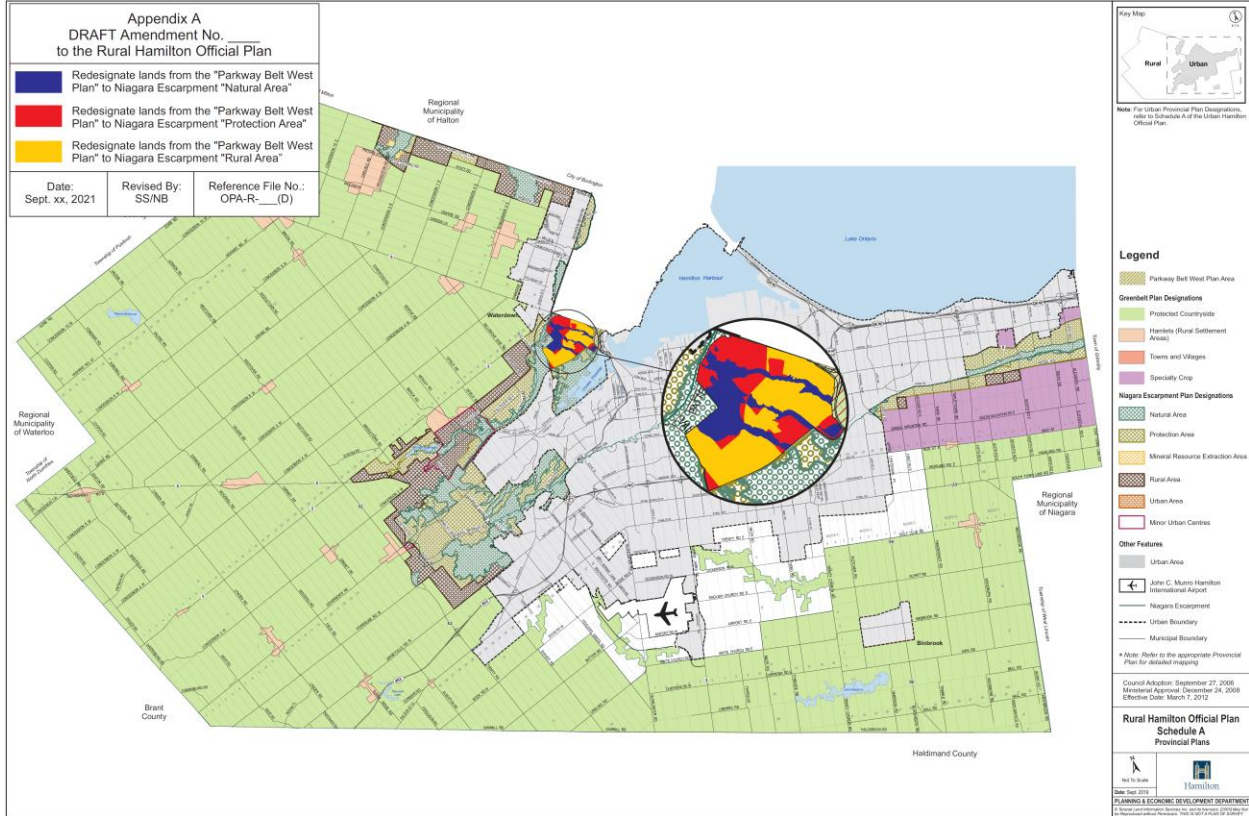
An implementing Zoning By-Law Amendment will give effect to the intended uses on the subject lands.

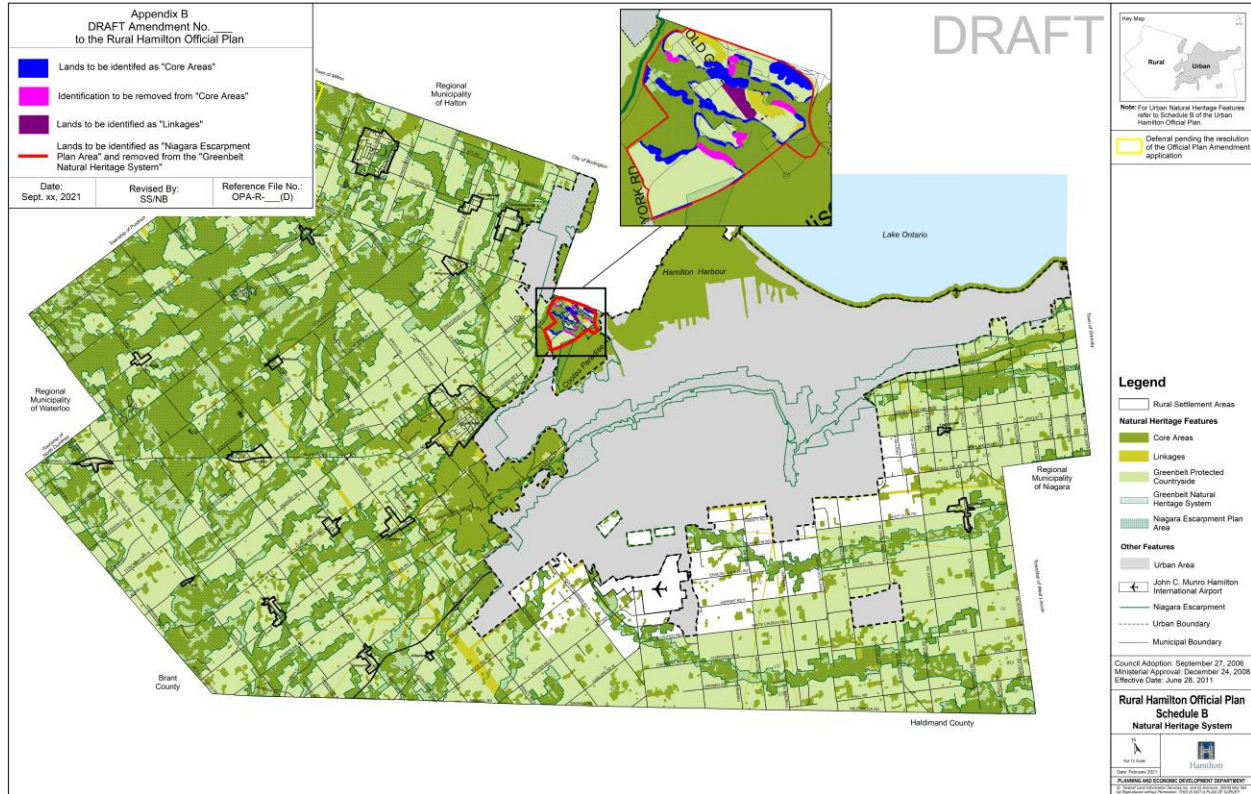
This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the _____th of _____, 2021.

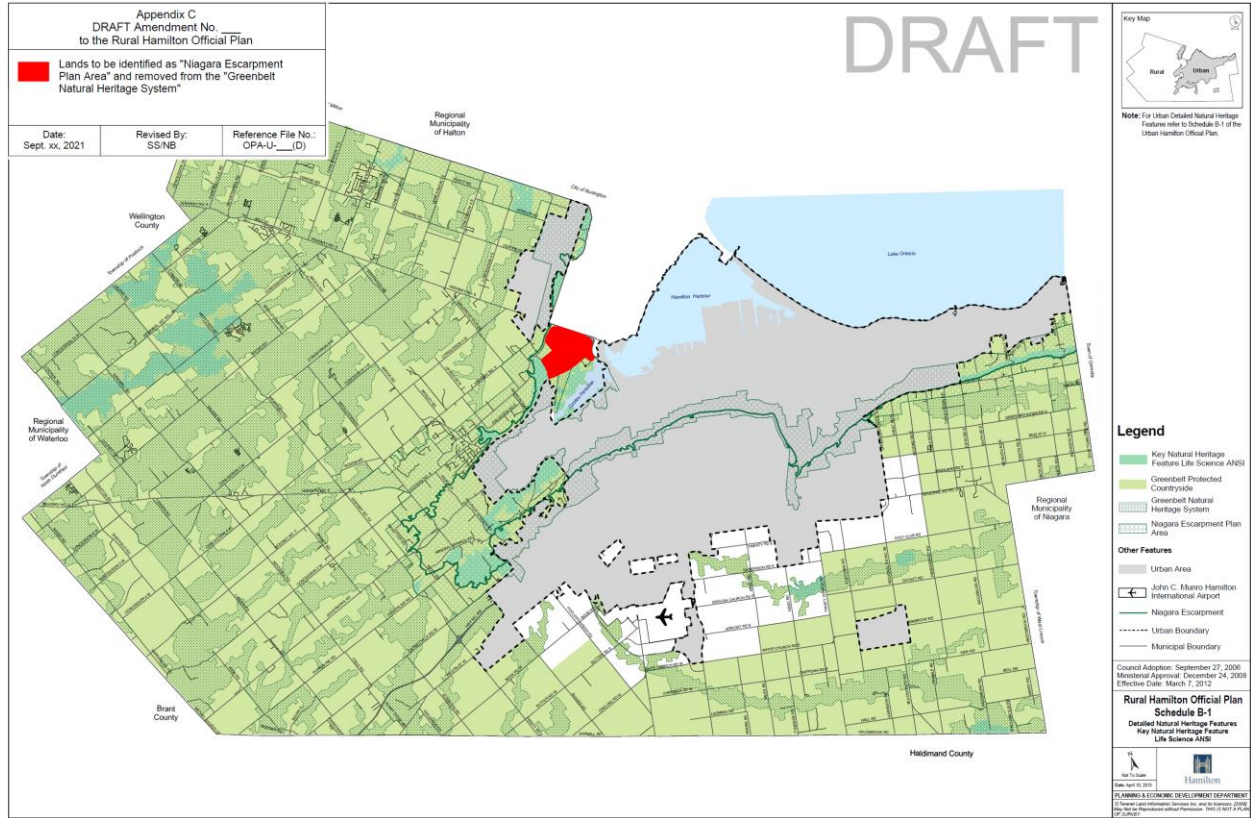
**The
City of Hamilton**

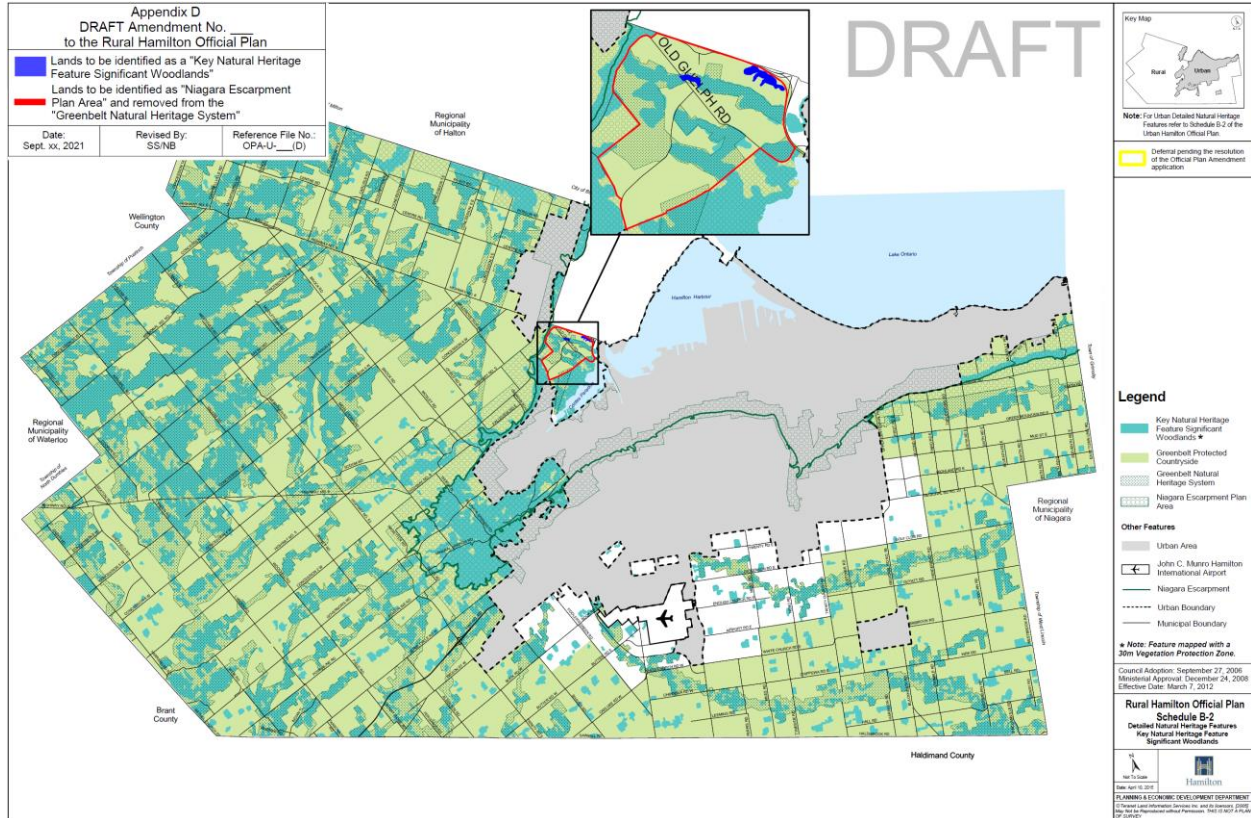
F. Eisenberger
MAYOR

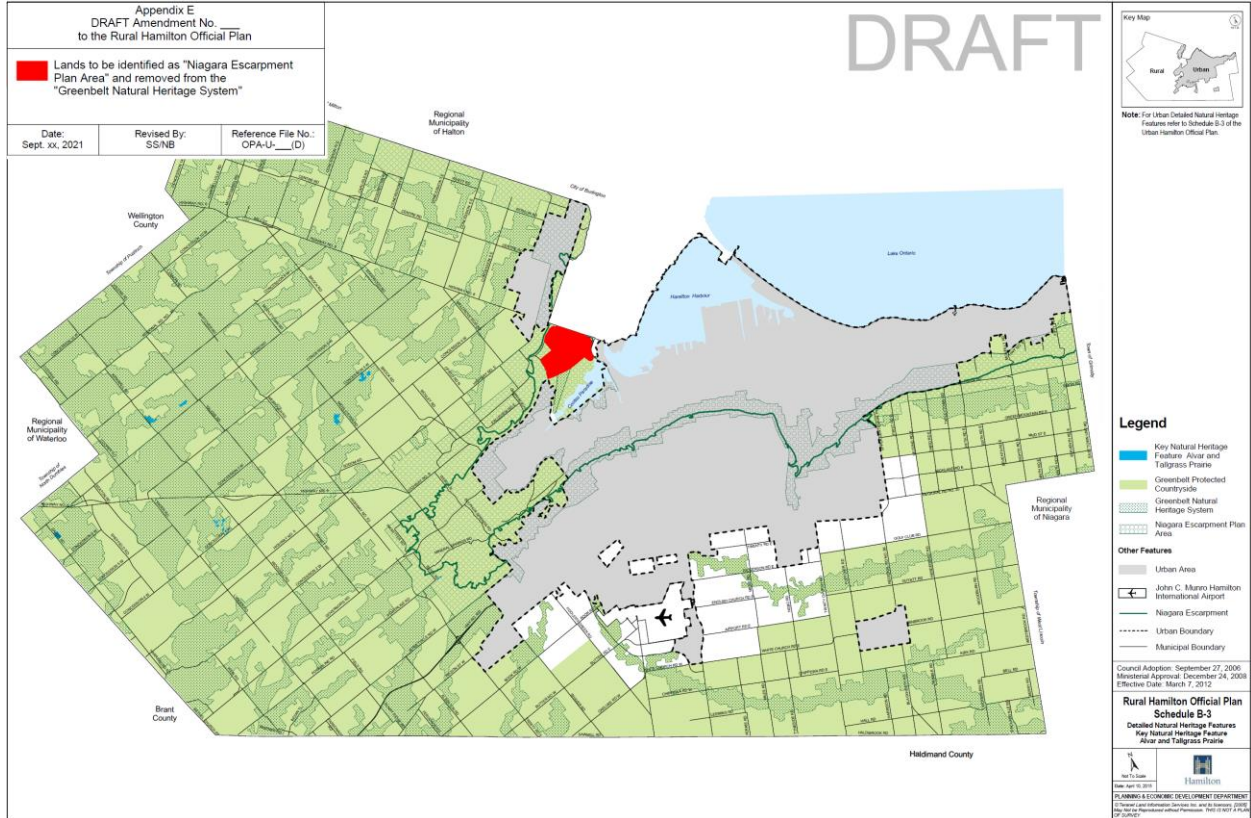
A. Holland
CITY CLERK

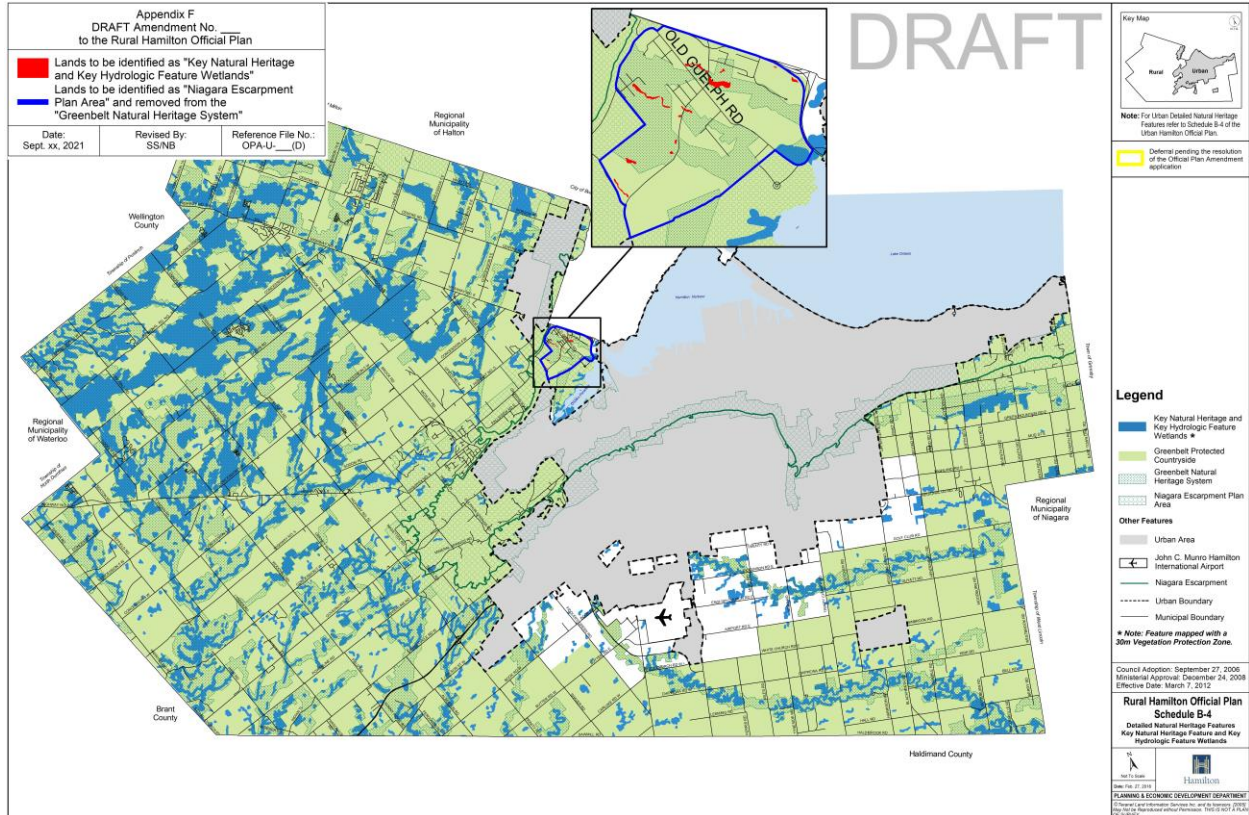


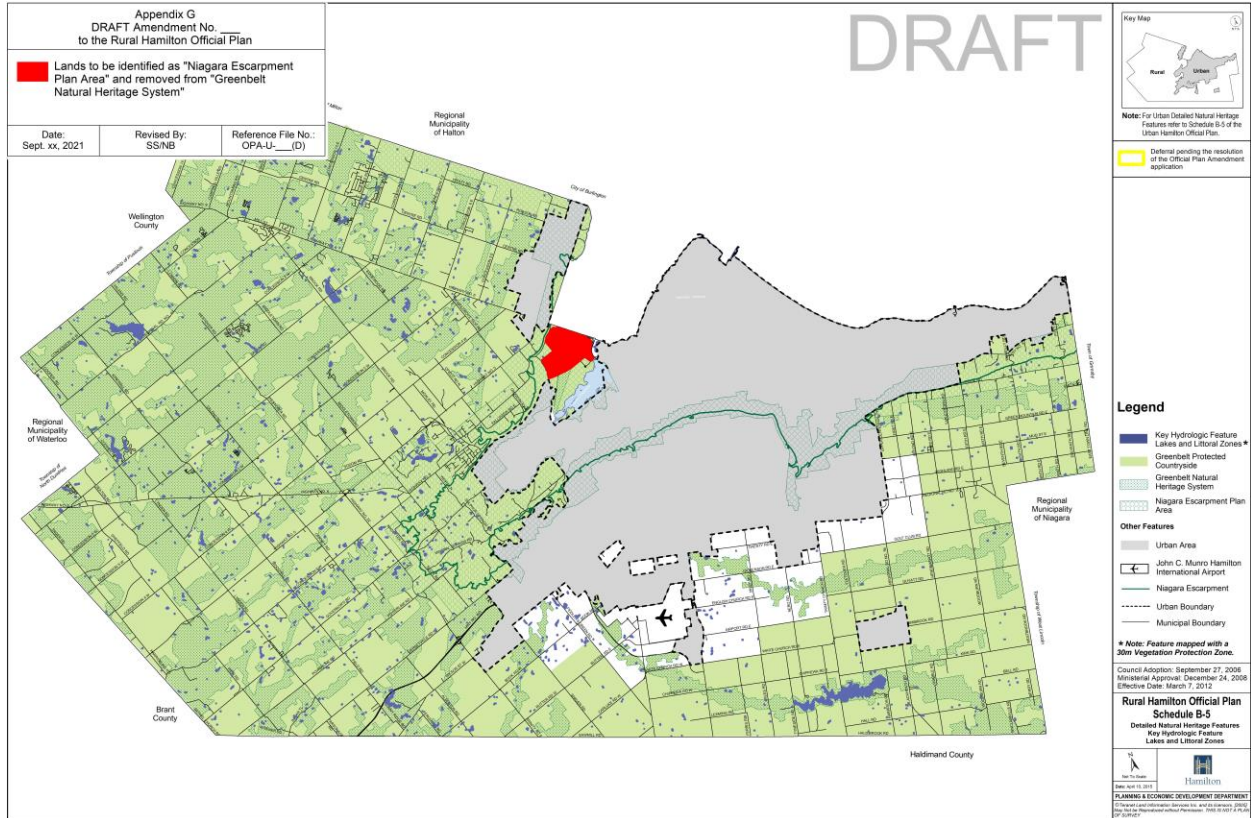


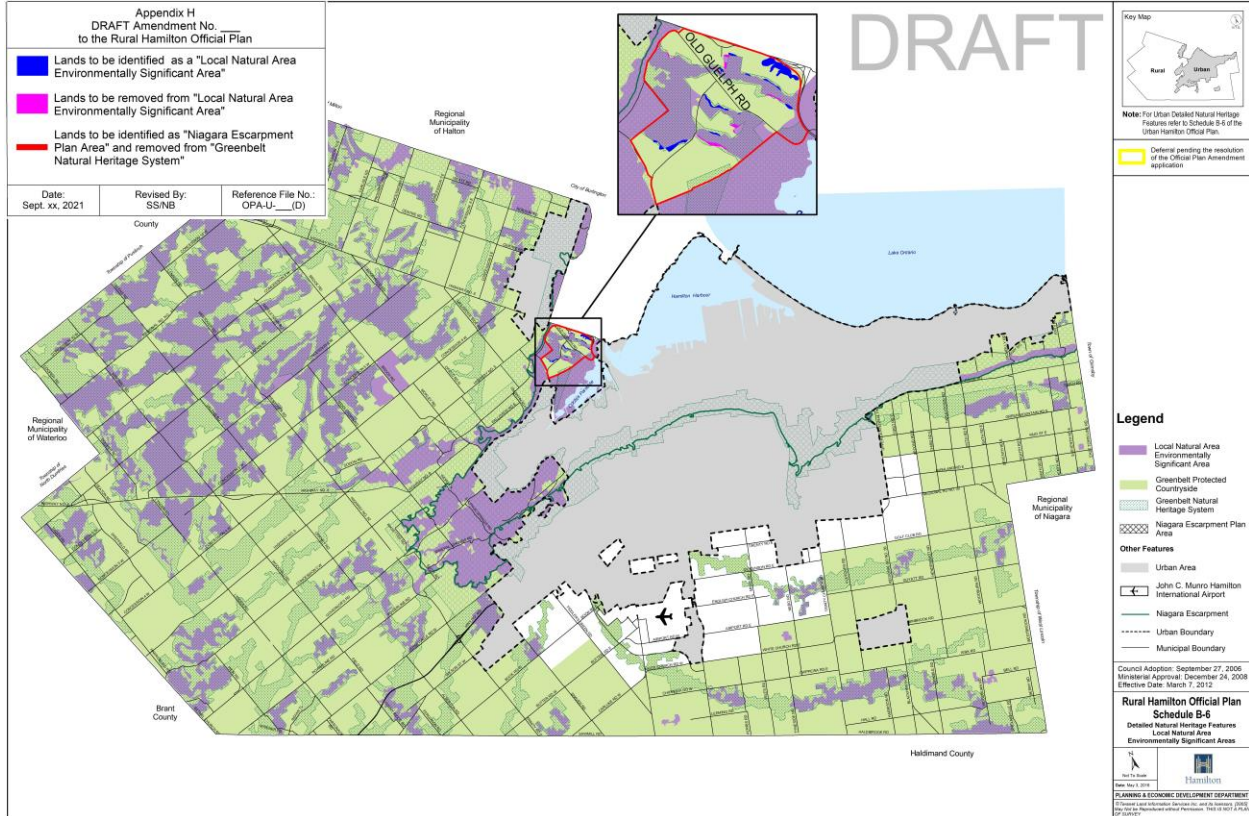


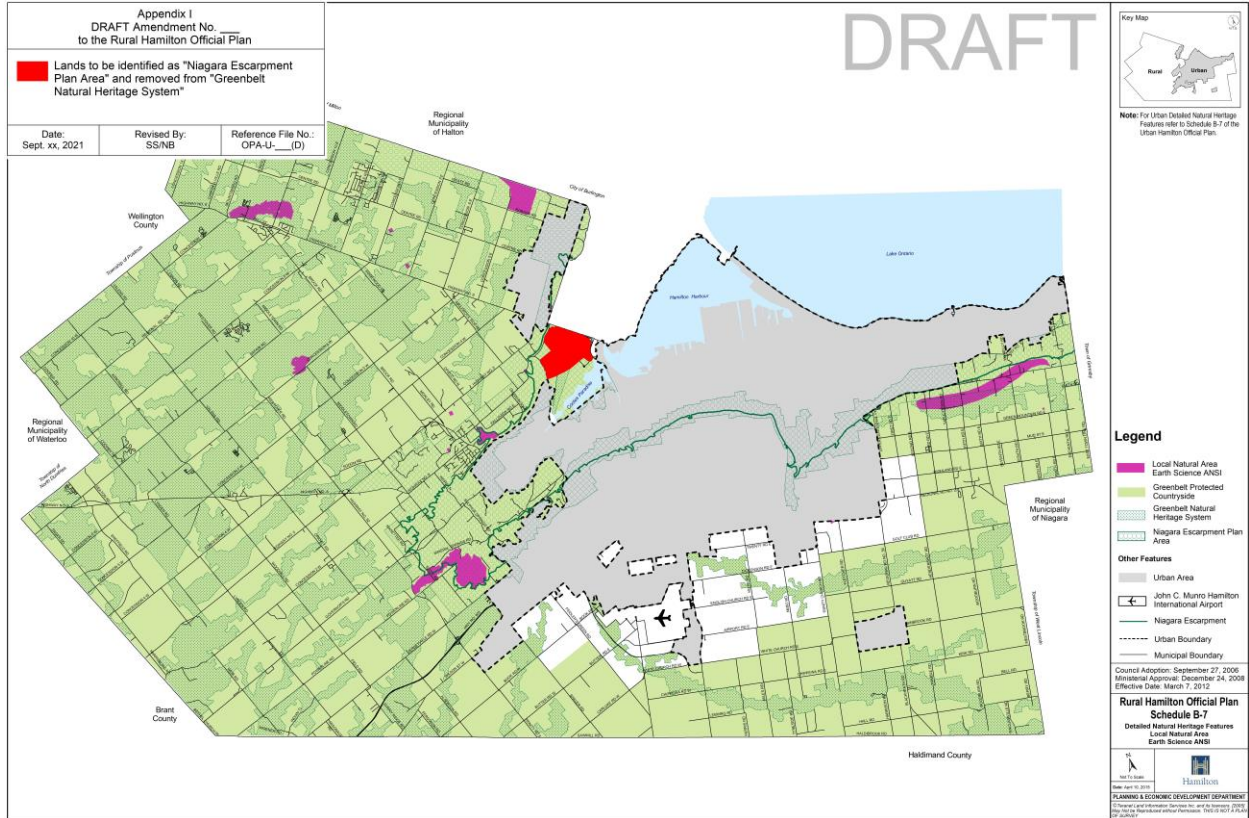


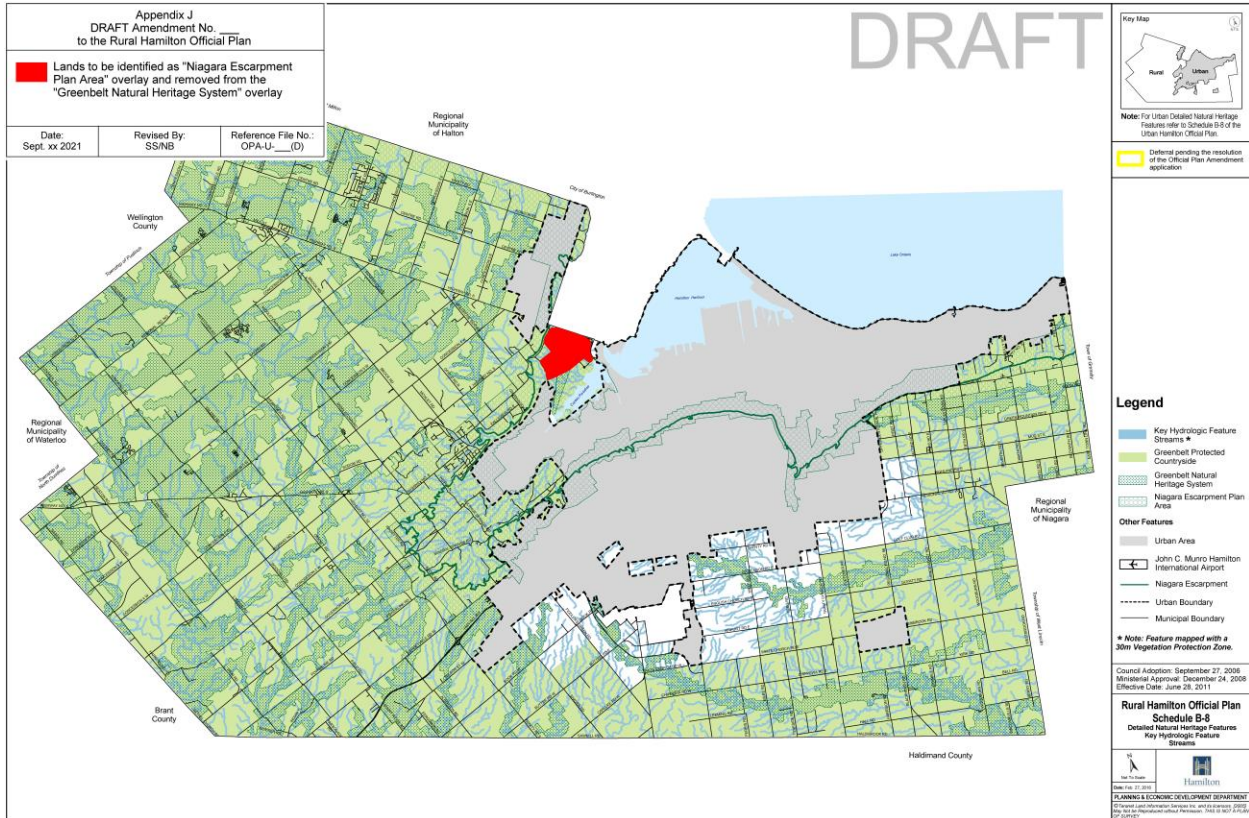


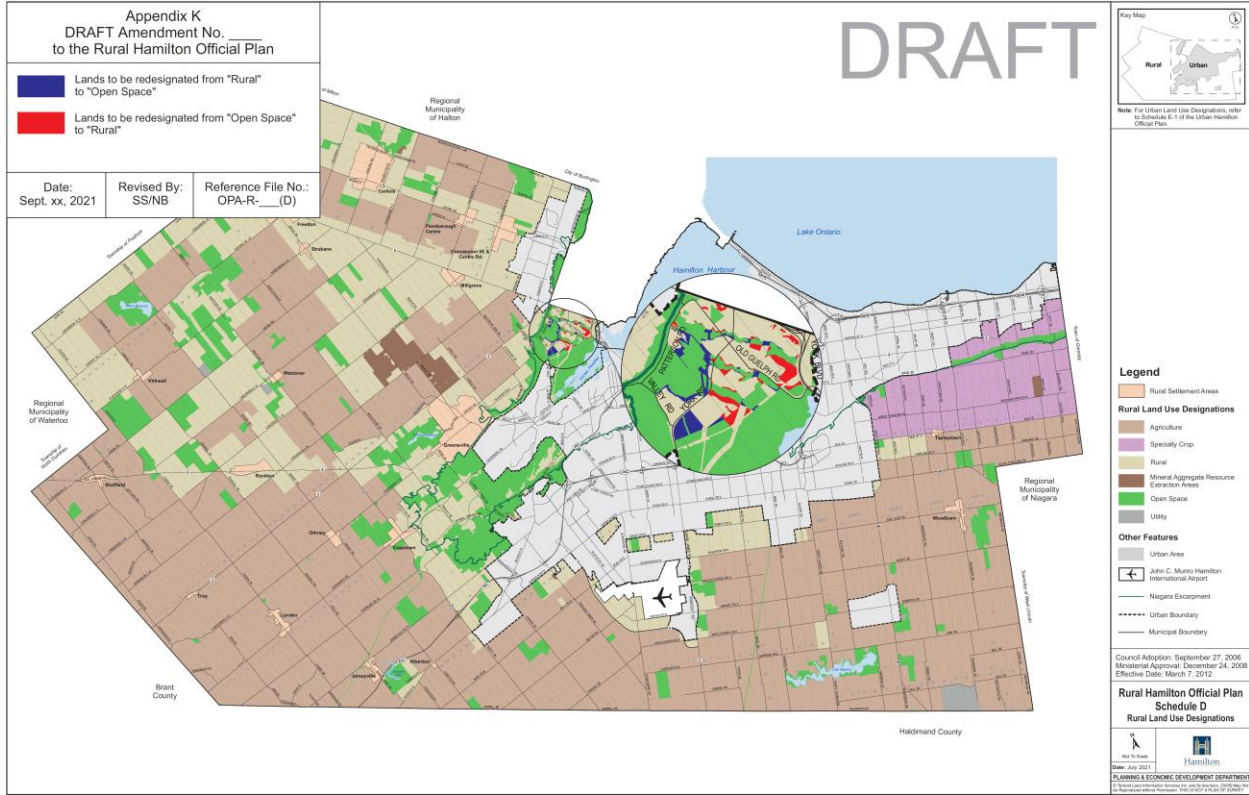


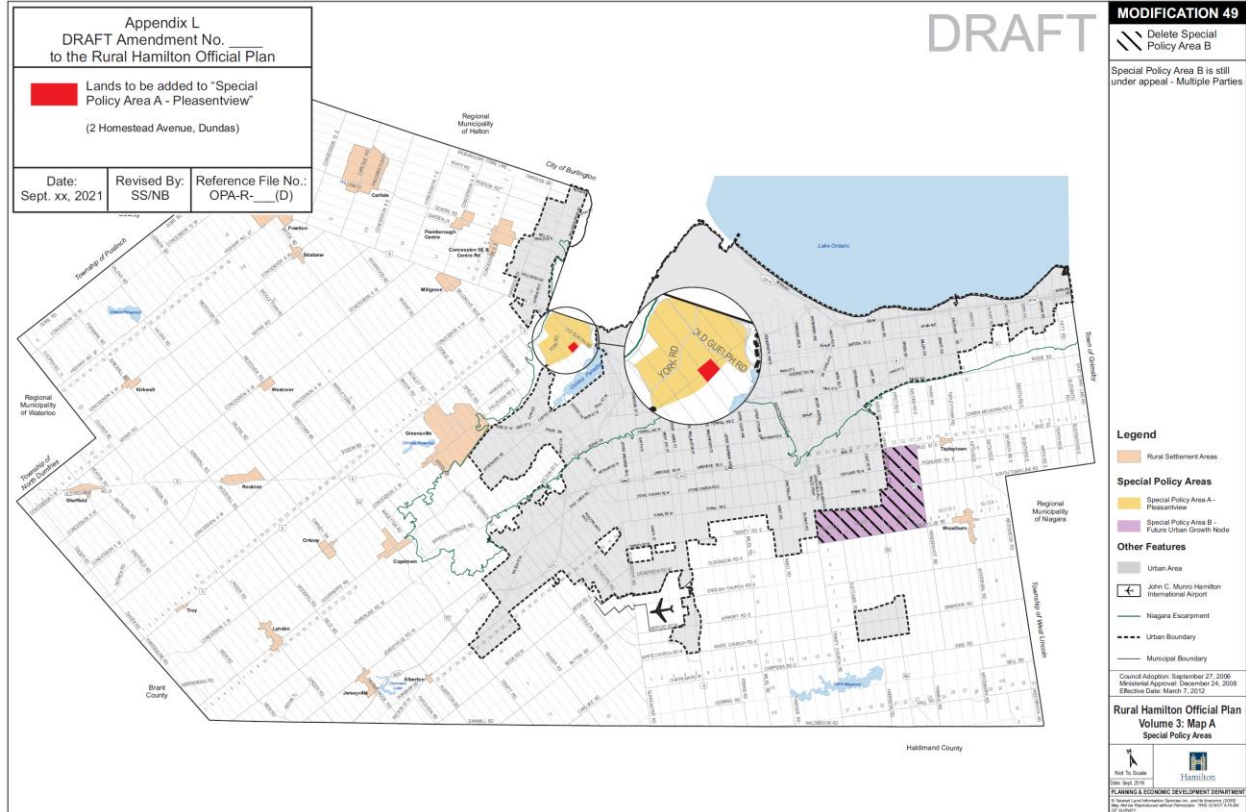












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Authority: Item,
Report (PED21206)
CM:
Ward: 13

Bill No.

**CITY OF HAMILTON
DRAFT BY-LAW NO. 21-XXX**

To amend Zoning By-law 05-200 to add and apply zoning to lands in the former Town of Dundas consisting of Part of Lots 23, 24, 25, 26, 27 and 28, Concession 2 and Part of Lots 22, 23, 24, 25, 26, 27, 28 and 29, Concession 2 as generally bounded by Patterson Road to the north, Old Guelph Road and the Canadian National Rail Line to the south, Highway 6 to the east, and Valley Road/York Road to the west

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on November 16, 2021;

AND WHEREAS this By-law conforms with the Rural Hamilton Official Plan upon adoption of Rural Official Plan Amendment No. XX;

AND WHEREAS this By-law brings the lands within the limits of the zone boundaries indicated on Schedule “A” of this By-law into the City of Hamilton Comprehensive Zoning By-law 05-200;

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

1. That Maps 85, 86, 96, and 97 of Schedule “A” – Zoning Maps, appended to and forming part of By-law No. 05-200, as amended, is hereby further amended in accordance with the zones and zone boundaries as shown on Schedule “A” attached to and forming part of this By-law and more particularly described as Part of Lots 23, 24, 25, 26, 27 and 28, Concession 2 and Part of Lots 22, 23, 24, 25, 26, 27, 28 and 29, Concession 2 in the former Town of Dundas.
2. That Schedule “C”: Special Exceptions is amended by adding Special Exceptions 800 to 809 as follows:
 - “**800.** Within the lands zoned Rural (A2, 800) Zone, Modified on Maps 85, 86, 96 and 97 of Schedule A – Zoning Maps, the following special provisions shall apply:
 - a) In addition to Section 4.12 d), any lot and the location thereon of any use, building or structure, that was legally approved and established through a Development Permit issuance from the Niagara Escarpment Commission, shall be deemed to comply with the regulations for any required setbacks, lot coverage, front yard, flankage yard, rear yard,

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f) Notwithstanding Section 12.2.3.7 (a)(b)(c)(d)(e) and (f) of Zoning By-law 05-200, the following regulations shall apply to the uses permitted in Section e), above:

- | | | |
|------|--------------------|--|
| i) | Minimum Lot Area | <p>A) 0.8 hectares</p> <p>B) Notwithstanding A) above, a minimum of 10 hectares shall be required for any new single detached dwelling.</p> |
| ii) | Minimum Lot Width | 18 metres |
| iii) | Minimum Front Yard | 6 metres |
| iv) | Minimum Side Yard | <p>1.5 metres except:</p> <ul style="list-style-type: none"> • 3.5 metres where the side yard abuts the flankage street of a corner lot; • 3.0 metres where the side yard provides access to a parking area or rear yard garage; • 6.0 metres to any portion of the dwelling comprising an attached garage or carport fronting onto the flankage street of a corner lot; and, • 5.0 metres on one side of an interior lot upon which there is no garage or carport |

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To Amend Zoning By-law No. 05-200 with Respect to the Pleasantview Lands

- v) Minimum Rear Yard 7.5 metres

- vi) Maximum Building Height 7.5 metres

- vii) Maximum Lot Coverage 250 square metres
 inclusive of any accessory
 building.

801. Within the lands zoned Rural (A2, 801) Zone, Modified on Maps 85, 86, 96 and 97 of Schedule A – Zoning Maps, the following special provisions shall apply:

- a) In addition to Section 4.12 d), any lot and the location thereon of any use, building or structure, that was legally approved and established through a Development Permit issuance from the Niagara Escarpment Commission, shall be deemed to comply with the regulations for any required setbacks, lot coverage, front yard, flankage yard, rear yard, lot width, lot area, and building height and are permitted by this By-law;

- b) Section 4.33 ‘*Secondary Dwelling Unit and Secondary Dwelling Unit – Detached*’ shall not apply;

- c) Section 4.7 ‘*Reduction of Yards for Non-Conforming Lots*’ shall not apply; and,

- d) Notwithstanding Section 4.8 of Zoning By-law 05-200, accessory structures shall be permitted in conjunction with any of the uses permitted in Section e), below in accordance with the following:
 - i) Location Side or Rear Yard

 - ii) Minimum Setback from
 Side Lot Line 10 metres

 - iii) Minimum Setback from
 Rear Lot Line 20 metres

 - iv) Maximum Building Height 7.5 metres

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To Amend Zoning By-law No. 05-200 with Respect to the Pleasantview Lands

- v) Maximum Lot Coverage Cumulative maximum for all buildings on a lot: 300 square metres

- e) Notwithstanding Section 12.2.1 of Zoning By-law 05-200, only the following uses shall be permitted:
 - i) Existing uses, except for single detached dwellings, that existed on or before February 16, 1993;
 - ii) Single detached dwellings that existed on or before August 14, 1998;
 - iii) New single detached dwellings on lots having a minimum lot size of 10 hectares;
 - iv) Conservation; and,
 - v) Recreational, Passive;

- f) Notwithstanding Section 12.2.3.1 (a)(b)(c)(d) and (e) and Section 12.2.3.7 (a)(b)(c)(d)(e) and (f) of Zoning By-law 05-200, the following regulations shall apply:
 - i) Minimum Lot Area 10 hectares

 - ii) Minimum Lot Width 135 metres

 - iii) Minimum Front Yard 15 metres

 - iv) Minimum Side Yard 15 metres

 - v) Minimum Rear Yard 20 metres

 - vi) Maximum Building Height 7.5 metres

 - vii) Maximum Lot Coverage 300 square metres

802. Within the lands zoned Conservation/Hazard Land (P6, 802) Zone, Modified on Maps 85, 86, 96 and 97 of Schedule A – Zoning Maps, the following special provisions shall apply:

- a) In addition to Section 4.12 d), any lot and the location thereon of any use, building or structure, that was legally approved and established

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To Amend Zoning By-law No. 05-200 with Respect to the Pleasantview Lands

through a Development Permit issuance from the Niagara Escarpment Commission, shall be deemed to comply with the regulations for any required setbacks, lot coverage, front yard, flankage yard, rear yard, lot width, lot area, and building height and are permitted by this By-law;

- b) Section 4.33 '*Secondary Dwelling Unit and Secondary Dwelling Unit – Detached*' shall not apply;
- c) Section 4.7 '*Reduction of Yards for Non-Conforming Lots*' shall not apply;
- d) Notwithstanding Section 7.6.1 of Zoning By-law 05-200, only the following uses shall be permitted:
 - i) Existing uses, except for single detached dwellings, that existed on or before February 16, 1993;
 - ii) Single Detached Dwellings Existing on or Before August 14, 1998;
 - iii) Conservation;
 - iv) Flood and Erosion Control Facilities; and,
 - v) Recreation, Passive;
- e) Notwithstanding Section 7.6.2 of Zoning By-law 05-200, the following provisions shall apply:
 - i) No new buildings or structures shall be permitted on a vacant lot;
 - ii) Where a new building or structure and/or an expansion to an *existing* building or structure may be permitted in accordance with an *existing* agricultural use, such new building or structure shall be in accordance with the requirements of the Rural 801 (A2,801) Zone;
 - iii) Where a new building or structure and/or an expansion to an *existing* building or structure may be permitted in accordance with an *existing* residential use, such new building or structure shall be in accordance with the requirements of the Rural 800 (A2, 800) Zone; and,
 - iv) Notwithstanding Sections ii) above, no building or structure in accordance with an agricultural use shall be erected, altered or used within 15.0 metres of the boundary of any Rural 800 (A2, 800) Zone.

803. Within the lands zoned Conservation/Hazard Land (P7, 803) Zone, Modified on Maps 85, 86, 96 and 97 of Schedule A – Zoning Maps, the following special provisions shall apply:

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To Amend Zoning By-law No. 05-200 with Respect to the Pleasantview Lands

- a) In addition to Section 4.12 d), any lot and the location thereon of any use, building or structure, that was legally approved and established through a Development Permit issuance from the Niagara Escarpment Commission, shall be deemed to comply with the regulations for any required setbacks, lot coverage, front yard, flankage yard, rear yard, lot width, lot area, and building height and are permitted by this By-law;
- b) Section 4.33 ‘*Secondary Dwelling Unit and Secondary Dwelling Unit – Detached*’ shall not apply;
- c) Section 4.7 ‘*Reduction of Yards for Non-Conforming Lots*’ shall not apply;
- d) Notwithstanding Section 7.7.1 of Zoning By-law 05-200, only the following uses shall be permitted:
 - i) Existing uses, except for single detached dwellings, that existed on or before February 16, 1993;
 - ii) Single Detached Dwellings Existing on or Before August 14, 1998;
 - iii) Conservation;
 - iv) Flood and Erosion Control Facilities; and,
 - v) Recreation, Passive;
- e) Notwithstanding Section 7.7.2 of Zoning By-law 05-200, the following provisions apply:
 - i) No new buildings or structures shall be permitted on a vacant lot;
 - ii) Where an *existing* building or structure which is demolished in whole or in part, such *existing* building or structure may be rebuilt and/or expanded in accordance with the requirements of Sections iii) iv) v) and vi) and below;
 - iii) Where an expansion to an *existing* building or structure may be permitted on a lot having an *existing* agricultural use, such expansion shall be in accordance with the requirements of the Rural (A2, 801) Zone. Notwithstanding f) iii), iv), v) and vii) of the A2, 801 Zone, the maximum gross floor area for an expansion to an *existing* building or structure shall not exceed 10% of the gross floor area of the *existing* building or structure;
 - iv) Where an expansion to an *existing* building or structure may be permitted on a lot having an *existing* residential use, such expansion shall be in accordance with the requirements of the Rural (A2, 800) Zone. Notwithstanding f) iii, iv, v and vii of the A2, 800 Zone, the maximum gross floor area for an expansion to an *existing* building or structure shall not exceed 10% of the gross floor area of the *existing* building or structure;

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To Amend Zoning By-law No. 05-200 with Respect to the Pleasantview Lands

- v) A new building or structure may be permitted in accordance with an *existing* residential or agricultural use, provided the setbacks to the building or structure which had existed on the date of passing of the By-law are maintained. Notwithstanding the foregoing, a maximum increased encroachment of up to 10% of the *existing* setbacks, as determined above, may be permitted. Maximum building height shall be in accordance with f) vi) of the Rural 801 (A2, 801);
- vi) In addition to iii), iv), and v) above, an *existing* legally established accessory building or structure which is demolished in whole or in part may be rebuilt provided the setbacks, building height, and gross floor area to the building or structure which had existed as of date of passing of the By-law are maintained; and,
- vii) Notwithstanding iii) and v) above, no building or structure in accordance with an agricultural use shall be erected, altered or used within 15.0 metres of the boundary of any Rural (A2, 800) Zone.

804. Within the lands zoned Rural (A2, 804) Zone, Modified on Maps, 86 and 97 of Schedule A – Zoning Maps, and municipally identified as 154 Northcliffe Avenue the following special provisions shall apply:

- a) In addition to Section 4.12 d), any lot and the location thereon of any use, building or structure, that was legally approved and established through a Development Permit issuance from the Niagara Escarpment Commission, shall be deemed to comply with the regulations for any required setbacks, lot coverage, front yard, flankage yard, rear yard, lot width, lot area, and building height and are permitted by this By-law;
- b) Section 4.33 '*Secondary Dwelling Unit and Secondary Dwelling Unit – Detached*' shall not apply;
- c) Section 4.7 '*Reduction of Yards for Non-Conforming Lots*' shall not apply; and,
- d) Notwithstanding Section 12.2.1 of Zoning By-law 05-200, only a place of worship and a convent shall be permitted provided such uses are contained within the *existing* institutional building on lands municipally identified as 154 Northcliffe Avenue.

805. Within the lands zoned Rural (A2, 805) Zone, Modified on Maps 86 and 97 of Schedule A – Zoning Maps, and municipally identified as 574 Northcliffe Avenue the following special provisions shall apply:

- a) In addition to Section 4.12 d), any lot and the location thereon of any use, building or structure, that was legally approved and established

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To Amend Zoning By-law No. 05-200 with Respect to the Pleasantview Lands

through a Development Permit issuance from the Niagara Escarpment Commission, shall be deemed to comply with the regulations for any required setbacks, lot coverage, front yard, flankage yard, rear yard, lot width, lot area, and building height and are permitted by this By-law;

- b) Section 4.33 ‘*Secondary Dwelling Unit and Secondary Dwelling Unit – Detached*’ shall not apply;
- c) Section 4.7 ‘*Reduction of Yards for Non-Conforming Lots*’ shall not apply;
- d) Notwithstanding Section 12.2.1 of Zoning By-law 05-200, only a place of worship, convent, a residential care facility for a maximum of 35 residents, and a dormitory for a maximum of 36 students and associated accessory educational establishment shall be permitted provided such uses are contained within the *existing* institutional building on lands municipally identified as 574 Northcliffe Avenue; and,
- e) An *existing* driveway located on lands zoned A2, 804 shall be permitted to be used for access to the *existing* structure municipally described as 574 Northcliffe Avenue.

806. Within the lands zoned Rural (A2, 806) Zone, Modified on Map 86 of Schedule A – Zoning Maps, and municipally identified as 85 Rosina Avenue the following special provisions shall apply:

- a) In addition to Section 4.12 d), any lot and the location thereon of any use, building or structure, that was legally approved and established through a Development Permit issuance from the Niagara Escarpment Commission, shall be deemed to comply with the regulations for any required setbacks, lot coverage, front yard, flankage yard, rear yard, lot width, lot area, and building height and are permitted by this By-law;
- b) Section 4.33 ‘*Secondary Dwelling Unit and Secondary Dwelling Unit – Detached*’ shall not apply;
- c) Section 4.7 ‘*Reduction of Yards for Non-Conforming Lots*’ shall not apply;
- d) Notwithstanding Section 4.8 of Zoning By-law 05-200, the following regulations shall apply to accessory structures or buildings:
 - i) No accessory building or structure shall be closer to the front lot line than the single detached dwelling on the same lot;

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To Amend Zoning By-law No. 05-200 with Respect to the Pleasantview Lands

- ii) No accessory building or structure shall be closer than 1.8 metres to any single detached dwelling;
 - iii) No accessory building or structure shall be closer than 1.2 metres to any lot line;
 - iv) Maximum building height shall be 3.6 metres;
 - v) Maximum lot coverage shall be 10%; and,
 - vi) No accessory building or structure shall be used for human habitation;
- e) Notwithstanding Section 12.2.1 of Zoning By-law 05-200, only a single detached dwelling and associated accessory buildings or structures shall be permitted; and,
- f) Notwithstanding Section 12.2.3.7 (a)(b)(c)(d)(e) and (f) single detached dwellings shall be subject to the regulations of the Rural 800 (A2, 800) zone, as modified further by the below special provisions:
- i) Minimum Front Yard Setback 9 metres
 - ii) Minimum Side Yard Setback 3 metres
 - iii) Minimum Rear Yard Setback 10 metres
 - iv) Maximum Building Height 11 metres

807. Within the lands zoned Existing Rural Industrial (E2, 807) Zone, Modified on Map 86 of Schedule A – Zoning Maps, and municipally identified as 1810 Highway 6 (325 Old Guelph Road), the following special provisions shall apply:

- a) In addition to Section 4.12 d), any lot and the location thereon of any use, building or structure, that was legally approved and established through a Development Permit issuance from the Niagara Escarpment Commission, shall be deemed to comply with the regulations for any required setbacks, lot coverage, front yard, flankage yard, rear yard, lot width, lot area, and building height and are permitted by this By-law;
- b) Notwithstanding Section 12.7.1 Permitted Uses of Zoning By-law 05-200, only the following uses shall be permitted within wholly enclosed buildings:

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To Amend Zoning By-law No. 05-200 with Respect to the Pleasantview Lands

- i) Light manufacturing uses requiring small amounts of water and limited truck access together with related administration and business offices, research and development facilities, scientific laboratory, warehouse, repair and ancillary sales;
 - ii) Fixed Mini-Storage Units; and,
 - iii) Manufacturing of candles subject to Subsection e) below;
- c) Notwithstanding Section 12.7.3 Regulations of Zoning By-law 05-200, the following regulations shall apply:
- i) Minimum Lot Area 0.8 hectares
 - ii) Minimum Lot Width 30.0 metres
 - iii) Maximum Building Coverage 20% (Additional 20% if utilized for fixed mini-storage units.)
 - iv) Minimum Front Yard 30 metres
 - v) Minimum Side Yard 3.0 metres (6.0 metres along the west and north side yards abutting the *existing* residential lots which front onto Old Guelph Road.)
 - vi) Minimum Rear Yard 3.0 metres
 - vii) Maximum Building Height 11 metres
 - viii) Planting Strip Requirements 3.0 metre Planting Strip abutting a street, except for points of ingress and egress and abutting a residential or institutional use shall be required.

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To Amend Zoning By-law No. 05-200 with Respect to the Pleasantview Lands

- ix) Outdoor Storage: No outdoor storage is permitted.
 - d) For the purposes of interpreting subsection c) ii) above, the portion of the property fronting onto Old Guelph Road shall be deemed the front lot line;
 - e) Access to Old Guelph Road by way of *Motor Vehicle – Commercial* will not be permitted. Notwithstanding this provision, nothing will prevent access of vehicles which typically serve a residential neighbourhood on an infrequent basis such as moving vans; and,
 - f) For a candle manufacturing use, no *Motor Vehicle – Commercial* access is permitted onto Old Guelph Road.
- 808.** Within the lands zoned Rural (A2, 808) Zone, Modified on Map 86 of Schedule A – Zoning Maps, and municipally identified as 675 York Road, the following special provisions shall apply:
- a) In addition to Section 4.12 d), any lot and the location thereon of any use, building or structure, that was legally approved and established through a Development Permit issuance from the Niagara Escarpment Commission, shall be deemed to comply with the regulations for any required setbacks, lot coverage, front yard, flankage yard, rear yard, lot width, lot area, and building height and are permitted by this By-law;
 - b) Section 4.33 '*Secondary Dwelling Unit and Secondary Dwelling Unit – Detached*' shall not apply;
 - c) Section 4.7 '*Reduction of Yards for Non-Conforming Lots*' shall not apply;
 - d) Notwithstanding Section 4.8 of Zoning By-law 05-200, the following regulations shall apply to accessory structures or buildings:
 - i) Accessory buildings or structures shall be permitted in the non-required side or rear yard only;
 - ii) The minimum setback from an interior side lot line shall be 1.0 metre;
 - iii) The minimum setback from an exterior side lot line shall be 20.0 metres from the flankage street (Old Guelph Road);
 - iv) The minimum setback from a rear lot line shall be 1.0 metre;
 - v) The maximum height shall be 4.0 metres; and,
 - vi) The maximum lot coverage shall be as specified in subsection f) vii) below;

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To Amend Zoning By-law No. 05-200 with Respect to the Pleasantview Lands

- e) Notwithstanding Section 12.2.1 of Zoning By-law 05-200 only a single detached dwelling and associated accessory buildings or structures shall be permitted; and,
- f) Notwithstanding Section 12.2.3.7 (a)(b)(c)(d)(e) and (f), the following regulations shall apply for a single detached dwelling:
- | | | |
|------|--------------------|--|
| i) | Minimum Lot Area | 0.8 hectares with municipal water supply. The required lot area may be larger than 0.8 hectares where deemed necessary by the agency having jurisdiction for the approval of on-site private sewage disposal systems pursuant to the provisions of the Environmental Protection Act, Chapter E.19, R.S.O. 1990, as amended from time to time or pursuant to any successor legislation. |
| ii) | Minimum Lot Width | 18.0 metres |
| iii) | Minimum Front Yard | 35 metres as measured from York Road |
| iv) | Minimum Side Yard | 1.5 metres except:

20.0 metres where the side yard abuts the flankage street (Old Guelph Road) of a corner lot;

3.0 metres where the side yard provides access to a parking area or rear yard garage;

5.0 metres on one side of an interior lot upon which there is no garage or carport. |

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To Amend Zoning By-law No. 05-200 with Respect to the Pleasantview Lands

- | | | |
|------|-------------------------|--|
| v) | Minimum Rear Yard | 7.5 metres |
| vi) | Maximum Building Height | 9.7 metres |
| vii) | Maximum Lot Coverage | 325 square metres for all buildings on the lot |

809. Within the lands zoned Rural (A2, 809) Zone, Modified on Map 86 of Schedule A – Zoning Maps, and municipally identified as 200 Old Guelph Road and 252 Old Guelph Road the following special provisions shall apply:

- a) In addition to Section 4.12 d), any lot and the location thereon of any use, building or structure, that was legally approved and established through a Development Permit issuance from the Niagara Escarpment Commission, shall be deemed to comply with the regulations for any required setbacks, lot coverage, front yard, flankage yard, rear yard, lot width, lot area, and building height and are permitted by this By-law;
- b) Notwithstanding Section 12.2.1, only a Place of Worship shall be permitted;

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To Amend Zoning By-law No. 05-200 with Respect to the Pleasantview Lands

c) The following regulations shall apply to a Place of Worship:

- i) Maximum Lot Coverage 20%
- ii) Minimum Rear Yard 7.5 metres
- iii) Minimum Front Yard 7.5 metres
- iv) Minimum Side Yard 4.5 metres
- v) Maximum Building Height 10.5 metres

d) Parking shall be provided in accordance with Section 5.”

3. That Schedule “D” – Holding Provisions be amended by adding the additional Holding Provision as follows:

“**122.**Notwithstanding the Temporary Use Provision 10 For Specific Lands as it applies to 574 Northcliffe Avenue. The permitted temporary dormitory use shall be limited to a maximum capacity of 96 occupants until such time as:

- i) The applicant / proponent shall demonstrate and have attained all the necessary approvals to provide adequate services to increase the capacity beyond 96 students to accommodate a dormitory having a maximum capacity of 138 occupants to the satisfaction of the Niagara Escarpment Commission, Director, Development Planning and Ministry of Environment, Conservation and Parks.”

4. That Schedule “E” – Temporary Use Provisions is amended by adding the additional Temporary Use Provision as follows:

“**10.** In addition to the permitted uses of Rural (A2, 805), for a maximum three year period commencing on the day of the passing of this amending By-law, being the 12th day of July, 2019 and expiring on the 12th day of July, 2022, on the land shown as "A2,805, H122 " on Schedule "A" Zoning Maps of Zoning By-law 05-200 and as described municipally as 574 Northcliffe Avenue, the following use shall be permitted:

- i) Within the *existing* building municipally known as 574 Northcliffe Avenue, a dormitory having a maximum capacity of 138 occupants

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To Amend Zoning By-law No. 05-200 with Respect to the Pleasantview Lands

shall be permitted temporarily and only within the *existing* institutional building described municipally as 574 Northcliffe Avenue.”

5. 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*;
6. That for the purposes of the Building Code, this by-law or any part of it is not made until it has come into force as provided by section 34 of the *Planning Act*; and,
7. That this By-law comes into force in accordance with section 34, 36 and 39 of the *Planning Act*.

PASSED this _____, 2021

F. Eisenberger
Mayor

A. Holland
City Clerk

CI-21-C

DRAFT





Hamilton
City of Hamilton
Zoning By-law

DRAFT

Legend

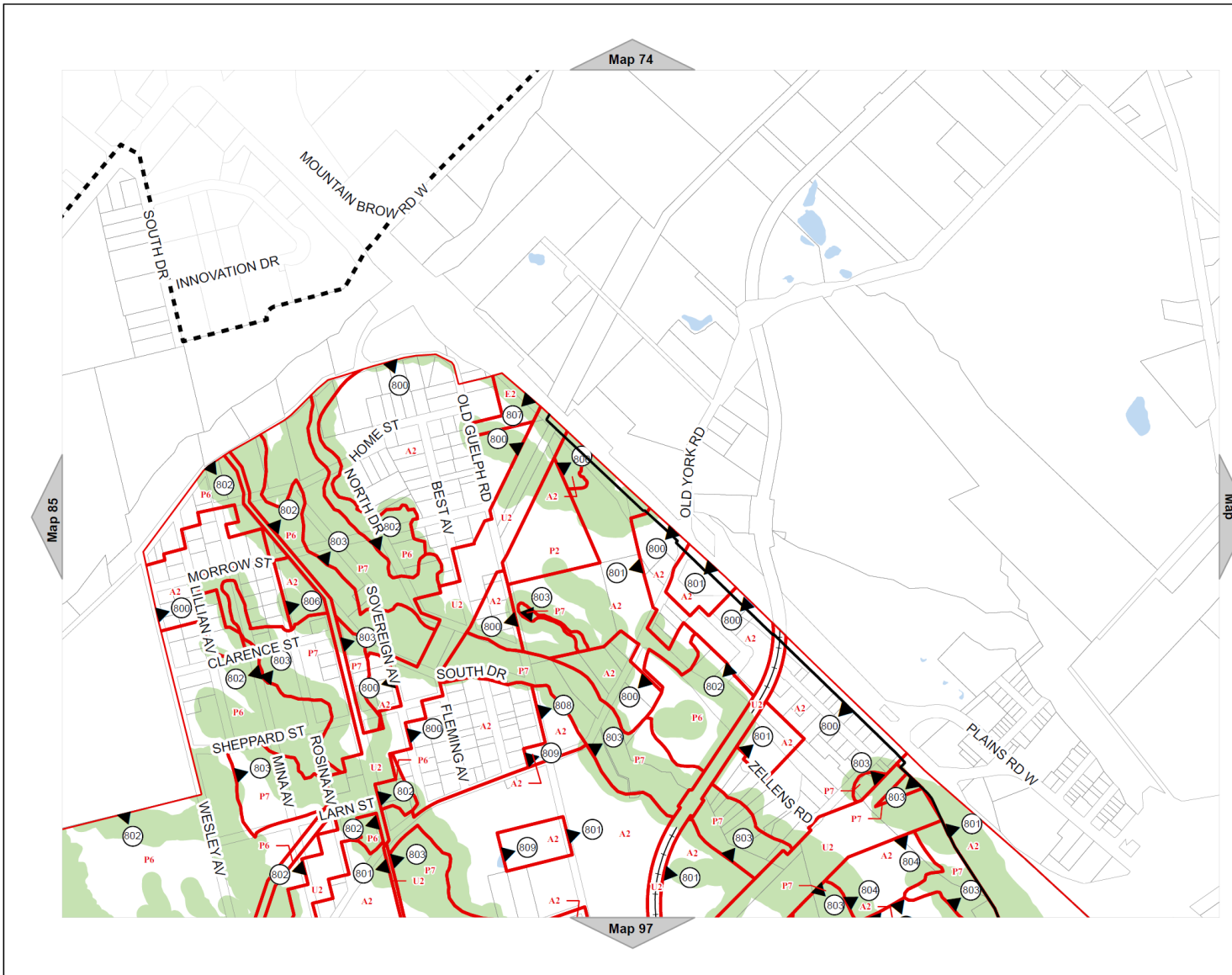
- Zoning Boundary
- Urban Boundary
- Holding Provisions
- Exceptions
- Conservation Authority
Approximate Regulation Limit
- Niagara Escarpment Plan
- City Limits

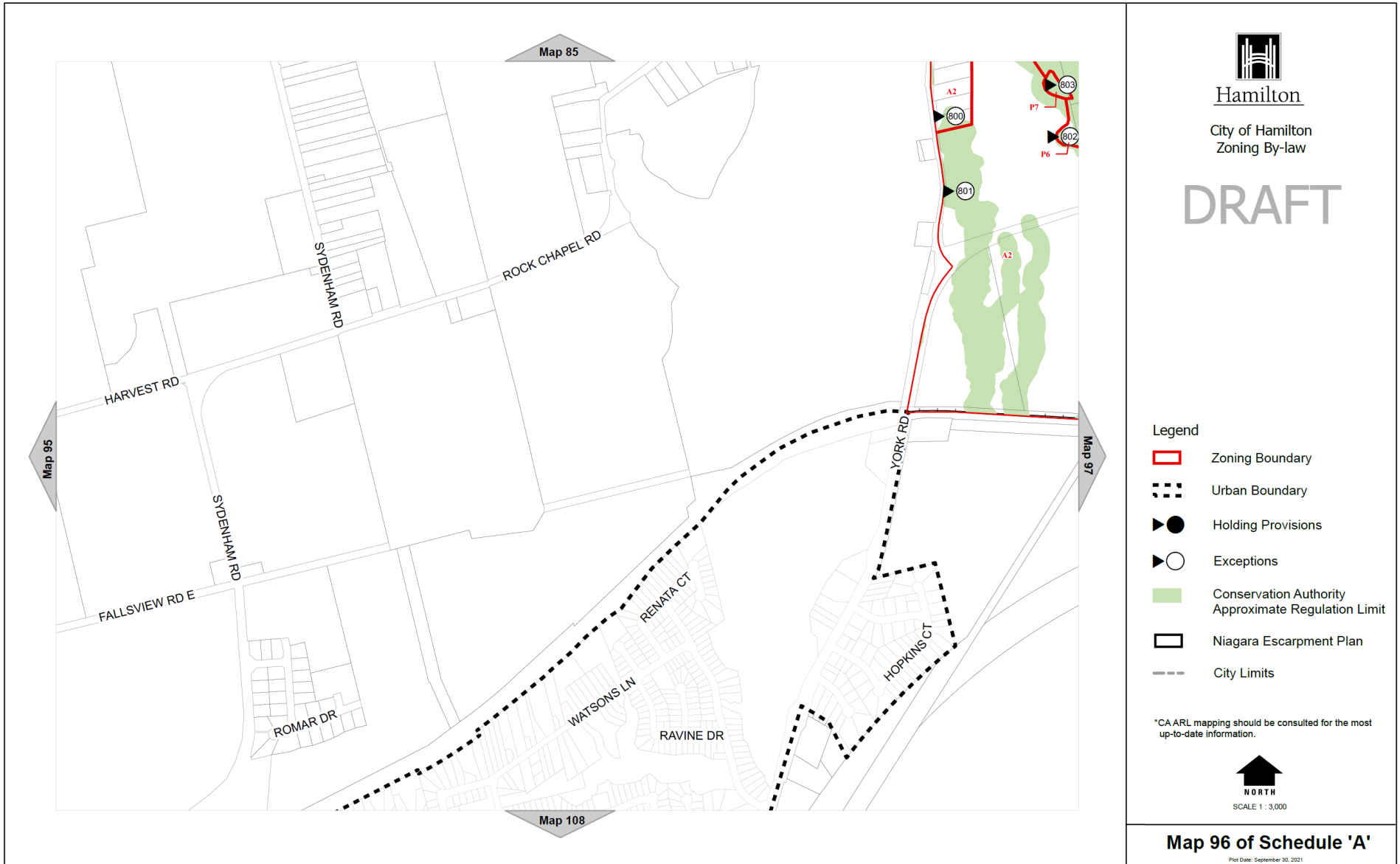
*CA ARL mapping should be consulted for the most up-to-date information.



Map 86 of Schedule 'A'

Plot Date: October 18, 2021







Hamilton
City of Hamilton
Zoning By-law

DRAFT

Legend

- Zoning Boundary
- Urban Boundary
- Holding Provisions
- Exceptions
- Conservation Authority
Approximate Regulation Limit
- Niagara Escarpment Plan
- City Limits

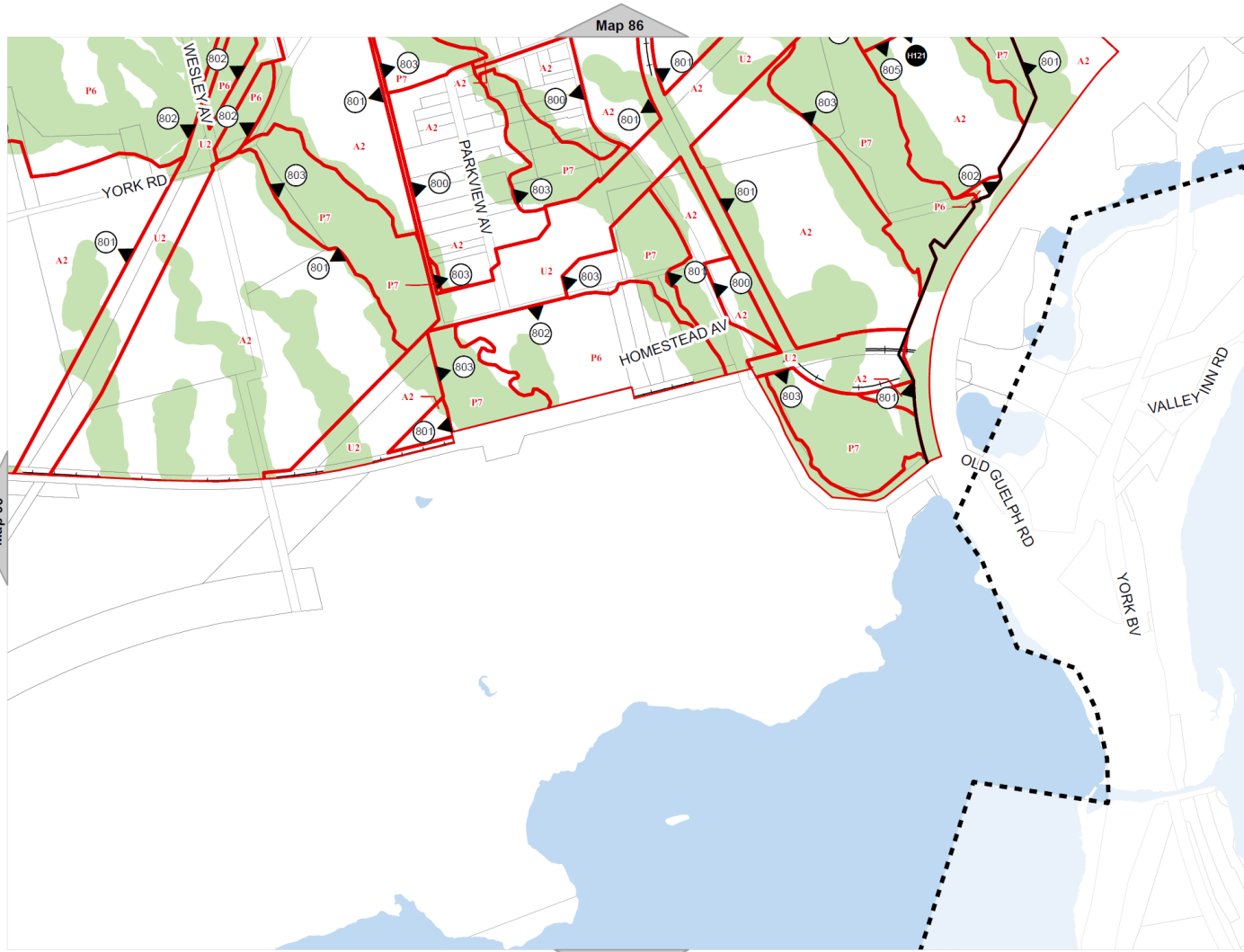
*CA ARL mapping should be consulted for the most up-to-date information.



NORTH
SCALE 1 : 3,000

Map 97 of Schedule 'A'

Plot Date: October 18, 2021



Map 96

Map 86

Map 98

Map

External Agency Draft OPA and ZBLA Comments		
Agency	Comment	Response
Alectra	<p>Our office has no conflicts with zoning changes only.</p> <p>Alectra Utilities has areas of O/H distribution located within the areas to be re-developed at greater density that will need to be addressed on a location by location basis for further development.</p>	Noted
Canadian National Rail	<p>CN encourages the municipality to pursue the implementation of the following criteria in the Zoning By-law Amendment:</p> <ol style="list-style-type: none"> 1.Safety setback of habitable buildings from the railway rights-of-way to be a minimum of 30 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.5 meters above grade at the property line, with side slopes not steeper than 2.5 to 1. 2.Installation of a chain link fence of minimum 1.83 meter height along the mutual property line with railway corridor. 3.For dwellings within 300 meters of the railway right of way, the obligation to undertake an analysis of noise and a report enlisting the mitigations solutions to reduce the impacts from railway noise operational emissions. 4.Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 meters of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz, ±3 dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling. 	<p>Section 4.23 b) of Zoning By-law 05-200, which the subject lands are proposed to be included, imposes a 30 metre setback of all buildings and structures in a Residential or Institutional Zone from a Rail Right-of-Way.</p> <p>Policy B.3.6.3.9 of the Rural Hamilton Official Plan can require a noise feasibility study for proposed noise sensitive land uses within 500 metres of a railway line.</p> <p>Policy B.3.6.3.12 of the Rural Hamilton Official Plan can require a vibration study for development on lands located within 75 metres of a railway line or railway yard. These Vibration studies may be reviewed by the appropriate railway company.</p> <p>RHOP policies B.3.6.3.15, B.3.6.3.16, B.3.6.3.17, and B.3.6.3.18 contain further policy guidance on sensitive development adjacent to railways. This includes further guidance on noise and vibration studies, and the consultation with the appropriate railway authority. These policies also discuss ensuring that the appropriate safety measures are in place adjacent to railways, including berms, setbacks, and security fencing.</p> <p>The Pleasantview lands will be subject to the above Rural Hamilton Official Plan policy guidance with respect to railways.</p>
Conservation Halton	<p>Draft Official Plan Amendment and Mapping</p> <ol style="list-style-type: none"> 1. Appendix F (page 13) – CH’s Approximate Regulation Limit (ARL) wetland layer includes additional wetlands that are not identified to be added as ‘Key Hydrologic Feature Wetlands’. We recommend these wetlands are considered for inclusion on the map. 2. Request that the Hopkins Tract lands be included as a "Linkage" on Schedule B- Natural Heritage System. <p>Draft Zoning By-law Amendment and Mapping</p> <ol style="list-style-type: none"> 3. Section 800 (f) and 801 (f) – Staff note that the term “fill line” is outdated and no longer used in CA regulations. Staff recommend revising the wording to read “... where any portion of a building, structure, or tile field is closer than 15 metres from the natural hazard, unless permitted by the Conservation Authority having jurisdiction.” 4. Zoning Map (page 17 and 18) <ol style="list-style-type: none"> a. ‘C.A. Generic Regulation Area’ should be updated to read ‘Conservation Authority Approximate Regulation Limit’ b. Staff request a note on the map be included that states ‘CA ARL mapping should be consulted for the most up to date information’ 5. Other – We are interested in understanding how the CA ARL limit (green overlay on Zoning Map) is triggered within the Zoning By-law Amendment document. Does the comprehensive zoning bylaw direct readers to refer to these maps? 	<ol style="list-style-type: none"> 1. Appendix F has been modified to include some additional smaller wetlands as shown on Ministry of Natural Resources and Forestry mapping. 2. Upon further review and discussion with Natural Heritage Staff, the Hopkins Tract lands meet the definition of Linkage and were therefor included as such on Schedule B - Natural Heritage System of the RHOP. 2. Wording within Section 800 (f) and 801 (f) was revised to reflect "natural hazard" as opposed to "fill line" 3. Zoning mapping updated to change "C.A Generic Regulation Limit" to "Conservation Authority Approximate Regulation Limit" and add a footnote that "CA ARL mapping should be consulted for the most up to date information" added to mapping as a note.

Enbridge	Enbridge Pipelines Inc. has reviewed the area in question and we do not have any infrastructure within 500 m, therefore have no comment on the Draft Rural Hamilton Official Plan and Zoning By-law Amendment materials.	Noted
Hamilton Conservation Authority	Hamilton Conservation Authority requested that 472 York Road be designated as "Open Space" within the Rural Hamilton Official Plan as the lands are public lands and are intended to be used for public park purposes and will become part of the Niagara Escarpment Parks and Open Space System in the future.	Staff agree that the "Open Space" designation is a suitable designation for these lands given the additional context provided by the HCA. The proposed designation for these lands was changed to "Open Space"
Mississaugas of the Credit First Nation	At this time MCFN has no further concerns.	Noted
Ministry of Transportation	<p>In principle, we have no objection with these proposals.</p> <p>All lands within the ministry's permit control limits (up to 800m from MTO property) will require MTO permits (e.g. grading/servicing, building and land use, etc.). Please ensure that applicable proponents are aware that ministry permits will need to be secured prior to the commencement of any on-site works.</p> <p>MTO setbacks are a minimum of 14.0m from all ministry lands (may increase depending on changing ministry priorities). No features which are essential to the overall viability of the site are permitted within the MTO 14.0m setback area. Essential features include, but are not limited to, buildings/structures (above or below grade), required parking spaces (required per the municipal zoning by-law), retaining walls, utilities (includes parking lot lighting), stormwater management features, snow storage, loading spaces, fire routes, essential landscaping, etc. Please note that non-essential parking may be located within the MTO 14.0m setback area and must be set back a minimum of 3m from the MTO property line. Information regarding the application process, forms and the policy can be found at the link:</p> <p>http://www.mto.gov.on.ca/english/engineering/management/corridor/building.shtml</p> <p>Please insert the ministry's 14.0m setback limit requirements in the zoning by-law.</p>	Provision 4.23 a) of Zoning By-law 05-200 incorporates a 14.0m setback from a Provincial Right-of-Way for all buildings, structures, required parking areas, and stormwater management facilities. This provision will apply to the subject lands once the Pleasant View area is brought into Zoning By-law 05-200.
Royal Botanical Gardens	Item e)iii) of the proposed amendment relating to access (pg 5- about tractor trailers). The RBG's 16 Old Guelph Rd address is a principle property operations area, with tractor trailers occasionally coming with supplies. Wants to ensure the proposed RHOP and zoning will not impact this.	Confirmed with RBG that Section e) iii) of the proposed Rural Hamilton Official Plan Amendment only applies to 325 Old Guelph road and the existing industrial property. This provision was carried forward from the Niagara Escarpment Plan's Special Provisions for Pleasantview and a previous OMB (now OLT) Decision.
The Niagara Escarpment Commission	We have reviewed the draft OPA and ZBLA for Pleasant View and have no further comments or concerns with respect to conformity with the NEP policies for the area.	Noted

<p>Trans-Canada Energy (via MHBC)</p>	<p>We understand the Pleasantview lands are being removed from the former Dundas Zoning By-law 3581-86 and placed into the City's comprehensive Zoning by-law 05-200. As such, the setback for TCPL as set out in Section 4.23 c) will now apply to these lands and require the minimum 10 metre setback to the edge of the right of way.</p> <p>In addition, we understand through the GRIDS 2 process, both the Urban and Rural Official Plans will be updated to reflect comments received through the Municipal Comprehensive Review process. While we believe there is a need to amend the Rural Official Plan to incorporate policies to reflect TCPL's requirements, given that this Official Plan Amendment is specific to the Pleasantview Area, we would recommend that our previous comments as set out in our letter of July 14, 2021 be incorporated into the updated Rural Official Plan through the GRIDS 2 process. TC Energy has been in contact with Policy Planning Staff to ensure same.</p>	<p>Provision 4.23 c) of Zoning By-law 05-200 incorporates a 10 metre setback to the edge of a TransCanada Pipeline right-of-way. This provision will apply to the subject lands once the Pleasant View area is brought into Zoning By-law 05-200.</p> <p>The balance of the comment relate to controlling development adjacent to TC Energy assets and will be dealt with through the comprehensive review of the City's official plan through GRIDSII and the MCR. Staff have ensured that TC Energy's representative were in contact with Policy Planning Staff.</p>
<p>Trans-Northern Pipelines</p>	<p>TNPI has no comments regarding the attached and mentioned area</p>	<p>Noted.</p>
<p>Internal Departmental Comments</p>		
<p>Department</p>	<p>Comment</p>	<p>Response</p>
<p>Forestry & Horticulture Section</p>	<p>No comment or concerns.</p>	<p>Noted</p>
<p>Transporation Planning</p>	<p>No comments.</p>	<p>Noted</p>
<p>Policy Planning</p>	<p>RHOPA Text Various comments to the proposed RHOPA document to ensure the language and formatting are consistent with other City of Hamilton Rural Hamilton Official Plan documents.</p> <p>RHOPA Mapping Various comments related to the formatting and laguage used in the proposed mapping to ensure the proposed amendments are consistent with other RHOPA documents.</p>	<p>Formatting and language changes made to RHOPA text and mapping.</p>
<p>Growth Management</p>	<p>No comment.</p>	<p>Noted</p>
<p>Zoning Section</p>	<ol style="list-style-type: none"> 1.The City has undertaken a City-Initiated Zoning By-law Amendment to facilitate the Dundas lands known as the Pleasant View Survey Lands to be placed under the Niagara Escarpment Commissions Development Control Area. The lands are within the boundary of Highway 6 (E), Patterson Road (N), Valley Road / York Road (W) and Cootes Paradise (S). 2.An Interim Control By-law was developed under By-law 20-186 and passed September 10, 2020 which set out zoning requirements for legally existing buildings and this was extended for an additional period on August 13, 2021. 3.Ontario Regulation 826 was officially amended on September 10, 2021 to include the Pleasant View Lands within Development Control. With this change, the Niagara Escarpment Commission is the approval authority for development in the Pleasant View Lands instead of the City of Hamilton. Zoning By-laws therefore are no longer in effect for this area. On September 29, 2021, the Interim Control By-law for the Pleasant View Lands was repealed to facilitate the changes approved by the NEC. 4. The new City-initiated zoning for the Pleasant View Lands will be included in Zoning By-law 05-200, as Special Exceptions. It will be used for reference and guidance for stakeholders including the public, the City and the NEC, but it will not be in effect due to the changes to Ontario Regulation 826 to bring the lands under the NEC's Development Control. 5.This by-law change effectively removes the zoning that was previously applied under the former Town of Dundas Zoning By-law. 	<p>Noted</p>



What We Heard

Key Themes from the Online Public Information Sessions June 23, 2021

Niagara Escarpment Commission

Clarification of the implication of the March 2021 Niagara Escarpment Commission resolution.

- Niagara Escarpment Commission (NEC) passed a resolution providing direction to the Minister to include the Pleasantview lands in the Area of Development Control.
- This change would make the NEC the approval authority for development in Pleasantview.

Why do we need this discussion?

- An Interim Control By-law was passed by the City of Hamilton. The City is going through an exercise to bring the local land use planning policy framework and zoning into conformity with Niagara Escarpment Plan (NEP) policies and all other applicable Provincial Plans.

Will there be stricter controls on planning and design or an easing of control?

- Not necessarily either. It will simply change who is the approval authority for those controls.
- The City has begun the process of updating planning instruments to be in conformity with the Niagara Escarpment Plan. The local policy framework will conform to and be similar to the Niagara Escarpment Plan.
- With introduction of NEC Development Control. The NEC is the development approval authority.

Growth Plan

Growth Plan map what are the white areas?

- These are lands predominantly not governed by the Growth Plan policies. They are within the Plan area, but not intended to accommodate additional development.

Development

Concern expressed over a road/easement being constructed at a specific municipal address.

- This study is reviewing land use policy and zoning and will not be reviewing existing easements. City Staff provided their contact information to have a follow up discussion.

Interest in establishing new uses, specifically new residential uses.

- New single detached residential uses require a minimum lot area of 10 hectares.
- Secondary dwelling units are not permitted based on NEP Policy. City Staff advised they would confirm with NEC Staff on their interpretation of the permission of secondary dwelling units in Pleasantview.

Clarification of urban vs. rural and servicing in Pleasantview.

- Pleasantview is not in a settlement area and has some municipal water but no municipal sewer. Urban services are only permitted to be expanded into the Rural Area under very limited circumstances, including a public health emergency.
- Since the 1970's, Provincial policy has been clear that urban forms of development are not appropriate.
- A lot must be at least 10 hectares in order to establish a new single detached dwelling.
- Pleasantview is in the Rural Area and is not within a Rural Settlement Area. It is not considered urban lands.

How long will it take for the transition before the Niagara Escarpment Commission has Development Control and is approval authority?

- Timing is undetermined, letters to the Province or local MPPs could help demonstrate support.
- NEC will be posting information to their webpage. The City will forward information to their contact list.
- The Province will post a Notice on the Environmental Registry of Ontario webpage when commenting is available. City Staff will forward information on how to comment. The timing for Development Control is uncertain and based on Provincial timelines.

Interest in collaboration around infrastructure projects.

- The NEC provides comments on infrastructure projects within the NEC Plan area. City Staff consider these comments and NEP policies.

Interest in controls on lot sizes and secondary suites, in opportunity to allow aging in place, in creation of secondary suites to share with children.

- Secondary suites are not permitted in Pleasantview under NEP policy.
- Land use study must conform to NEP policy direction with respect the secondary suites.

Concern expressed that existing zoning permissions makes it difficult to sell some properties.

- City extended an invitation to have a conversation following the information session should the owner or his agent wish to discuss zoning permissions on a specific property.

Concern that some new uses being considered are important changes, not minor variances. This is in reference to the Columbia College property.

- The Columbia College scenario is not a Minor Variance application, it's a Niagara Escarpment Plan Amendment (NEPA) application before the NEC.
- This process will require many studies to support the application including studies of natural heritage impacts, servicing, traffic, etc.
- No decision has been made regarding Columbia College by the NEC.
- If the NEPA was approved, it would require further amendments to the City's Official Plan and zoning to permit the use.

Need clarification on who to connect with regarding help with understanding new development regulations.

- City Staff provided direction on where contact information could be found on the City's website. Staff also offered their contact information for a follow-up discussion on the new regulatory/policy framework.

Clarification on approval authority for minor additions/renovations once/if lands are placed under NEC Development Control.

- Should the lands be placed in NEC Development Control, development will be controlled by the Niagara Escarpment Commission issuing a Development Permit. The Development Permit process through the NEC is not necessarily more complicated, but rather just a different approval authority and process.
- NEC undergoes a policy review every 10 years, but a request for a change (amendment) can be made at any time, in accordance with the policies of the Plan.

Concern regarding the protection of wildlife corridors.

- The Land Use Study is incorporating the natural heritage features and systems of both Provincial policy and the Rural Hamilton Official Plan and implementing it through the proposed zoning regulations.

General Public Draft OPA and ZBLA Comments	
Comment	Response
General support for the protection of the natural heritage assets in the Pleasantview Study Area.	Noted
Continued support for minimum 10 hectare minimum lot size for new single detached dwellings.	Noted
<p>Official Plan Amendment: Page 2. Could the Greenbelt Natural Heritage System designation be overlaid with the NEPA overlay, instead of removing it? for added protection?</p> <p>Pg 15 Schedule B6: on what grounds are some lands (in pink) being removed from the Local Natural Area Environmentally Significant Area?</p>	<p>The policies of the Protected Countryside of the Greenbelt Plan do not apply for lands that are also within the Niagara Escarpment Plan Area, with the exception of Section 3.3. This is typically because the policies of the Niagara Escarpment Plan are more restrictive and specific than those of the Greenbelt Plan. Accordingly, this is why throughout the City, if the lands are within the NEP, the Niagara Escarpment Plan overlay is placed on the NEP lands and the Greenbelt NHS overlay is removed. This is applied consistently throughout the City.</p> <p>The removals from Schedule B6 (in pink) are all refinements to better reflect the existing ESA boundary by removing manicured areas (lawns) and areas of existing development. The previous boundary is somewhat dated and has not been updated in some time. The updates reflect the most up-to-date data.</p>
<p>Zoning Bylaw Amendment: Page 3&6: 800 f and 801 f: there is allowance for fencing, which is not advisable as it would impede the flow of wildlife and connectivity.</p>	<p>This is a carry-forward provision from the existing zoning that resulted from the OMB Decision from the 1990s. Typically fencing can be difficult to regulate as building permits are often not required, therefore in most instances they would not be subject to a Zoning review and/or building permit issuance by the City.</p>
<p>Encouragement and support for the Minister and the Province of Ontario to execute the order to facilitate the transfer of the lands into NEC Development Control as quickly as possible.</p>	<p>Noted. Since the drafting of the initial proposed Zoning By-law and Rural Hamilton Official Plan Amendments, the Pleasantview lands have been added to the NEC Area of Development Control.</p>

<p>Concern related to maximum lot coverage of 300 square metres for larger lots. In particular, in situations where existing buildings on larger lots already exceed the maximum 300 square metre lot coverage.</p>	<p>No changes are recommended to the implementing Zoning By-law with respect to the proposed maximum lot coverage. These maximum lot coverages were brought forward from the existing Zoning By-law, which was the result of a previous OMB Decision for the Pleasantview Lands. In instances where a lot has legally established structures that exceed the maximum lot coverage, that existing maximum lot coverage may be recognized under the <i>vaccum</i> clause of Section 4.12 of By-law 05-200.</p> <p>Should an applicant wish to exceed the maximum lot coverage contained within the proposed Zoning By-law, the appropriate Development Application under the <i>Planning Act</i> can be submitted.</p> <p>It is also important to note that, as the lands have been added to the NEC area of Development Control, the Zoning By-law has no effect in Pleasantview, which includes the proposed maximum lot coverage.</p>
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Appendix “H” to Report PED21206

Page 1 of 3

Table 1: Pleasantview Area Zoning Change Summary

Pleasantview Area Zoning Change Summary		
Proposed Zoning By-law 05-200 Zone	Previous Dundas Zoning By-law 3581-86 Zone (if applicable)	Rationale
Proposed Zones Without Special Exceptions		
Community Park (P2)	Park and Recreation (PR1)	The Park and Recreation (PR1) Zone in Zoning By-law 3581-86 serves to identify the Valley Community Centre Park (287 Old Dundas Road) and permit the associated public recreational uses. The proposed Community Park (P2) Zone serves to bring this zoning framework into By-law 05-200 and continue the use of the lands as a community park.
Utility (U2)	Public Utilities (U/S-57)	The Public Utilities (U/S-57) Zone in Zoning By-law 3581-86 identifies public utility corridors. It currently identified railways, hydro transmission corridors and natural gas pipeline corridors that traverse the Pleasantview Area. The U/S-57 Zone is modified on a site specific basis to prohibit a waste treatment facility as a use on the lands. The proposed Utility (U2) Zone identifies these same lands for utility purposes and brings the lands into By-law 05-200. There is no site specific exception to prohibit a waste treatment facility as this is not a permitted use within the Utility (U2) Zone. Additional public utility uses that are not expressly permitted in the Utility (U2) Zone are permitted through Section 4.4 – Public Uses Permitted in All Zones under By-law 05-200.
Proposed Special Exception Zones		
Rural (A2, 800)	Rural (RU/S-58)	The Rural (RU/S-58) Zone in Zoning By-law 3581-86 primarily serves to recognize existing residential uses in residential clusters within the Pleasantview Area. The proposed Rural (A2, 800) brings this regulatory framework into Zoning By-law 05-200, while also providing some updates to the permitted uses in order to conform with the Pleasantview Special Provisions of the Niagara Escarpment Plan and the proposed revisions to the Rural Hamilton Official Plan Special Policy Area A – Pleasantview.
Rural (A2, 801)	Rural (RU)/Open Space (OS)	The Rural (RU) Zone in Zoning by-law 3581-86 primarily retains lands in an open space setting for agricultural services, including very limited farm-related development. The proposed Rural (A2, 801) Zone brings this regulatory framework into Zoning By-law 05-200 while also providing some updates to the permitted uses in order to conform with the Pleasantview Special Provisions of the Niagara Escarpment Plan and the proposed Rural Hamilton Official Plan Special Policy Area A – Pleasantview (see Draft OPA). In particular, agricultural permissions are limited to existing agricultural uses. No new agricultural operations are permitted to be established within the Rural (A2, 801) Zone.
Conservation/Hazard Land Rural (P6, 802)	Various	The City’s Core Areas as identified on Schedule B – Natural Heritage System of the Rural Hamilton Official Plan were

Appendix “H” to Report PED21206

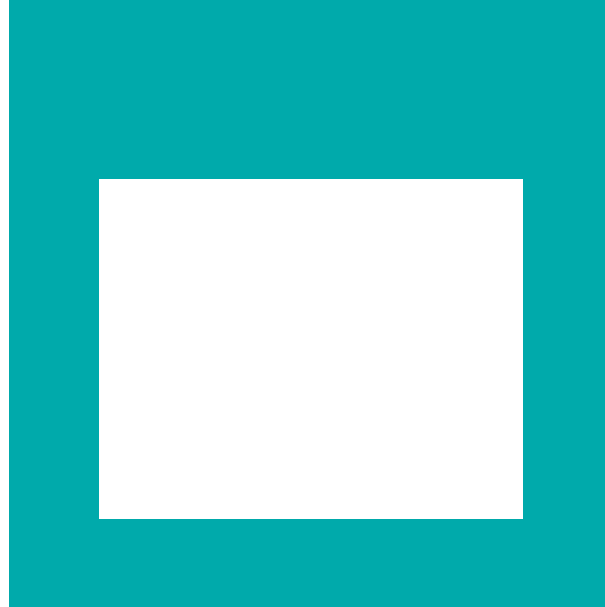
Page 2 of 3

		previously not identified through the Zoning by-law 3581-86. The proposed Conservation/Hazard Land Rural (P6, 802) Zone applies to all lands that are identified as an Environmentally Significant Area or Earth Science ANSI in the Rural Hamilton Official Plan. The Conservation/Hazard Land Rural (P6, 802) has been further modified to conform with the Pleasantview Special Provisions of the Niagara Escarpment Plan and the proposed revisions to the Rural Hamilton Official Plan Special Policy Area A – Pleasantview.
Conservation/Hazard Land Rural (P7, 803)	Various	The City’s Core Areas as identified on Schedule B – Natural Heritage System of the Rural Hamilton Official Plan were previously not identified through the Zoning by-law 3581-86. The proposed Conservation/Hazard Land Rural (P7, 803) Zone applies to all lands that are identified as a Key Hydrologic Feature, with the exception of Provincially Significant Wetlands, and lands that are identified as a Key Natural Heritage Feature in the Rural Hamilton Official Plan. The Conservation/Hazard Land Rural (P7, 803) has been further modified to conform with the Pleasantview Special Provisions of the Niagara Escarpment Plan and the proposed revisions to the Rural Hamilton Official Plan Special Policy Area A – Pleasantview.
Rural (A2, 804)	Public and Private Service (PPS/S-56)	The PPS/S-56 Zone in Zoning by-law 3581-86 applied to four existing places of worship within the Pleasantview Area. The proposed Rural (A2, 804) Zone applies specifically to the lands municipally identified as 154 Northcliffe Avenue and permits a place of worship and a convent, provided such uses are contained within the existing institutional building on lands municipally identified as 154 Northcliffe Avenue.
Rural (A2, 805)	Public and Private Service (PPS/S-56a)	The PPS/S-56 Zone in Zoning by-law 3581-86 applied to four existing places of worship within the Pleasantview Area. The proposed Rural (A2, 805) Zone applies specifically to the lands municipally identified as 574 Northcliffe Avenue and permits a place of worship, convent, a residential care facility for a maximum of 35 residents, and a dormitory for a maximum of 36 students and associated accessory educational establishment provided such uses are contained within the existing institutional building on lands municipally identified as 574 Northcliffe Avenue.
Rural (A2, 806)	Rural (RU/S-59)	The RU/S59 Zone in Zoning by-law 3581-86 permits a new single detached dwelling to be reconstructed on the lands to specific performance standards on a site-specific basis (85 Rosina Avenue). The proposed Rural (A2, 806) Zone carries forward these site specific performance standards and permits the existing dwelling.
Existing Rural Industrial (E2, 807)	Light Industrial Zone (H-IL/S-101)	The H-IL/S-101 Zone in Zoning by-law 3581-86 permits a limited number of light industrial uses that require small amounts of water and limited truck access, along with fixed mini-storage units and the manufacturing of candles. All of these permitted uses are subject to site specific performance standards (325 Old Guelph Road). The proposed Existing Rural

Appendix “H” to Report PED21206

Page 3 of 3

		Industrial (E2, 807) Zone will carry forward these permitted light industrial uses along with the associated performance standards.
Rural (A2, 808)	Rural (RU/S-111)	The RU/S111 Zone in Zoning by-law 3581-86 permits a new single detached dwelling to be reconstructed on the lands to specific performance standards on a site-specific basis (675 York Road). The proposed Rural (A2, 808) Zone carries forward these site specific performance standards and permits the existing dwelling.
Rural (A2, 809)	Public and Private Service (PPS/S-56)	The PPS/S-56 Zone in Zoning by-law 3581-86 applied to four existing places of worship within the Pleasantview Area. The proposed Rural (A2, 809) Zone applies specifically to the lands municipally identified as 200 Old Guelph Road and 232 Old Guelph Road and permits the existing place of worship. The proposed Rural (A2, 809) Zone recognizes the existing places of worship at these properties as permitted uses and imposes certain performance standards for the use.
Proposed Holding Provisions		
Rural (A2, 805, H121)	H-PPS/S-56a	The H-PPS/S-56 applied a Holding Provision on the lands municipally identified as 574 Northcliffe Avenue. This Holding Provision limits the temporary dormitory use to a maximum of 96 students until such time as the applicant/proponent can demonstrate and has attained all the necessary approvals to provide adequate services to increase the capacity beyond 96 students to accommodate a dormitory having a maximum capacity of 138 occupants to the satisfaction of the Niagara Escarpment Commission, Director, Development Planning and Ministry of Environment, Conservation and Parks. The Proposed Rural (A2, 805, H121) carries forward this Holding Provisions on lands municipally identified at 574 Northcliffe.
Proposed Temporary Use Provisions		
T9	H-PPS/S-56a	The H-PPS/S-56 applied a Temporary Use Provision on the lands municipally identified as 574 Northcliffe Avenue. This Temporary Use Provision allowed, for a maximum three-year period commencing on July 12, 2019 and expiring on July 12 2022, a dormitory having a maximum capacity of 138 occupants, temporarily and only within the existing institutional building described municipally as 574 Northcliffe Avenue. The proposed Temporary Use Provision “T9” carries forward this temporary use permission on the lands municipally identified as 574 Northcliffe Avenue.



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

November 16th, 2021

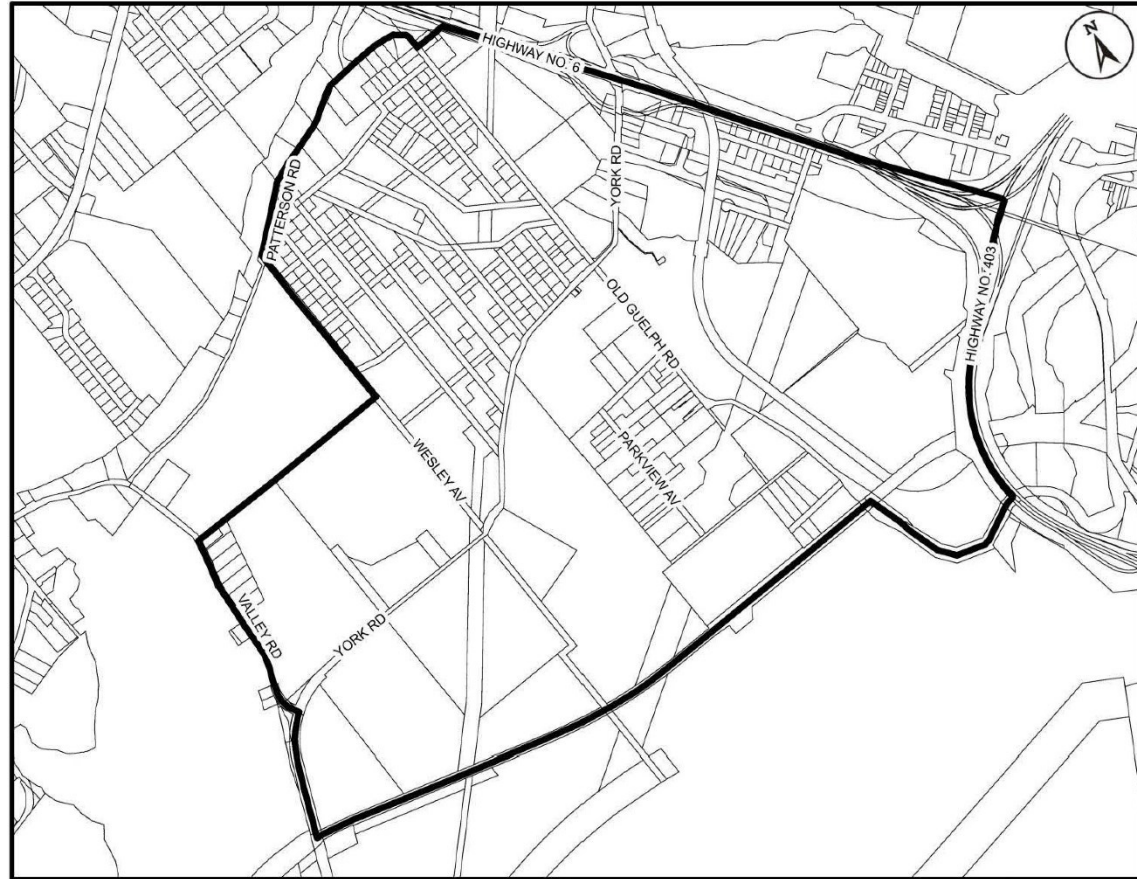
PED21206

Pleasantview Area Land Use Study and Associated Rural Hamilton Official Plan and Zoning By-law 05-200 Amendments, Dundas

Presented by: Spencer Skidmore (City of Hamilton) & Ron Palmer (The Planning Partnership)

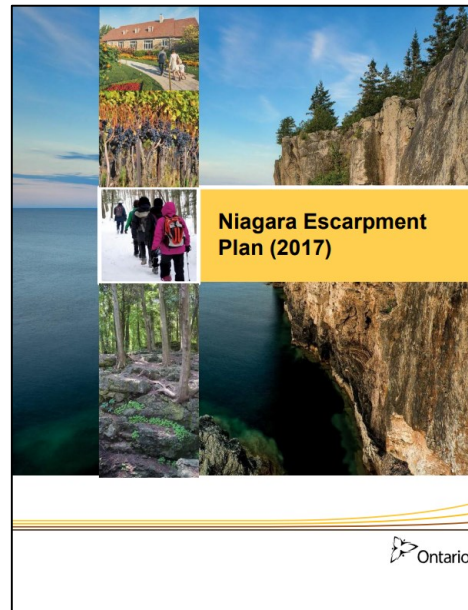
Study Area

- ± 413 hectares in size.
- Contains a variety of land uses.
- Includes the re-naturalized Hickory Brook and multiple conservation/resource management areas.
- Features deeply carved valleys and tablelands.
- Includes the headwater of Cootes Paradise.



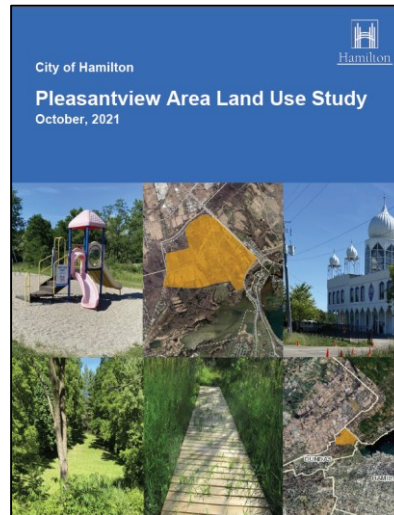
Background

- More than 45 years of layered Provincial and municipal planning policy and regulation.
- In 2013, the Pleasantview Area was added to the Niagara Escarpment Planning Area (Niagara Escarpment Plan Amendment (NEPA) 179).
- NEPA 179 also included a Special Policy Area (Policy 2.2.21) specific for the Pleasantview Area.



Background Cont.

- September 10, 2020 Hamilton City Council passed By-law 20-186, an Interim Control By-law (ICBL) for the Pleasantview Lands.
- This ICBL served to limit development in the Pleasantview Area until such time as a Land Use Study could be completed.
- January of 2021, the City of Hamilton retained the Planning Partnership and Meridian Consulting to complete the Pleasantview Area Land Use Study.



Background Cont. (1)

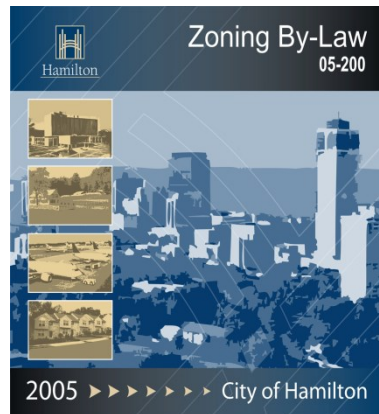
- July of 2021, the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNRF) posted a notice to add the Pleasantview Lands into the Area of Development Control of the Niagara Escarpment Commission.
- August 10th, 2021, Council passed By-law 21-142, which extended the ICBL.
- September 10, 2021, The MNDMNRF amended Ontario Regulation 826 to include the Pleasantview Area Lands into the area of NEC Development Control.
- On September 29th, 2021, Council repealed By-law 20-186 (Pleasantview ICBL).

UPDATE – 09/09/2021

Ontario Regulation 826 under the *Niagara Escarpment Planning and Development Act* has been amended to now include within the Area of Development Control the [Pleasant View Survey](#) lands located in the City of Hamilton.

Background Cont. (2)

- As the lands are now within the NEC Area of Development Control, the Zoning By-law has no effect.
- Staff are still recommending the City's planning framework be updated, as recommended by the Pleasantview Area Land Use Study.



PUBLIC CONSULTATION SUMMARY



March 18, 2021

- Project web page published



March 25, 2021

- Project initiation postcard mailed to residents within 120 metres



April and July, 2021

- City Staff presented to Cootes to Escarpment EcoPark System – Management Committee



June 23rd, 2021

- Two virtual public information sessions were held on the Draft Study
- Postcards were sent out



August, 2021

- Draft planning instruments were posted on the project web page for review



October 28, 2021

- Notice of Statutory Public Meeting published in the Hamilton Spectator, Dundas Star, and Ancaster News

Pleasantview Area Land Use Study (Study)

Purpose of the Study:

1. Prepare recommendations for necessary amendments to bring the Rural Hamilton Official Plan into conformity with applicable Provincial policy; and,
2. Prepare recommendations for zones and regulations to be included in Zoning Bylaw 05-200 to implement recommended amendments to the Rural Hamilton Official Plan.

PLEASANTVIEW AREA LAND USE STUDY

Existing Policy Framework In Pleasantview

Provincial Policy Documents:

- Provincial Policy Statement (2020);
- Niagara Escarpment Plan (2017);
- Greenbelt Plan (2017); and,
- Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Municipal Policy and Regulations:

- Rural Hamilton Official Plan – “Special Policy Area A – Pleasantview”;
- Dundas Official Plan, including Official Plan Amendment 23, adopted by Dundas Council in 1993 and modified by the Ontario Municipal Board Order in 1995; and,
- Dundas Zoning Bylaw No. 3581-86 (as amended)

Analysis and Recommendations

Recommendation #1 – Proposed Rural Hamilton Official Plan Amendment

Proposed RHOPA to bring the policy framework of the Official Plan into conformity with the applicable Provincial Policy. The proposed Official Plan Amendment will:

- Update the policies of the Rural Hamilton Official Plan with respect to appropriate land use and development of affected lands; and,
- Be consistent with the Provincial Policy Statement (2020) and conform to the Niagara Escarpment Plan (2017).



Analysis and Recommendations Cont.

Recommendation #1 – Proposed Rural Hamilton Official Plan Amendment

Mapping Changes

- Amending Schedule D – Rural Land Use Designations to re-designate certain lands as the ‘Open Space’ and ‘Rural’ designations in accordance with the NEP;
- Amending Schedule B - Natural Heritage System and Schedules B-1 through B-8 to modify the extent of certain natural heritage features;
- Amending Volume 3: Appendix A – Site Specific Key Map to add certain lands to Special Policy Area A – Pleasantview; and,

Text Changes

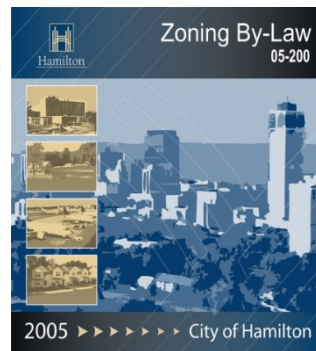
- Deleting the existing Special Policy Area A – Pleasantview in its entirety and replace it with a new Special Policy Area that brings forward the policy framework of the Niagara Escarpment Plan.

Analysis and Recommendations Cont. (1)

Recommendation #2 – Proposed Zoning By-law Amendment

The purpose and effect of the proposed amendments is to:

- Bring the subject lands into the City’s Comprehensive Zoning By-law No. 05-200 and remove the lands from the By-law of the former Town of Dundas (Zoning By-law No. 3581-86); and,
- Bring forward the general existing zoning framework that resulted from the Municipal Board Decision for OMB File No. 0930179 (dated June 28, 1995), while also updating the zoning framework to ensure conformity with the proposed updated Rural Hamilton Official Plan Special Policy Area and the Niagara Escarpment Plan.



Analysis and Recommendations Cont. (2)

Recommendation #2 – Proposed Zoning By-law Amendment

Proposed Zoning will bring the Pleasantview Area into Zoning By-law No. 05-200 through:

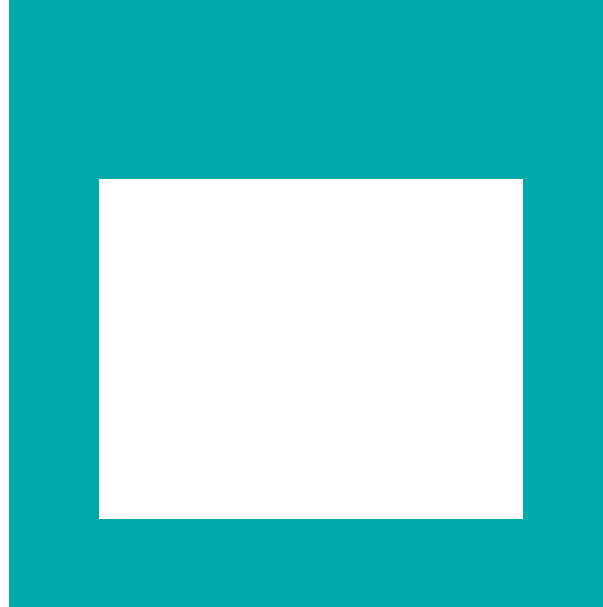
- Amending Schedule “A” of Zoning By-law 05-200 to include the Pleasantview Lands and recommend appropriate Rural Zones;
- The creation of 10 new Special Exceptions (Special Exceptions 800 – 809), which generally carries forward the existing zoning framework, while updating it to conform to the Niagara Escarpment Plan;
- The creation of 1 new Holding Provision (Holding Provision 121); and,
- The creation of 1 new Temporary Use (Temporary Use 9).

Conclusion

- Pleasantview Area has recently been placed under Development Control by the Niagara Escarpment Commission.
- NEC Development Control limits the City of Hamilton's role in reviewing and approving any form of development within Pleasantview.
- Nonetheless, the proposed Amendments to the Official Plan and Zoning Bylaw bring the City's planning regime up to date, and ensure conformity with the Niagara Escarpment Plan.
- These documents will also be used as reference by NEC and City Staff when reviewing Development Permit Applications



PLEASANTVIEW
AREA LAND USE STUDY



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 16, 2021
SUBJECT/REPORT NO:	City Initiative CI-21-B to Amend the Urban Hamilton Official Plan and Zoning By-law for a Portion of the Lands Located at 1086 West Fifth Street, Hamilton and Revisions to the Draft Plan of Subdivision 25T-200721 for Lands Located at 193 Alessio Drive, Hamilton (PED21207) (Ward 8)
WARD(S) AFFECTED:	Ward 8
PREPARED BY:	Jennifer Roth (905) 546-2424 Ext. 2058
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **City Initiative CI-21-B**, to amend the Urban Hamilton Official Plan to change the designation from “Open Space” to “Neighbourhoods” on Schedule “E-1”; to remove the “Parks and General Open Space” and “Streams” designation from the subject lands on from Schedule “B” and the “Key Hydrologic Feature” from Schedule “B-8”; and to remove “City-Wide” park classification on Appendix “A” for a portion of the lands located at 1086 West Fifth Street, as shown on Appendix “A” attached to report PED21207, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21207, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the draft Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);

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SUBJECT: City Initiative CI-21-B to Amend the Urban Hamilton Official Plan and Zoning By-law for a Portion of the Lands Located at 1086 West Fifth Street, Hamilton and Revisions to the Draft Plan of Subdivision 25T-200721 for Lands Located at 193 Alessio Drive, Hamilton (PED21207) (Ward 8) - Page 2 of 34

- (b) That **City Initiative CI-21-B**, to rezone the lands from City-Wide Park (P3) Zone in Zoning By-law No. 05-200 to the “R-4/S-1301a” (Small Lot Single Family Dwelling) District, Modified in the Former City of Hamilton Zoning By-law No. 6593 in order to permit the development of four single detached dwellings on a portion of the lands known as 1086 West Fifth Street, Hamilton, as shown on Appendix “A” attached to Report PED21207, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED21207, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the draft By-law, attached as Appendix “D” to Report PED21207, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iv) That the By-laws will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX;
- (c) That **City Initiated Revisions to Draft Approved Plan of Subdivision 25T-200721R** owned by Spallacci and Sons Ltd. (Owner) to reconfigure residential blocks (Blocks 18 and 47) and provide an extension of a public road as shown on Appendix “E” attached to Report PED21207, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision “Eden Park” 25T-200721R, prepared by Urban Solutions, and certified by H. Kalantzakos, O.L.S., dated September 17, 2021, consisting of three reconfigured residential blocks for single detached dwellings (Blocks 18, 38 and 49), and the extension of a public road (Shady Oaks Trail), subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions attached as Appendix “F” to Report PED21207;
 - (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision;
 - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be

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based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council;

- (d) That **Revisions to Draft Approved Plan of Subdivision 25T-200721R** by Spallacci and Sons Ltd. (Owner) to establish an extension of the subdivision known as "Eden Park" for an additional 0.049 ha site located north of 264 Rymal Road West (Block 38), known as part of 193 Alessio Drive, as shown as Block A2 on Appendix "A" attached to Report PED21207, to be developed for future residential lots and a public road as shown on Appendix "E" attached to Report PED21207, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision "Eden Park" 25T-200721R, prepared by Urban Solutions, and certified by H. Kalantzakos, O.L.S., dated September 17, 2021, consisting of additional lands added to Block 38 for purposes of residential lots and the extension of a public road, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions attached as Appendix "F" to Report PED21207;
 - (ii) In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision;
 - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council;
- (e) That upon finalization of the amending Zoning By-laws, the subject lands be changed from "Utilities" to "Single & Double" and the road pattern be revised in the Sheldon Neighbourhood Plan;
- (f) That upon finalization of the amending by-laws, Real Estate staff be authorized to proceed with the disposition of the City-owned lands known as part of 1086 West Fifth Street, as shown as Parts 1, 2, 5 and 6 on Appendix "G" to Report PED21207 in accordance with the Sale of Land Policy, By-law No. 14-204, and that the proceeds will be added to the Parkland Reserve Fund.

SUBJECT: City Initiative CI-21-B to Amend the Urban Hamilton Official Plan and Zoning By-law for a Portion of the Lands Located at 1086 West Fifth Street, Hamilton and Revisions to the Draft Plan of Subdivision 25T-200721 for Lands Located at 193 Alessio Drive, Hamilton (PED21207) (Ward 8) - Page 4 of 34

EXECUTIVE SUMMARY

The purpose of the Urban Hamilton Official Plan (UHOP) amendment is to re-designate the City owned lands from “Open Space” to “Neighbourhoods” on Schedule “E-1”; to remove the lands identified as “Parks and General Open Space” and “Streams” from Schedule “B”; to remove the lands identified as “Key Hydrologic Feature” from Schedule “B-8”; and to remove the lands classified as “City-Wide” park on Appendix “A”, in the UHOP.

The City owned lands will be rezoned from City-Wide Park (P3) Zone in Zoning By-law No. 05-200 to the “R-4/S-1301a” (Small Lot Single Family Dwelling) District, Modified in the Former City of Hamilton Zoning By-law No. 6593. The City owned lands will be severed from the rest of 1086 West Fifth by Reference Plan to create six parts, four lots for single detached dwellings, one public road and one 0.3 road reserve and is attached as Appendix “H” to Report PED21207, and will be partially exchanged and partially sold to Spallacci and Sons Ltd. to ensure the orderly development of the lands and to implement an Ontario Municipal Board (OMB Case No. PL140290), now known as the Ontario Land Tribunal (OLT).

Urbex Engineering, on behalf of 2190557 Ontario Inc. and 2197925 Ontario Inc. submitted Applications for a Zoning By-law Amendment and Draft Plan of Subdivision on July 2, 2013, as illustrated on Appendix “K” to Report PED21207. In 2014, the Applications were subsequently appealed to the OMB (Case No. PL140290). On September 24, 2014, Council endorsed a settlement agreement (Report LS14032/PED14173) and a decision was issued by the OMB.

To facilitate the OMB decision, coordination of development with Spallacci and Sons Ltd., the owner of Draft Approved Plan of Subdivision 25T-200721 and the City of Hamilton was required to connect a public road between the two subdivisions and across the City owned lands. The public road is identified as Shady Oaks Trail on Appendix “E” attached to Report PED21207, as Parts 3 and 4 on Appendix “G” attached to Report PED21207 and Street “C” on Appendix “K” attached to Report PED21207.

Spallacci and Sons Ltd. proposed an extension of the subdivision known as “Eden Park” for an additional 0.049 ha site located north of 264 Rymal Road West (Block 38), to be developed for future residential lots and a public road as shown on Appendix “E” attached to Report PED21207.

The proposed amendments and subdivision revisions have merit and can be supported. They are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and comply with the UHOP.

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SUBJECT: City Initiative CI-21-B to Amend the Urban Hamilton Official Plan and Zoning By-law for a Portion of the Lands Located at 1086 West Fifth Street, Hamilton and Revisions to the Draft Plan of Subdivision 25T-200721 for Lands Located at 193 Alessio Drive, Hamilton (PED21207) (Ward 8) - Page 5 of 34

Alternatives for Consideration – See Page 33

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Revenue from the sale of the lands will be placed in the Parkland Reserve Account.

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 Official Plan, Zoning By-law and a Draft Approved Plan of Subdivision.

HISTORICAL BACKGROUND

Report Fact Sheet

City Initiative Details	
Owner:	City of Hamilton – 1086 West Fifth Street Spallacci and Sons Ltd. – 193 Alessio Drive
Applicant:	City of Hamilton – 1086 West Fifth Street Spallacci and Sons Ltd. – 193 Alessio Drive
File Number:	CI-21-B
Type of Application:	Urban Hamilton Official Plan Amendment. City of Hamilton Zoning By-law No. 05-200 Amendment. Former City of Hamilton Zoning By-law No. 6593 Amendment. Revision to Draft Approved Plan of Subdivision.
Proposal:	To amend the Urban Hamilton Official Plan to change the designation as follows: <ul style="list-style-type: none"> • From “Open Space” to “Neighbourhoods” designation on Schedule “E-1”; • To remove the lands identified as “Parks and General Open Space” and “Streams” from Schedule “B”; • To remove the lands identified as “Key Hydrologic Feature” from Schedule “B-8”; and, • To remove the lands classified as “City-Wide” park on Appendix “A” for a portion of the lands located at 1086 West Fifth Street; • To rezone the lands from City-Wide Park (P3) Zone in Zoning By-law No. 05-200 to the R-4/S-1301a (Small Lot Single Family Dwelling) District, modified in the Former City of Hamilton Zoning

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	<p>By-law No. 6593 in order to permit the development of four single detached dwellings on a portion of 1086 West Fifth Street;</p> <ul style="list-style-type: none"> To implement the proposal, a City Initiated revision to draft approved subdivision 25T-200721R to remove two lots and add a road to connect to development to the east is required. Special Conditions of Draft Plan Approval have been revised to reflect the new lotting pattern, road network and change to engineering design; and, A privately initiated revision to the draft approved subdivision 25T-200721R to add additional lands, known as Block 38, for future residential development and the extension of a public road, has also been submitted.
Property Details	
Municipal Address:	1086 West Fifth Street and 193 Alessio Drive, Hamilton (Ward 8) (see Location Map attached as Appendix "A" to report PED21207).
Lot Area:	1086 West Fifth Street (rectangular) – 0.1587 ha 193 Alessio Drive (irregular) – 24.17 ha
Servicing:	Municipal services to be constructed at time of construction of the subdivision 25T-200721.
Existing Use:	Currently vacant.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
Growth Plan (2019 as amended):	The proposal conforms to The Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	<ul style="list-style-type: none"> Identified as "Neighbourhoods" on Schedule "E" – Urban Structure; Designated "Open Space" on Schedule "E-1" – Urban Land Use Designations; Identified as "Parks and General Open Space" and "Streams" on Schedule "B" – Natural Heritage System; Identified as "Key Hydrologic Feature" on Schedule "B-8" – Detailed Natural Heritage Features; and, Classified as "City-Wide" park on Appendix "A" – Parks Classification.
Official Plan Proposed (City Initiated):	"Neighbourhoods" on Schedule E-1.
Neighbourhood Plan Current:	"Utilities" in Sheldon Neighbourhood Plan.

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SUBJECT: City Initiative CI-21-B to Amend the Urban Hamilton Official Plan and Zoning By-law for a Portion of the Lands Located at 1086 West Fifth Street, Hamilton and Revisions to the Draft Plan of Subdivision 25T-200721 for Lands Located at 193 Alessio Drive, Hamilton (PED21207) (Ward 8) - Page 7 of 34

Documents	
Neighbourhood Plan Proposed (City Initiated):	“Single & Double” and revised road pattern in the Sheldon Neighbourhood Plan.
Zoning Existing:	City Wide Park (P3) Zone in Zoning By-law No. 05-200
Zoning Proposed (City Initiated):	“R-4/S-1301a” (Small Lot Single Family Dwelling) District, Modified in the Former City of Hamilton Zoning By-law No. 6593
Revision to Subdivision (City Initiated):	Loss of two lots for single detached dwelling, extension of a public road and addition of 0.3 metre road reserve for 25T-200721.
Revision to Subdivision (Privately Initiated):	Addition of lands, being Block 38, for future residential uses and extension of a public road for 25T-200721.
Processing Details	
Public Notice Sign:	Posted on April 14, 2021.
Notice of Neighbourhood Meeting:	Mailed to 172 property owners within 120 metres of the subject property on October 29, 2021.
Virtual Neighbourhood Meeting:	April 29, 2021
Public Comments:	Three emails received to date. (attached as Appendix “I” to Report PED21207)

Previous Application

The lands known as 163 Alessio Drive were subject to a Zoning By-law Amendment (File No. ZAC-07-099) and Draft Plan of Subdivision Application (25T-200721) in 2007 for the purpose of developing a 23.6 ha site known as Parkview Estates that provides a range of densities in the form of townhouses, semi-detached dwellings and detached dwellings. Report PED09005 went to Economic Development and Planning Committee on December 8, 2008 and was approved by Council on January 28, 2009. The subdivision has been renamed Eden Park Estates.

The adjacent lands located at 172 – 178 Rymal Road West, owned by 2190557 Ontario Inc. and 2197925 Ontario Inc., were subject to a Zoning By-law Amendment (ZAC-13-023) and Draft Plan of Subdivision application (25T-201305). The applications were appealed to the OMB for non-decision. Through the settlement of Case No. PL140290, the Draft Plan realigned Street ‘C’ in draft plan of subdivision 25T-201305 to align with a

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public road to the west in the adjacent subdivision being 25T200721, Eden Park Estates was negotiated and agreed to. The implementation of the settlement requires a revision to 25T-200721, Eden Park Estates, owned by Spallaci and Sons, which is the subject of the City Initiated Revision discussed within this Report.

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant Land	City Wide Park (P3) Zone
	Future Residential	"R-4/S-1301a" (Small Lot Single Family Dwelling) District, Modified
Surrounding Land Uses:		
North	William Connell Park	City Wide Park (P3) Zone
	Vacant / Future Residential	"RT-20/S-1301a" (Townhouse - Maisonette) District
South	Residential – One and Two Storey Single Detached Dwelling	"AA" (Agricultural) District
		"R-2-H" (Urban Protected Residential One and Two Family Dwellings, Etc.) District, Holding
		"C" (Urban Protected Residential, Etc.) District
East	Vacant / Future Residential	"R-4/S-1715-H" (Small Lot Single Family Dwelling) District, Modified, Holding
West	Residential – Two Storey Single Detached Dwellings	"R-4/S-1301a" (Small Lot Single Family Dwelling) District, Modified

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Planning Act

The City initiated file requires land to be severed from the City owned property municipally known as 1086 West Fifth Street, as shown on Appendix "G" attached to Report PED21207. Section 50(3)(c) of the *Planning Act* enables municipalities to divide land by way of a reference plan to ensure timely transfers of lands:

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“50 (3) No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless,

- (c) The land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada, Her Majesty in right of Ontario or by any municipality.”

It’s proposed that the City will convey the lands to be partially sold and exchanged with Spallacci and Sons Ltd. for the future development of four lots for single detached dwellings and a public road to connect the two draft approved plans of subdivision, 25T-200721 (owned by Spallacci and Sons Ltd.) and 25T-201305 (owned by 2190557 Ontario Inc. and 2197925 Ontario Inc.).

Provincial Policy Statement (2020)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS 2020.

The mechanism for the implementation of the Provincial plans and policies is through the City of Hamilton Official Plans. As such, matters of Provincial interest (i.e. efficiency of land use and balanced growth) are reviewed and discussed in the Official Plan analysis below.

Staff also note the UHOP has not been updated with respect to Cultural Heritage policies with the PPS. The following policy of the PPS applies:

- “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; and,
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

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As part of ZAC-07-099 and 25T-200721, a Stage 1-3 archaeological report (P017-130-2007) was submitted to the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries. The Provincial interest was signed off by the Ministry in a letter dated October 14, 2008. Staff concur with the recommendations made in the report, and the archaeology interest for Blocks A and A1 as shown on Appendix “A” attached to Report PED21207 has been satisfied. Block A2 as shown on Appendix “A” attached to Report PED21207 has not been subject to an archaeological report and the owner will be required to obtain Ministry approval prior to the development of these lands.

Block B shown on Appendix “A” attached to Report PED21207, was assessed as part of Stage 1 (P049-267-2008) and Stage 2 (P049-428-2009) assessments conducted in 2008 and 2009, respectively. Stage 3 (P007-0661-2014) and Stage 4 (P007-0811-2017) reports were prepared for the registered archaeological site (the “Hess Site”, AhGx-677) on the William Connell Park lands north of, and outside of, the subject lands related to this application. Staff note that the Hess Site is subject to a site-specific P3 Exception (676 Zoning as per By-law Number 18-219), by restricting the area to archaeological conservation uses.

There are no built heritage resources located on the site.

Staff are of the opinion that the municipal interest in the archaeology of this portion of the subject lands has been satisfied.

Based on the foregoing, the proposed UHOP Amendment is consistent with Section 3 of the *Planning Act* and the PPS 2020.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)

The policies of the Growth Plan for the Greater Golden Horseshoe apply to any Planning decision. Section 1.2.1 of the Growth Plan outlines a number of Guiding Principles regarding how land is developed, resources are managed and protected, and public dollars are invested. This proposed amendment to the UHOP conforms to these Guiding Principles in that it supports the achievement of a complete community designed to support healthy and active living, meeting people’s needs for daily living throughout an entire lifetime.

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The Growth Plan is focused around accommodating forecasted growth in complete communities and provides policies on managing growth with increased densities and exploring opportunities for intensification. The following policy, amongst others, applies:

- “2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:
- (a) Feature a diverse mix of land uses, including residential and employment uses, convenient access to local stores, services, and *public service facilities*;
- 2.2.6.1 Upper and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:
- (a) Support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as other policies of this Plan by:
- (i) Identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents.”

The proposed amendment to the UHOP is in keeping with the Growth Plan’s emphasis on supporting growth towards the achievement of complete communities. Similarly, the proposed Zoning By-law Amendment to change the zoning of the subject lands to a “R-4/S-1301a” (Small Lot Single Family Dwelling) District, modified to permit four lots for single detached dwellings will provide additional opportunities for residential development close to bus service on West Fifth Street and Rymal Road West and the road extension will provide connectivity between the proposed residential areas. By providing for residential uses within a walkable distance to William Connell Park and nearby local stores and commercial uses between West Fifth Street and Upper James Street, the proposed amendments would contribute to achieving a complete community.

As the application complies with the UHOP, it is staff’s opinion that the application is:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the PPS; and,
- Conforms to A Place to Grow (2019 as amended).

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Municipal Planning Policy

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Open Space” on Schedule “E-1” – Urban Land Use Designations. Further, the site is identified as “Parks and General Open Space” and “Streams” on Schedule “B” – Natural Heritage System and a “Stream” is identified on Schedule “B-8” – Detailed Natural Heritage Features Key Hydrologic Features. The following UHOP policies, amongst others, apply:

Neighbourhoods Identification

The following policies amongst others apply as it relates to the Neighbourhoods identification of the Urban Structure:

- “E.2.6.2 Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services;
- E.2.6.3 The Neighbourhood element of the urban structure shall be implemented through land use designations shown on Schedule E-1 – Urban Land Use Designations;
- E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports; and,
- E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.”

The Urban Structure generally identifies how the City will grow over time and builds upon the historic structure of the amalgamated city. The Urban Structure is based on Nodes and Corridors where the Neighbourhoods element provides the opportunity for a

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full range of housing forms, types and tenures while respecting stable areas with unique scale and character. As a result, the subject lands can be considered for residential development provided that the policies of Section B.2.4 – Residential Intensification are met.

“B.2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation;

B.2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:

(c) 40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure;

B.2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:

- (a) A balanced evaluation of the criteria in b) through g), as follows;
- (b) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable patterns and built forms;
- (c) The development’s contribution to maintaining and achieving a range of dwelling types and tenures;
- (d) The *compatible* integration of the development with the surrounding area in terms of use, scale, form, and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- (e) The development’s contribution to achieving the planned urban structure, as described in Section E.2.0 – Urban Structure;
- (f) Infrastructure and transportation capacity; and,
- (g) The ability of the development to comply with all applicable policies.”

As per Policy B.2.4.1.3 c), the lands subject to the UHOP Amendment and Zoning By-law Amendment are located within the Built Boundary and are identified as Neighbourhoods, which are planned to accommodate 40% of the City’s anticipated residential intensification.

The planned context for this area is single and semi-detached dwellings and the proposed zoning for the lands will ensure that the proposal will build on the planned neighbourhood character and continue the existing lotting pattern and built form

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between the adjacent subdivisions being 25T-200721 and 25T-201305, as per Policy B.2.4.1.4 b) and c). The proposal will contribute to the range of housing types and tenures within the Sheldon Neighbourhood while ensuring compatible integration in terms of the residential use and the two storey built form of the adjacent subdivisions (Policy B.2.4.1.4 d)).

Through the development of the City-owned lands for four lots and a public road, the stormwater and sewer infrastructure will be improved through connections between the subdivisions and the eventual stormwater outlet connection in William Connell Park. Further, improved connectivity of the transportation network for both vehicles and active transportation options results from the development of this parcel.

As described above, the proposal contributes to achieving the planned Urban Structure (Policy B.2.4.1.4. e)) and as per Policy B.2.4.1.4 g) will comply with the applicable policies of the UHOP upon finalization of the UHOP Amendment.

Residential Greenfield Design

The following policies amongst others apply as it relates to Residential Greenfield Development:

“E.3.7.1 New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open spaces, and infrastructure shall be designed to contribute to this character; and,

E.3.7.2 New greenfield communities shall be designed to include a focal point. All elements of the design of the community including the layout of streets, trails, pedestrian connections, and transit routes as well as the location of land uses and transit stops, shall contribute to creation of the community focal point.”

The proposed official plan and zoning by-law amendments and revisions to the draft plan of subdivision will constitute new greenfield development through the extension of a local road that will provide a logical and cohesive continuation of the streetscape and built form, while providing improved connection to William Connell Park. Through the reconfiguration of the road network and the reconfiguration of the parklands resulting from the settlement decision for Case No. PL140290, William Connell Park has become a focal point within this community.

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Low Density Residential

The following policies amongst others apply as it relates to Low Density Residential development:

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods;
- E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade;
- E.3.4.3 Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings;
- E3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare;
- E3.4.5 For low density residential areas, the maximum height shall be three storeys; and,
- E3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- (a) Direct access from lots to adjacent to major or minor arterial roads shall be discouraged;
 - (b) Backlotting along public streets and in front of parks shall be discouraged. The City supports alternatives to backlotting, such as laneway housing and window streets, to promote improved streetscapes and public safety, where feasible;
 - (c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility; and,
 - (d) Development, including the creation of infill lots involving the creation of new public streets or extensions, shall generally proceed by way of plan of subdivision. Such plans shall achieve the logical and sequential extension of streets and municipal services and an efficient lotting pattern.”

The subject lands are appropriate for low density residential development since the four new lots will be located on a local road and will have compatible lot dimensions to the

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planned single detached dwellings in the adjacent subdivision being 25T-200721. Further, the zoning by-law regulations will be the same as the adjacent subdivision to ensure appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility. The proposed development meets the minimum density requirement with a density of 25 units per hectare.

The extension of the public road improves access to William Connell Park, improves the stormwater and sewer infrastructure, and connects the adjacent subdivisions by the extension of the local road. While the lotting pattern has two lots back-lotting onto the park, Landscape Architectural Service staff are satisfied the impact on park programming will be mitigated because of the natural features at this location.

Urban Design

Urban Design policies apply to all forms of development and are provided in Section B.3.3 of the UHOP. The following policies are noted as they are considered to be relevant to the proposed Official Plan and Zoning By-law amendments:

“B.3.3.1 Urban Design Goals:

- B.3.3.1.5 Ensure that new development is compatible with and enhances the character of the existing environment and locale;
- B.3.3.1.8 Promote intensification that makes appropriate and innovative use of buildings and sites, and is compatible in form and function to the character of existing communities and neighbourhoods;
- B.3.3.1.9 Encourage innovative community design and technologies;
- B.3.3.1.10 Create urban places and spaces that improve air quality and are resistant to the impacts of climate change; and,

B.3.3.2.3 Urban Design Principles:

- (a) Respecting existing character, development patterns, built form, and landscape; and,
- (b) Promoting quality design consistent with the locale and the surrounding environment.”

The proposed zoning that will be applied to the subject lands will ensure compatibility with the adjacent lands planned for residential development. The proposed zoning regulations will allow for residential development that respects the planned

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neighbourhood character, development patterns and built form of the Sheldon Neighbourhood. The Eden Park Subdivision is subject to Urban Design and Architectural Guidelines which have been revised to also apply to the subject lands as identified as Parts 1, 2, 5 and 6 on Appendix “G” attached to Report PED21207.

Open Space

The following policies amongst others apply as it relates to the Open Space designation:

- “E. 3.9.1 Open space and parks shall be provided in accordance with Sections B.3.5.3 - Parkland Policies and C.3.3 - Open Space Designations;
- B.3.5.3.1 The uses permitted on lands identified as Parkette, Neighbourhood Park, Community Park, City-Wide Park, General Open Space, and Natural Open Space on Appendix A – Parks Classification Map and designated on secondary plans of Volume 2 shall be parks for both active and passive recreational uses, community/recreational facilities, and other open space uses;
- C.3.3.1 Lands designated as Open Space are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses; and,
- C.3.3.2 The Open Space designation applies to lands greater than four hectares in size designated open space on Schedule E-1 – Urban Land Use Designations. Lands used for open space purposes less than four hectares shall be permitted within the Neighbourhoods designation subject to the provisions of this Plan.”

The City-owned lands are currently designated “Open Space” and contribute to the current land holdings of William Connell Park. The lands were originally intended to be a public right of way as identified by the “Utility” designation in the Neighbourhood Plan. While the City-owned lands are currently identified as part of William Connell Park, this portion of the lands did not constitute lands donated by Dr. William Connell to facilitate the development of the City-Wide Park at this location.

Through the settlement of Case No. PL140290 a preferred design for the southern entrance to the park was secured and as a result, these lands are no longer required to provide access into William Connell Park.

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Parks Hierarchy and Open Space Categories

The following policies amongst others apply as it relates to Parks and Open Space:

“B.3.5.3.4 The City shall establish a hierarchy of parks as follows:

- (d) City-Wide Parks are municipally, regionally, provincially or nationally significant destinations that meet the needs of residents and are of interest to visitors. These facilities are often associated with major recreation, education or leisure activities and may have natural, historic, or unique features. They range greatly in size and type;

B.3.5.3.11 To ensure the provision of an adequate amount of parkland, the standards of Table 3.5.3.1 – Parkland Standards, shall be used in the determination of parkland needs;

Table B.3.5.3.1 - Parkland Standards

Park Classification	Per 1,000 Population (Ratios)	Minimum Service Radius / Walking Distance
Neighbourhood Parks	0.7 ha / 1000	800 m
Community Parks	0.7 ha / 1000	2 km
City-Wide Parks	0.7 ha / 1000	n/a

B.3.5.3.15 Notwithstanding Policy B.3.5.3.11, the City may consider a lower parkland standard where a Neighbourhood and Community Park may be feasibly combined on the same site;

B.3.5.3.18 Where lands are deemed surplus by the City or a public agency or are being sold by a private land owner, the following criteria shall be used in the evaluation of parkland needs:

- (a) The amount of parkland deficit/surplus based on the standards in Policy B.3.5.3.11;
- (b) The size, location and site characteristics of the subject lands;
- (c) The size and location of other Neighbourhood, Community, or City-Wide Parks in the area; and,
- (d) Available municipal funds;

B.3.5.3.19 Whenever land designated or used for Open Space and Parks purposes, as designated on Schedule E-1 – Urban Land Use Designations, the maps of the secondary plans or identified on the Appendices relating to Open

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Space and Parks is acquired or used by a city department or other public agency for nonrecreational public purposes, the City or public agency shall be required to compensate for the resulting loss of parkland by paying the full current market value of the parcel of land into the Parkland Reserve.”

William Connell Park is currently 19.70 ha in size and exceeds the minimum size requirements as established in Table B.3.5.3.1 for a City Wide Park. To facilitate the partial land swap and sale, 0.158 ha will be removed from William Connell Park, reducing the park size to 19.54 hectares which still exceeds the minimum requirements established in Table B.3.5.3.1.

Within the Sheldon Neighbourhood there is no Neighbourhood Park and as a result, a deficiency of 1.19 hectares exists within the Sheldon Neighbourhood Planning Unit. However, Landscape Architectural Services (LAS) staff have stated that the William Connell City Wide Park contains elements that serve local residents in the same way that a Neighbourhood Park would, in that there are two play structures and a splashpad, as well as the amenities supporting the City-wide function of the park. Policy B.3.5.3.15 states that a reduction in parkland can be considered where parks combine multiple park elements and as a result, the removal of the 0.158ha will not impact the function of the park.

Further, through the settlement of Case No. PL140290, LAS staff secured a wider park frontage within draft approved plan of subdivision 25T-201305, owned by 2190557 Ontario Inc. and 2197925 Ontario Inc., which will improve design and safety of the southern entrance to William Connell Park. As a result of the settlement decision, the subject lands have been declared surplus and are subject to the official plan and zoning by-law amendment applications discussed in this Report.

Surplus City-owned lands must be evaluated against the criteria outlined in B.3.5.3.18 of the UHOP. One of the criteria is related to parkland deficiencies, and it is noted that William Connell Park will continue to exceed the minimum size for a City-Wide Park established in Table B.3.5.3.1, even after the portion of lands that have been declared surplus are removed.

A second criteria outlined in B.3.5.3.18 is the size, location and site characteristics of the lands declared surplus. The lands that have been declared surplus are located on the southern boundary of William Connell Park and currently divide Eden Park and Sheldon Gate draft plan of subdivisions, as illustrated in Appendix “E”. The narrow configuration of the lands resulted in design concerns related to the best practices of Crime Prevention Through Environmental Design (CPTED) for LAS staff in the design and programming of an access into William Connell Park. As stated, through the settlement decision of Case No. PL140290, an alternative southern access to the park

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has been secured in the Sheldon Gate subdivision which is wider and meets both CPTED and City programming standards.

The site is currently vacant and previously contained some trees and a small watercourse. The trees that were removed from the site will be subject to appropriate compensation based on Forestry's User Fee Guide. Natural Heritage Planning staff have stated that the small watercourse has been piped upstream and downstream as a result of other developments, and as a result this portion of the watercourse can also be piped to the William Connell Park Stormwater Management Pond. As a result of the small, and narrow configuration of the site and the securement of a wider access into William Connell Park from the Sheldon Gate subdivision, the subject land identified as Parts 1 – 6 as shown on Appendix "G" attached to Report PED21207 is not needed for parkland.

The third criteria outlined in B.3.5.3.18 is the location and size of other Neighbourhood, City-wide and Community Parks. The Sheldon Neighbourhood has been planned to contain one park being William Connell Park. This City-wide Park contains elements that serve a Neighbourhood Park function. As previously noted, William Connell Park exceeds the minimum size requirements for a City-Wide Park and as a result the subject lands are not needed for parkland.

The last criteria outlined in B.3.5.3.18 regarding the evaluation of surplus lands is the availability of municipal funds. No municipal funds are required in the disposal of the site and Real Estate staff will facilitate the partial sale and partial swap of the lands. Any funds secured through the partial sale of the land will be directed into the Parkland Reserve Fund.

As a result, staff are satisfied that the parcel of land meets the criteria established in Policy B.5.3.18 of the UHOP and that the lands can be deemed surplus and sold / swapped which will facilitate the implementation of the settlement decision for Case No. PL140290. Further, the funds secured from the sale of the land will be placed in the Parkland Reserve Fund.

Natural Heritage

"C2.2.2 The boundaries of Core Areas and Linkages, shown on Schedule "B" - Natural Heritage System, are general in nature. Minor refinements to such boundaries may occur through Environmental Impact Statements, watershed studies or other appropriate studies accepted by the City without an amendment to this Plan. Major changes to boundaries, the removal or addition of Core Areas and Linkages identified on Schedule B -

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Natural Heritage System and Schedules B-1-8 – Detailed Natural Heritage Features require an amendment to this Plan;

- C.2.3.2 Core Areas include key natural heritage features, key hydrological features and provincially significant and local natural areas that are more specifically identified by Schedule B-1-8 – Detailed Natural Heritage Features. Core Areas are the most important components in terms of biodiversity, productivity, and ecological and hydrological functions;
- C.2.5 Core Areas - Outside the Greenbelt Plan Area;
- C.2.5.7 Streams are mapped in Schedule B - Natural Heritage System. Streams have been separated into two classes: Coldwater Watercourse/Critical Habitat and Warmwater Watercourse/Important/Marginal Habitat. If the stream has not been classified as part of an EIS, subwatershed study, or other study, a scoped EIS is required to determine the classification; and,
- C.2.5.8 New development or site alteration subject to Policies C.2.5.3 to C.2.5.7 requires, prior to approval, the submission and approval of an Environmental Impact Statement which demonstrates to the satisfaction of the City and the relevant Conservation Authority that:
- (a) There shall be no negative impacts on the Core Area’s natural features or their ecological functions; and,
 - (b) Connectivity between Core Areas shall be maintained, or where possible, enhanced for the movement of surface and ground water, plants and wildlife across the landscape.”

The subject lands include natural heritage features being a Core Area, which is a watercourse regulated by the Hamilton Conservation Authority. In addition, there are trees and a watercourse identified on the adjacent parkland, as shown on Schedule “B” – Natural Heritage System of the UHOP.

Core Areas are to be preserved and enhanced and any development or site alteration within or adjacent to them shall not negatively impact their natural features or their ecological functions (Policy C.2.3). Hamilton Conservation Authority (HCA) staff approved the enclosure of the stream because it was flowing downstream into the stormwater management pond in William Connell Park. A Special Condition was included in the original draft plan to ensure appropriate approvals from HCA and the Department of Fisheries and Oceans were secured. Further, the upper limits of the watercourse are located within 226 and 212 Rymal Road West which is part of a current development application (ZAC-20-018). As part of that development application, a site

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visit with the City and HCA occurred January 16, 2019. It was identified that since most of the watercourse was piped as a result of the adjacent development, the remaining watercourse did not need to remain open.

An Amendment to Schedule “B” – Natural Heritage Systems and Schedule “B-8” – Detailed Natural Heritage Systems Key Hydrologic Features, is required to remove the “Parks and General Open Space” and “Stream” identifications. These amendments are further discussed in the Analysis and Rationale for Recommendation Section of Report PED21207.

Infrastructure

“C.5.3.15 The City shall be satisfied that adequate infrastructure services can be provided prior to any development or intensification proceeding and, where technically and economically possible, the City shall require such services to be located underground.”

The services will be connected between the adjacent subdivisions to adequately service the subject lands. Conditions have been developed by Development Engineering and Growth Management staff and tied through the subdivision schedules to ensure that adequate services are provided on the lands illustrated on Appendix “G” attached to this Report PED21207.

City of Hamilton Staging of Development

Finally, Policy F.1.14.1.21 of Volume 1 identifies that: “Council shall approve only those plans of subdivision that meet the following criteria:

- “(a) The plan of subdivision conforms to the policies and land use designations of this Plan;
- (b) The plan of subdivision implements the City’s staging of development program;
- (c) The plan of subdivision can be supplied with adequate services and community facilities;
- (d) The plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- (e) The plan of subdivision can be integrated with adjacent lands and roadways;
- (f) The plan of subdivision shall not adversely impact municipal finances; and,
- (g) The plan of subdivision meets all requirements of the *Planning Act*.”

The proposed revisions to the subdivision is consistent with the Criteria for Staging of Development in that utilities and services are available. This proposal supports a healthy growing economy, provides for additional assessment and Development

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Charges revenue, provides housing opportunities, will comply with the UHOP upon approval of the required amendments, will not adversely impact upon the transportation system; respects the natural environment and will integrate well with the existing development in the area, being the Sheldon Neighbourhood.

Sheldon Neighbourhood Plan

Policies F.1.2.7 and F.1.2.8 of the UHOP provide the following direction for Neighbourhood Plans within the City of Hamilton:

“F.1.2.7 Neighbourhood plans are policies adopted by council resolution and do not form part of the Official Plan. Any proposal for development or redevelopment must conform to the designations, and policies in the Neighbourhood Plan; and,

F.1.2.8 Any amendment to the Neighbourhood Plan must be evaluated using the provisions of Policies F.1.1.3 and F.1.1.4 and shall require a formal Council decision to enact the amendment.”

The site is located within the Sheldon Neighbourhood Plan which was Council adopted by Council on May 26, 1992 and designates the site “Utilities”. Staff are of the opinion that the site is appropriate for residential development and that a Neighbourhood Plan Amendment will be required to re-designate the site to “Single and Double” to permit the proposed form of residential development. Staff are supportive of this Neighbourhood Plan Amendment because it conforms to the policies of the UHOP and provides orderly development and contributes the development of the Sheldon Neighbourhood as a complete community.

Based on the foregoing and subject to the change in designation, the proposal complies with the applicable policies of Volume 1 of the UHOP.

Hamilton Zoning By-law No. 05-200

The portion of 1086 West Fifth Street that is subject to this City Initiated rezoning application is currently zoned City-Wide (P3) Zone in City of Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” attached to Report PED21207.

The City-Wide (P3) Zone permits a range of recreation uses as well as a restaurant and retail uses. However, through the implementation of the OMB settlement, Council agreed to bring forward for consideration modifications to the zoning to permit residential development and a public road to facilitate the development of the Sheldon

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Neighbourhood. The site specific zoning modifications are further discussed in Appendix “H” attached to Report PED21207.

Former City of Hamilton Zoning By-law No. 6593

The lands located at 193 Alessio Drive which are subject to both the City initiated and privately initiated revisions to draft plan of subdivision 25T-200721R are currently zoned “R-4 / S-1301a” (Small Lot Single Family Dwelling) District, Modified as shown on Appendix “A” to Report PED21207. The “R-4 / S-1301a” (Small Lot Single Family Dwelling) District, Modified permits single detached dwellings and semi-detached dwellings with modified building heights, front yards, side yards, rear yards, lot widths, lot areas and front yard porch encroachments.

Based on the direction of the OMB Settlement Decision for Case No. PL140290, the portion of 1086 West Fifth Street that is being partially sold and partially swapped with Spallacci and Sons Ltd. will be placed in the “R-4 / S-1301a” (Small Lot Single Family Dwelling) District, Modified to provide for compatible development with the lands to the west, being draft plan of subdivision 25T-200721 (Eden Park, owned by Spallacci and Sons Ltd.). The lands will also be compatible with the lands to the east being draft plan of subdivision 25T201305 (Sheldon Gate, owned by 2190557 Ontario Inc. and 2197925 Ontario Inc.) which are zoned “R-4/S-1715-H” (Small Lot Single Family Dwelling), District, Modified, Holding. This zone permits single detached dwellings with specific design standards including modified front yards and side yards. Semi-detached dwellings are also permitted and do not have modified design standards. The Holding Provision was applied to the property to prevent construction until the Stormwater Management Pond was constructed in William Connell Park and is fully operational and the proportional cost share for the operation and maintenance has been provided.

RELEVANT CONSULTATION

Departments and Agencies with No Concerns	
Asset Management, Public Works	No comments/concerns.
Construction, Public Works	No comments/concerns.
Conseil Scolaire Viamonde	No comments/concerns.
Hamilton Conservation Authority	No comments/concerns.
Niagara Peninsula Conservation Authority	No comments/concerns.

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Agency	Comment	Staff Response
Alectra Utilities	Provided their standard comments related to subdivision developments.	Noted by Planning staff.
Bell	Provided their standard comments and request a condition of approval. Bell further requested that the developer contact Bell during the detailed design phase.	Noted by Planning staff and has been included as Condition 54.
Canada Post	Provided standard comments and conditions.	Noted by Planning staff and has been included as Condition 55 and 56.
Cultural Heritage, Planning and Economic Development	The subject property meets three of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential. As part of previous development applications and the development of William Connell Park, Stage 1 – 3 archaeological assessments were completed. The Provincial interest was signed off by the Ministry for the properties and staff concur that the archaeology interests on the site have been satisfied.	Noted by Planning staff.
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	Staff has no issues supporting the Official Plan Amendment and Zoning By-law Amendment. Modified and new conditions have been provided.	Condition Nos. 1, 13, 15, 16 and 43 are proposed to be deleted and replaced. Conditions 45 to 53 have been added to address the changes to the subdivision.

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Agency	Comment	Staff Response
Enbridge	Provided standard comments related to the provision of gas services.	Noted by Planning staff. Condition 57 will require all necessary easements and agreements to provide gas services.
Forestry and Horticulture, Public Works Department	<p>Advised that a Tree Management Plan is required along with the associated permit fee. A permit will be issued upon approval of the Tree Management Plan.</p> <p>Forestry staff advised that \$657.80 plus HST per tree for road allowance street trees is required.</p>	<p>Planning Staff note that condition 41 in the Special Conditions from previous approvals requires a Tree Preservation Plan. This condition has been deleted and replaced to reflect current requirements and required payments.</p> <p>Condition 58 requires all new developments to provide payment of \$657.80 plus HST per tree for road allowance street trees.</p>
Growth Planning, Planning and Economic Development Department	<p>Staff request that appropriate conditions be incorporated to ensure development requirements and related securities are included in the Conditions of Approval of the Revised Draft Plan of Subdivision for the lands to be purchased from the City (created through a Reference Plan).</p> <p>Condition 1, 13, 15, 16 and 43 require revisions.</p> <p>A new condition is required resulting from the addition of lands being Block 38.</p>	<p>Noted by Planning staff and conditions 1, 13, 15, 16 and 43 have been revised to reflect staff comments.</p> <p>Conditions 45-53 are the new required conditions.</p>

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Agency	Comment	Staff Response
Hamilton Water, Public Works	The current sanitary design is not consistent with the previously issued Functional Servicing Report. Updated design documents are required.	Noted by Planning staff. Condition 53 will require updated sanitary sewer design documents.
Landscape Architectural Services, Public Works Department	<p>LAS is supportive of the City-Initiated changes to the Revisions of the Draft Plan of Subdivision. LAS suggested this land swap and sale as the parcel of land that fronts on to Alessio Drive (portion of a former road allowance) was not easily incorporated into the design of the nearby William Connell Park.</p> <p>The funds earned by the sale of the land should be placed in the Parkland Cash-in-lieu Reserve.</p>	Noted by Planning staff.
Natural Heritage, Development Planning, Planning and Economic Development Department	<p>Natural Heritage Planning staff support the removal of the Core Area (watercourse) identification on Schedules "B" and "B-8" of the UHOP as the downstream flow is directed into a stormwater management pond and the upper limits of the stream have been piped as a result of adjacent development.</p> <p>Natural Heritage Planning staff requested a Species at Risk Assessment be completed to investigate presence of Butternut (<i>Juglans cinerea</i>), because this endangered species was located on adjacent properties. As a result of tree cutting on the property, a Compensation Analysis was completed by Dillon Consulting instead of the SAR Assessment</p>	<p>Condition 41 addresses the requirement for a Tree Protection Plan.</p> <p>Condition 58 requires the compensation payment for the trees that were removed.</p>

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<p>Natural Heritage, Development Planning, Planning and Economic Development Department Continued</p>	<p>to determine appropriate compensation levels. Dillon consulting recommended that compensation be provided for 106 trees at the rates established in the City's Forestry User Rate.</p> <p>Further, Municipal Law Enforcement (MLE) staff attended the site and proceeded with charging Spallaci and Sons Limited with the tree removal. At the time of preparation of this report, a conclusion to those charges has not been determined.</p> <p>There are current tree resources adjacent to the property which will be affected by the development. As a result, a Tree Protection Plan is required as a condition of approval.</p>	
<p>Transportation Planning, Planning and Economic Development</p>	<p>Transportation Planning supports the proposed land exchange because it provides better network connectivity for motorists and other active transportation choices. Transportation Planning staff note that there will be improved maneuverability of municipal road maintenance vehicles and waste collection vehicles resulting from the land swap.</p> <p>Transportation Planning acknowledges the right of way width of 18 metres and requests that sidewalk connections between the adjacent subdivisions being 25T-200721 and 25T-201305 be aligned.</p>	<p>Noted by Planning staff.</p> <p>Sidewalks will be aligned on the north side of the street as required by Condition 15.</p>

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Agency	Comment	Staff Response
Urban Design, Development Planning, Planning and Economic Development Department	Identified that the existing urban design conditions in draft approved Plan of Subdivision 25T-200721 shall extend to the residential lots and public realm on the reference plan. All streetscape elements including sidewalks and boulevards should be coordinated between 25T-200721 and 25T-201305.	Noted by Planning staff and a revised set of Architectural Control Guidelines have been submitted to include the lands identified as Parts 1, 2, 5 and 6 on Appendix "G" attached to Report PED21207.
Environmental Services Division, Public Works Department	Advised that the residential development is eligible for municipal waste collection provided it meets City requirements.	Noted by Planning staff.
Building Division, Planning and Economic Development Department	Advised that all lots must meet the regulations of the proposed "R-4/S-1301a" (Small Lot Single Family Detached) District, Modified.	Noted by Planning staff.
Public Consultation		
<p>Notice of a Neighbourhood Meeting was given on April 14, 2021, by way of mailout notice to 172 residents within an expanded circulation distance (greater than 120 metres). The Neighbourhood Meeting was held on April 29, 2021 and seven members of the public attended and three other individuals emailed in inquiries and comments. The summary of the Neighbourhood Meeting is included in Appendix "J" attached to Report PED21207.</p> <p>Notice of the Public Meeting was given in accordance with the requirements of the <i>Planning Act</i> on October 29, 2021, by way of mail out notice to 172 residents within an expanded circulation distance (greater than 120 metres). An expanded circulation distance was used to ensure that both sides of Konstantine Court and additional addresses south of Rymal Road West received notice.</p>		

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Proposed Official Plan Amendment

The proposed Urban Hamilton Official Plan Amendment will change the designation on the subject lands from the "Open Space" to "Neighbourhoods" on Schedule "E-1" of the UHOP and will remove natural heritage identifications from schedules and appendices.

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The proposed Urban Hamilton Official Plan Amendment has merit and can be supported for the following reasons:

- (a) It is consistent with the Provincial Policy Statement (2020) and conforms to the A Place to Grow Plan (2019, as amended). Both policy documents encourage the development of complete communities within built-up areas;
- (b) It complies with the general intent and purpose of the UHOP, with regards to residential intensification and complete communities in the Neighbourhoods designation and complies with the parkland policies. In particular, low density residential areas are to be located on local roads; and,
- (c) The proposed amendment would be in keeping with the existing function of the Sheldon Neighbourhood Plan by maintaining the scale, form, and character of the surrounding area while providing an opportunity for residential intensification. By providing additional lands for residential development, this amendment further supports the residential intensification and Neighbourhood policies for the establishment of a variety of residential types.

Proposed Neighbourhood Plan Amendment

The proposed Neighbourhood Plan amendment will change the identification of the subject lands from “Utilities” to “Single and Double” and revised the road pattern in the Sheldon Neighbourhood Plan.

The proposed changes have merit and can be supported for the following reasons:

- (a) The proposed amendment complies with the general intent of the UHOP upon approval of the proposed UHOPA; and,
- (b) The proposed amendment contributes to the Sheldon Neighbourhood being a complete community by providing enhanced access to William Connell Park.

Proposed Amendment to the City of Hamilton Zoning By-law No. 05-200

A portion of the subject property is currently zoned City Wide (P3) Zone. The P3 Zone permits a range of recreation and recreation supportive uses. This zone does not permit residential uses.

The proposed Zoning By-law Amendment would delete the lands from Zoning By-law No. 05-200 (see Appendix “C” attached to Report PED21207) and add them to Former

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City of Hamilton Zoning By-law No 6593 for residential uses (see Appendix “D” attached to Report PED21207).

Proposed Amendment to the Former City of Hamilton Zoning By-law No. 6593

The proposed Zoning By-law Amendment will add the lands to Zoning By-law No. 6593 to the “R4 / S-1301a” (Small Lot Single Family Dwelling) District, Modified (see Appendix “D” attached to Report PED21207). The “R4 / S-1301a” permits single detached dwellings and semi-detached dwellings provided that they meet special requirements outlined in the site-specific zoning.

The proposed Zoning By-law Amendment will rezone a portion of the lands located at 1086 West Fifth Street, identified on Appendix “A” from the City Wide (P3) Zoning in Zoning By-law No. 05-200 to the “R4 / S-1301a” (Small Lot Single Family Dwelling) District, Modified in Zoning By-law No. 5693 to implement the Urban Hamilton Official Plan, as amended.

The proposed zoning changes have merit and can be supported for the following reasons:

- (a) The proposed amendment complies with the general intent of the Urban Hamilton Official Plan upon approval of the proposed Urban Hamilton Official Plan Amendment;
- (b) The proposed amendment would be in keeping with the existing function of the Urban Hamilton Official Plan and Sheldon Neighbourhood Plan by maintaining the scale, form, and character of the surrounding area while improving the road network and access to William Connell Park; and,
- (c) The implementing by-law proposes modifications to the “R4” (Small Lot Single Family Dwelling) District to align with the existing site-specific S-1301a which are discussed in Appendix “H” attached to Report PED21207.

Revision to Draft Approved Plan of Subdivision 25T-200721

Blocks A, A1 and A2, shown on Appendix “A” attached to Report PED21207, are part of Phase II of the subdivision known as Eden Park (25T-200721). The subject application (25T-200721R) reconfigures two blocks for residential development and extends a public road (Shady Oaks Trail) eastward through the site connecting with Street “C” in Draft Approved Plan of Subdivision 25T-201305, as shown on Appendix “K” attached to Report PED21207.

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In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed revision to the subdivision, staff advise that:

- (a) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019, as amended);
- (b) Through the phasing of development within the Sheldon Neighbourhood Plan, the proposal represents a logical and timely extension of existing development and services and is in the public interest;
- (c) It complies with the applicable policies of the Urban Hamilton Official, as amended;
- (d) The subject lands can be appropriately used for the purposes for which it is to be subdivided. Flood control will be addressed through stormwater management plans that will be required as standard conditions of draft plan approval;
- (e) The proposed subdivision will be compatible with and enhance the road network and block pattern of the surrounding neighbourhood;
- (f) The proposed road will adequately service the proposed subdivision and is a logical extension the current road network;
- (g) The dimensions and shapes of the proposed lots conform to the Zoning By-law of the adjacent land and are sufficient to accommodate the proposed development of single detached dwellings;
- (h) Restrictions and regulations for the development of the subdivision are included in the conditions of draft plan approval and Subdivision Agreement;
- (i) Adequate utilities and municipal services are available to service the proposed lots within the subdivision, the particulars of which will be determined as part of the conditions of draft approval and Subdivision Agreement; and,
- (j) The application will not have any negative impact on the City's finances.

Therefore, staff are supportive of the Draft Plan of Subdivision and recommend its approval.

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ALTERNATIVES FOR CONSIDERATION

City Council could choose to not adopt the proposed amendments and the lands would remain designated as “Open Space” in the UHOP and as City Wide Park (P3) Zone in the City of Hamilton Zoning By-law No. 05-200.

This option is not preferred because it does not implement the Council approved settlement decision by the OMB for Case No. PL140290. By changing the designation to allow for low density residential development and changing the zoning, this site will fulfil the settlement decision for Case No. PL140290, will improve the road network and infrastructure and will improve access to William Connell Park. In addition, Staff were directed to enter into the settlement through the approval of report LS14032/PED14173 at the September 16, 2014 Planning Committee meeting.

The proposed Official Plan and Zoning By-law Amendments represent the highest and best use of the land towards the future development of the subject property.

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” to Report PED21207 - Location Map
- Appendix “B” to Report PED21207 - Draft Urban Hamilton Official Plan Amendment
- Appendix “C” to Report PED21207 - Draft Zoning By-law No. 05-200 Amendment
- Appendix “D” to Report PED21207 - Draft Zoning By-law No. 6593 Amendment
- Appendix “E” to Report PED21207 - Draft Plan of Subdivision 25T-200721
- Appendix “F” to Report PED21207 - Draft Plan of Subdivision Special Conditions
- Appendix “G” to Report PED21207 - Draft Reference Plan
- Appendix “H” to Report PED21207 - Zoning Modification Chart
- Appendix “I” to Report PED21207 - Public Comments

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.

Page 327 of 374

SUBJECT: City Initiative CI-21-B to Amend the Urban Hamilton Official Plan and Zoning By-law for a Portion of the Lands Located at 1086 West Fifth Street, Hamilton and Revisions to the Draft Plan of Subdivision 25T-200721 for Lands Located at 193 Alessio Drive, Hamilton (PED21207) (Ward 8) - Page 34 of 34

Appendix "J" to Report PED21207 - Neighbourhood Meeting Minutes
Appendix "K" to Report PED21207 - Draft Plan of Subdivision 25T-201305

Schedule “1”

**DRAFT Urban Hamilton Official Plan
 Amendment No. X**

The following text, together with:

Appendix “A”	Volume 1: Schedule E-1 – Urban Land Use Designations
Appendix “B”	Volume 1: Schedule B – Natural Heritage System
Appendix “C”	Volume 1: Schedule B-8 – Detailed Natural Heritage Features – Key Hydrologic Feature – Streams
Appendix “D”	Volume 1: Appendix A – Parks Classification Map

attached hereto, constitutes Official Plan Amendment No. “X” to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to re-designate a portion of the lands from “Open Space” to “Neighbourhoods” and to remove natural heritage feature and parks identifications from a portion of the lands to permit the development of four (4) lots for single detached dwellings and a municipal road.

2.0 Location:

The lands affected by this Amendment are known municipally as 1086 West Fifth Street, in the former City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development complies with the function, scale and design of the Low Density Residential use category of the Neighbourhoods designation;
- The proposed development implements the Residential Intensification policies of the Urban Hamilton Official Plan;

- The Amendment complies with the Parkland policies of the Urban Hamilton Official Plan; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Schedules and Appendices

4.1.1 Schedule

- a. That Volume 1: Schedule E-1 – Urban Land Use Designations be amended by redesignating the subject lands from "Open Space" to "Neighbourhoods", as shown on Appendix "A", attached to this Amendment;
- b. That Volume 1: Schedule B – Natural Heritage System be amended by removing the "Parks and General Open Space" and "Streams" identification from the subject lands, as shown on Appendix "B", attached to this Amendment;
- c. That Volume 1: Schedule B-8 – Detailed Natural Heritage Features – Key Hydrologic Feature – Streams be amended by removing the "Key Hydrologic Feature Streams" identification from the subject lands, as shown on Appendix "C" attached to this Amendment; and,
- d. That Volume 1: Appendix A – Parks Classification Map be amended by removing the "City-Wide" park classification from the subject lands, as shown on Appendix "D", attached to this Amendment.

5.0 Implementation:

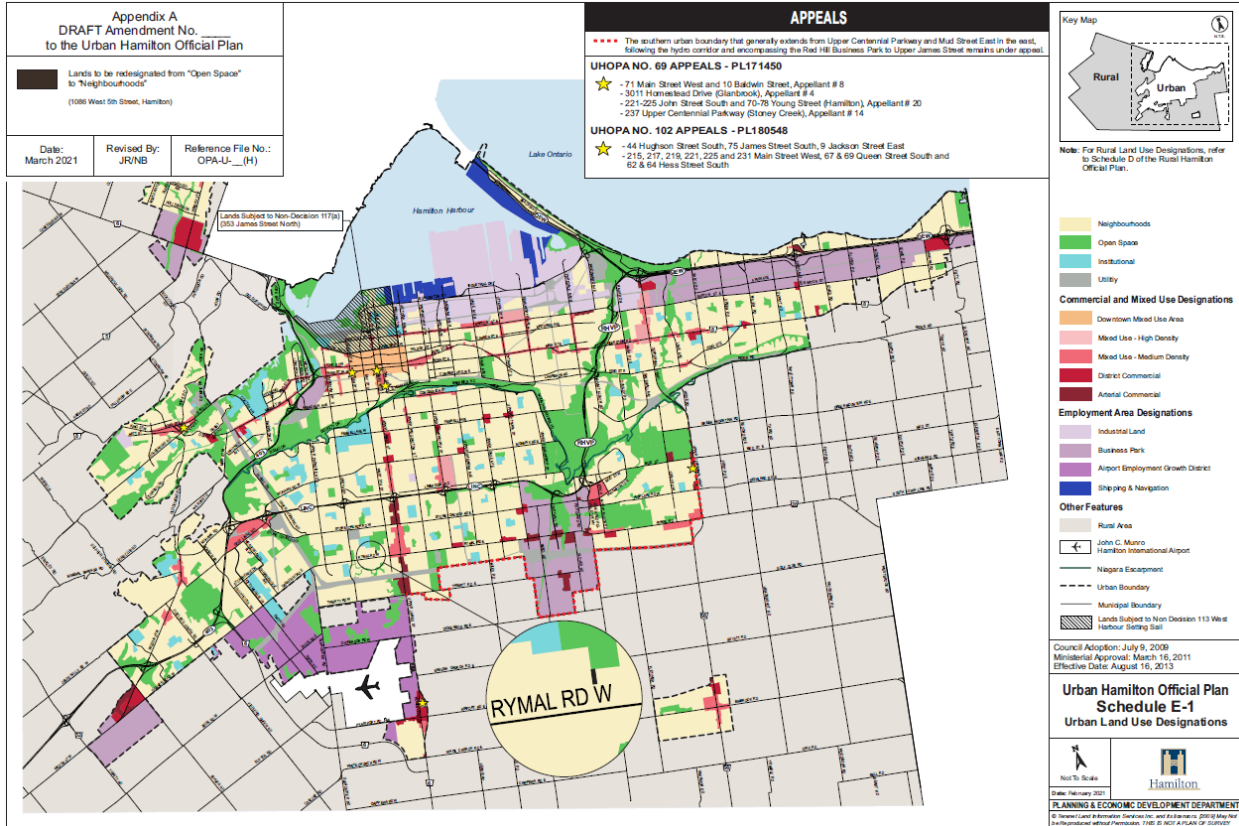
An implementing Zoning By-Law Amendment and Reference Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the ___th day of __, 202X.

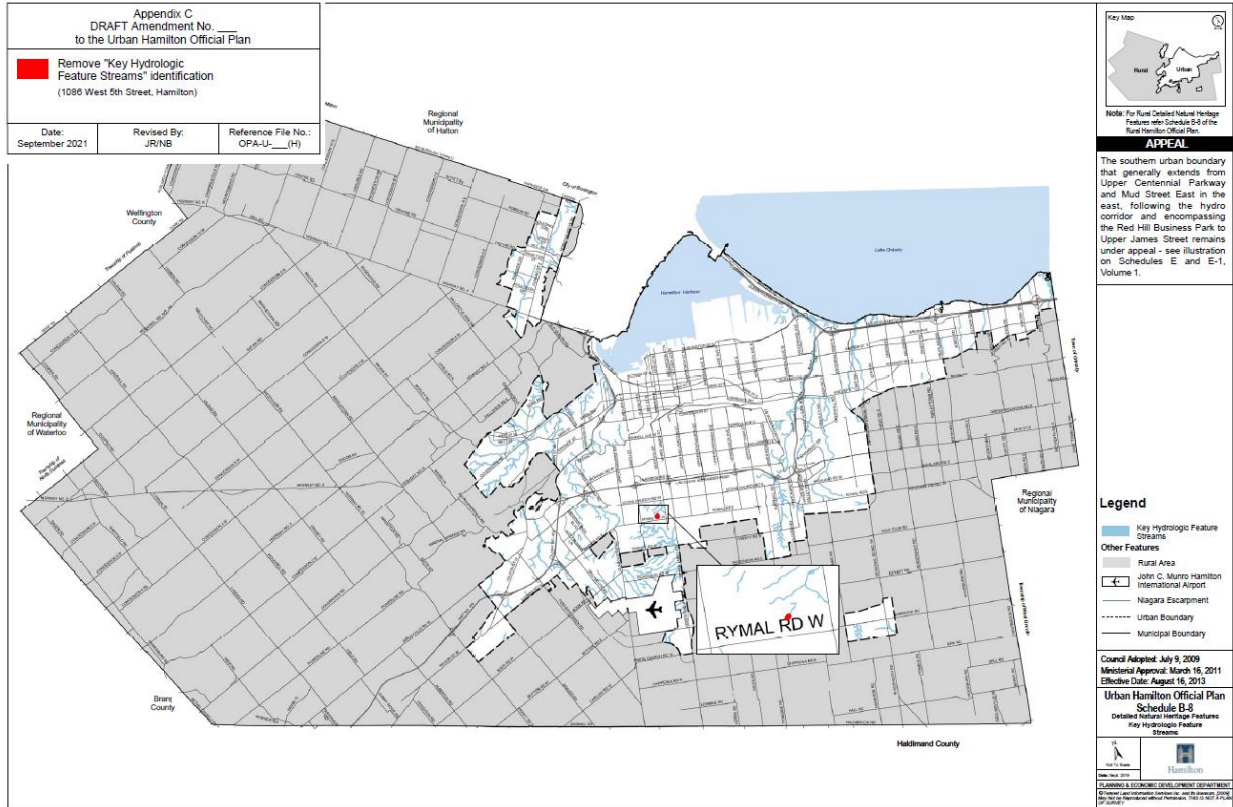
**The
City of Hamilton**

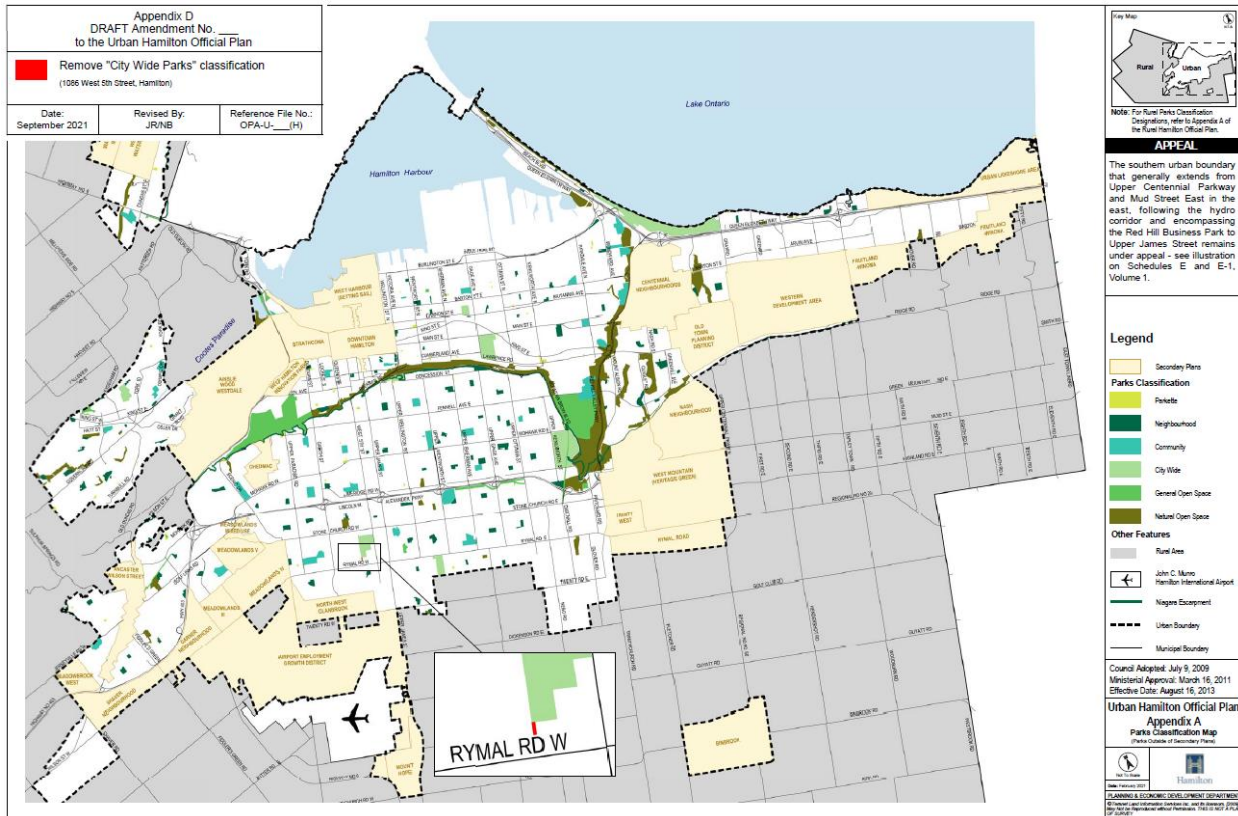
F. Eisenberger
MAYOR

A. Holland
CITY CLERK









**Appendix “C” to Report PED21207
Page 1 of 3**

Authority: Item ,
Report PED21xxx
CM:
Ward: 8

Bill No. XXX

CITY OF HAMILTON
BY-LAW NO. 21-XXX

To Amend Zoning By-law No. 05-200 (Hamilton) Respecting lands located at 1086 West 5th Street (Hamilton)

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to different areas incorporated into the City by virtue of the *City of Hamilton Act 1999*, Statutes of Ontario, 1999 Chap.14;

WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

WHEREAS the first stage of the new Zoning By law, being By-law No. 05-200, came into force on the 25th day of May, 2005;

WHEREAS the Council of the City of Hamilton, in adopting Item XX of Report PED21207 of the Planning Committee, at its meeting held on the 16th day of November 2021, which recommended that Zoning By-law No. 05-200 be amended as hereinafter provided; and,

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, as amended.

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

1. That Map Nos. 1341 and 1393 of Schedule “A” – Zoning Maps of Zoning By-law No.05-200, be amended by deleting the lands the extent and boundaries of which are shown as on a plan hereto annexed as Schedule “A from the City of Hamilton Zoning By-law No. 05-200.
2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED and ENACTED this _____ day of _____, 2021

F. Eisenberger
Mayor

A. Holland
City Clerk

Appendix "C" to Report PED21207
Page 2 of 3



<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the day of, 2021</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
--	---

<p>Schedule "A"</p> <p>Map forming Part of By-law No. 21-_____</p> <p>to Amend By-law No. 05-200 Maps 1341 & 1393</p>	<p>Subject Property</p> <p>Part of 1086 West 5th Street</p> <p> Lands to be removed from Zoning By-law No. 05-200</p>
--	---

<p>Scale: N.T.S</p>	<p>File Name/Number: CI-21-B</p>	 Hamilton
<p>Date: April 26, 2021</p>	<p>Planner/Technician: JR/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Appendix "C" to Report PED21207
Page 3 of 3

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Chair and Members Report No.: PED21207 Date:
Ward(s) or City Wide: Ward 8 (MM/DD/YYYY)

Prepared by: Jennifer Roth, Planner I Phone No: 905-546-2424 ext. 2058

For Office Use Only, this doesn't appear in the by-law

**Appendix “D” to Report PED21207
Page 1 of 3**

Authority: Item
Report (PED21xxx)
CM:
Ward: 8

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 6593

Respecting Lands Located at 1086 West 5th Street (Hamilton)

WHEREAS, the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap.14, Schedule. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

WHEREAS, the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Hamilton", and is the successor of the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

WHEREAS, the *City of Hamilton Act, 1999* provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

WHEREAS, the Council of the Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which By-law was approved by the Ontario Municipal Board by Order, dated the 7th day of December 1951, (File No. P.F.C. 3821);

WHEREAS, the Council of the City of Hamilton, in adopting Item _____ of Report 21-_____ of the Planning Committee, at its meeting held on the 16th day of November, 2021, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

WHEREAS, this By-law is in conformity with the Urban Hamilton Official Plan, as amended.

Appendix “D” to Report PED21207

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

- (1) That Sheet No. W9d of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended, as follows:
 - (a) By adding to the City of Hamilton Zoning By-law No. 6593 the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”; and,
 - (b) By establishing the “R-4 / S-1301a” (Small Lot Single Family Dwelling) District, Modified to the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”;
- (2) That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “R-4 / S-1301a” District provisions; and,
- (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*.

PASSED this _____, 2021.

F. Eisenberger

Mayor

A. Holland

City Clerk

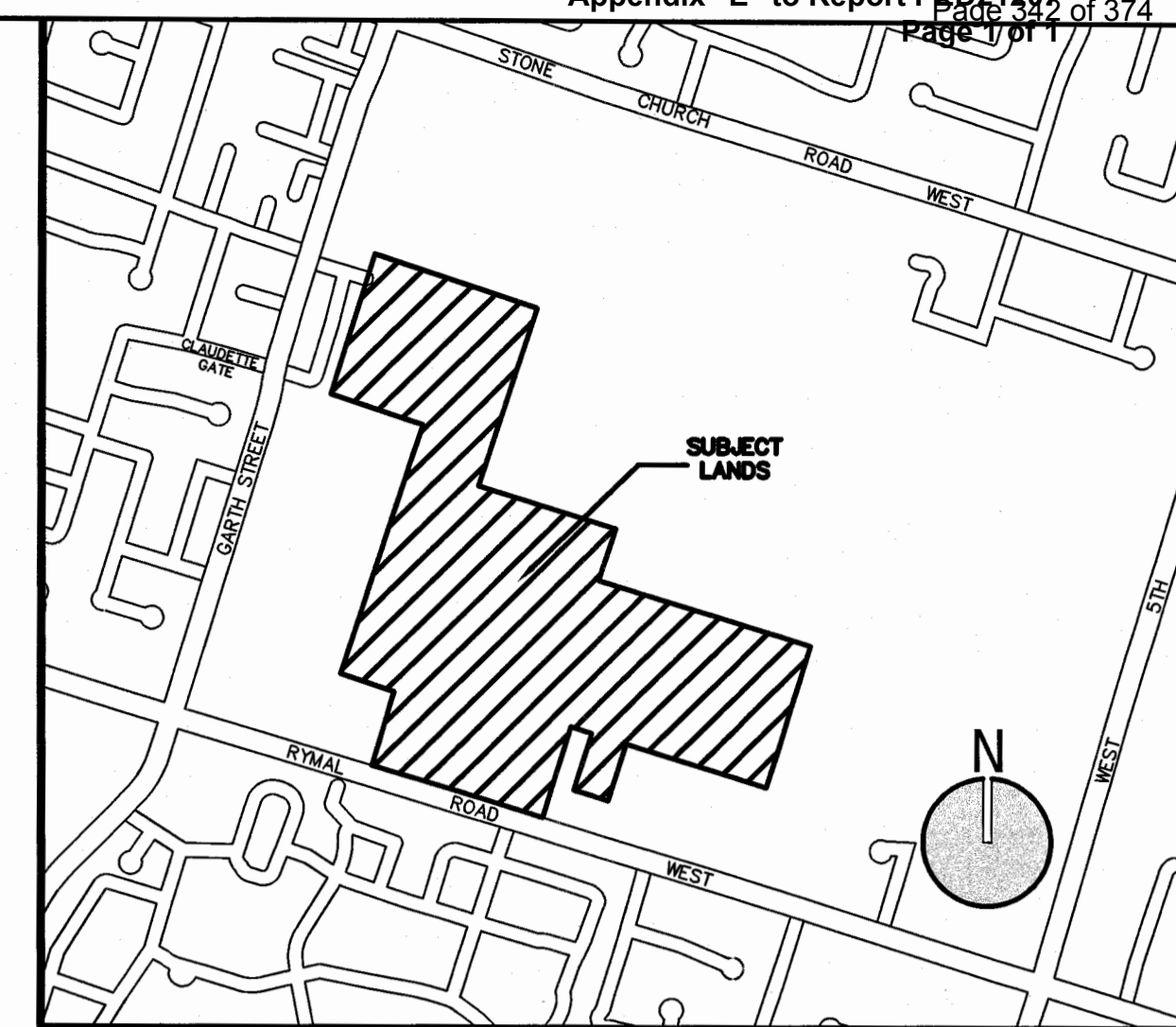
Appendix "D" to Report PED21207
Page 3 of 3



<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the day of, 2021</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
--	---

<p>Schedule "A"</p> <p>Map forming Part of</p> <p>By-law No. 21- _____</p> <p>to Amend By-law No. 6593</p>	<p>Subject Property</p> <p>Part of 1086 West 5th Street</p> <p> Lands to be added to the R-4/S-1301a (Small Lot Single Family Dwelling) District, Modified in the Former City of Hamilton Zoning By-law No. 6593</p>
--	---

Scale: N.T.S	File Name/Number: CI-21-B	
Date: April 26, 2021	Planner/Technician: JR/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



KEY MAP - 1:10000

DRAFT PLAN OF SUBDIVISION OF
PART OF LOTS 17 AND 18,
CONCESSION 8
IN THE
CITY OF HAMILTON
SCALE 1 : 1500
30 15 0 75

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 SUB SECTION 17 OF THE PLANNING ACT, R.S.O. 1990, C.P. 13

- | | |
|----------------------------|---|
| (A) AS SHOWN ON DRAFT PLAN | (G) AS SHOWN ON DRAFT PLAN |
| (B) AS SHOWN ON DRAFT PLAN | (H) MUNICIPAL WATER |
| (C) AS SHOWN ON DRAFT PLAN | (I) SANDY LOAM |
| (D) SEE LAND USE SCHEDULE | (J) AS SHOWN ON PLAN |
| (E) AS SHOWN ON DRAFT PLAN | (K) MUNICIPAL SANITARY AND STORM SEWERS |
| (F) AS SHOWN ON DRAFT PLAN | (L) NONE |

LAND USE SCHEDULE

TYPE	LAND USE	AREA
BLOCKS 1-7	MEDIUM DENSITY RESIDENTIAL	3.250 ha
BLOCK 8	LOW DENSITY RESIDENTIAL	0.074 ha
BLOCKS 17-25, 49	LOW DENSITY RESIDENTIAL	4.507 ha
BLOCK 38	FUTURE DEVELOPMENT	0.416 ha
BLOCKS 45-48, 50	0.3 m RESERVE	0.002 ha
STREETS	PROPOSED RIGHT OF WAY	2.767 ha
PLAN 62M-1166		13.141
TOTAL		24.18 ha

OWNER'S AUTHORIZATION

I AUTHORIZE URBANSOLUTIONS PLANNING AND LAND DEVELOPMENT CONSULTANTS INC. (URBANSOLUTIONS) TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE CITY OF HAMILTON FOR APPROVAL.

September 17, 2021

OWNER, SPALLACCI & SONS LIMITED
FRANK SPALLACCI

DATE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

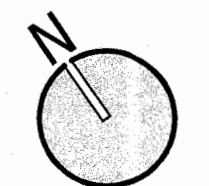
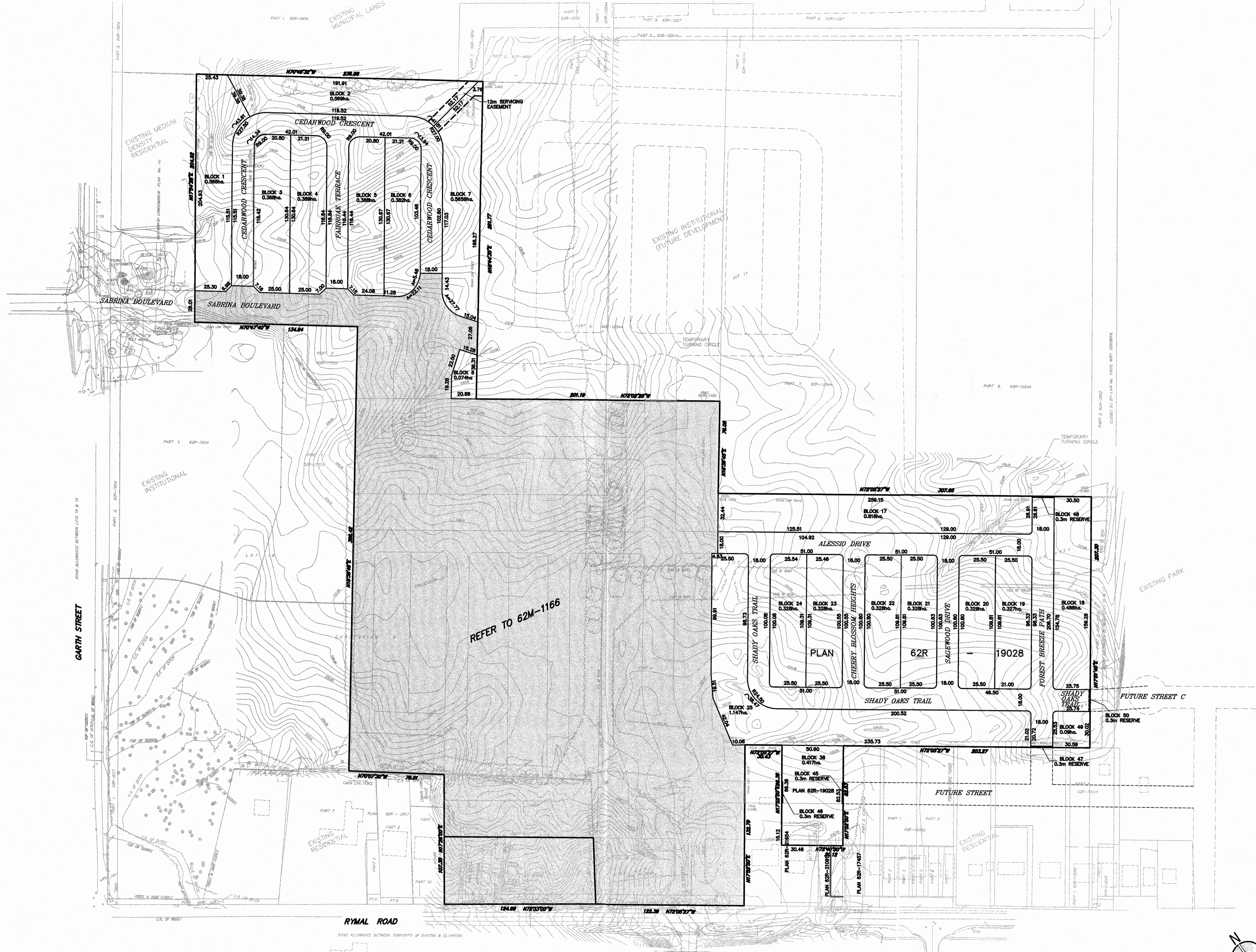
SEP 17 2021
DATE

H. KALANTZAKOS
ONTARIO LAND SURVEYOR

No.	DATE	BY	DESCRIPTION
4	APR '21	US	DRAFT PLAN OF SUBDIVISION
3	MAR '21	US	REDLINE REVISION
2	FEB '19	US	REVISED PER CONSENT TO SEVER CONDITIONS
1	NOV. 09	PEIL	RE-ALIGNED STREET "E"

ASHENHURST NOUWENS & ASSOCIATES INC.
PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS
225 KING WILLIAM STREET, SUITE 204, HAMILTON, ONTARIO L8R 1B1
TELEPHONE: (905) 529-6316
(905) 529-4314
FAX: (905) 529-6651
e-mail: an@AshenhurstNouwens.ca

DRAWN BY W.S.	CALCD BY H.K.	CHK'D BY H.K.	FILE No. 14043 DRAFT PLAN
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Appendix "F"

Revised Special Conditions for Draft Plan of Subdivision Approval for 25T-200721R

(Last updated: September 13, 2021)

That the following revised special conditions for Draft Plan of Subdivision Approval for 25T-200721R be received and endorsed by City Council:

- (a) That Condition Nos. 1, 13, 15, 16, 41 and 43 be deleted and replaced with the following:
- (1) That this approval apply to "Eden Park", 25T-200721(r), prepared by UrbanSolutions, and certified by Harry Kalantzakos, OLS, dated September 17, 2021, showing 18 lot-less blocks (Blocks 1 to 8, Blocks 17 to 25 and Block 49), five 0.3 metre reserve blocks (Block 45 to 48 and Block 50), 1 block (Block 38) for future development and the creation of 7 public roads (Streets B to C, F and I to L), subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the following Special Conditions;
 - (13) That, **prior to servicing**, the Owner agrees to submit an updated Hydrogeological report to the City, including lands identified as Part 3 on Reference Plan 62R-..... which shall be prepared by a qualified professional, to assess impacts of the proposed development on the groundwater. Pending the outcome of the study, the Owner shall propose appropriate mitigative measures to address the concerns, to the satisfaction of the Senior Director, Growth Management Division;
 - (15) That, **prior to registration**, the Owner agrees to construct municipal sidewalks as follows:
 - (1) On both sides of Street A and E;
 - (2) On both sides of Claudette Gate;
 - (3) Inner loop of Street B, G and I;
 - (4) On the north side of Street M;
 - (5) On the south side of Street D and F;
 - (6) On the east side of Street H, J and K; and,
 - (7) On the west side of Street C, D, and L;
 - (16) That, **prior to servicing**, the Owner agrees to include in the engineering design installation of a minimum 1.5m high chain link fence between private and publicly owned lands, namely along the north side of Blocks 1, 2 and 7, the north side of Block 17, the north and east side of Block 18 and the east side of Block 49;
 - (41) That **prior to preliminary grading**, the Owner shall submit a Tree Management Plan, prepared by a Registered Landscape Architect which will

Appendix “F” to Report PED21207
Page 2 of 5

including a Tree Inventory Analysis Table and the associated review fee of \$278.80 plus HST to the satisfaction of the Manager of Forestry and Horticulture and the Manager of Development Planning, Urban Design and Heritage; and,

- (43) That, **prior to servicing**, the Owner include in the engineering design for the draft plan lands installation of a minimum 1.5 metre high chain link fence along the Eastern and Northern boundaries of Block 18 and the northern boundary of Block 17 in 25T-200721r and along the northern boundary of Parts 1 and 2 of 62R-___ which abuts City parklands.

(b) That the following Condition Nos. 45 through 59 (inclusive) be added:

- (45) That, **prior to registration of the plan of subdivision**, the Owner, agrees to provide the City of Hamilton with a cash payment for the construction of the existing storms sewers located north of the subject lands to the existing Storm Water Management facility in accordance with the City’s Financial policies, as a benefitting Owner, to the satisfaction of the Senior Director, Growth Management Division;
- (46) That, **prior to registration of the plan of subdivision**, the Owner establish 4.5m times 4.5m daylight triangles at the intersection of Street I and Street L, to the satisfaction of the Senior Director, Growth Management Division;
- (47) That, **prior to servicing**, the Owner agrees to include in the design and cost schedules for Eden Park (Phase 2) subdivision the construction of roadway identified as Part 3 on Reference Plan 62R-.... to be constructed in accordance with municipal standards at 100% developer’s cost to the satisfaction of the Senior Director, Growth Management Division;
- (48) That, **prior to servicing**, the Owner submits a stormwater management brief for Phase 2 lands prepared by a professional engineer to demonstrate how stormwater runoff quantity and quality will be handled in accordance with City and Ministry of the Environment Conservation Parks standards to the satisfaction of the Senior Director, Growth Management Division which shall include the following:
- (a) The Owner shall design and construct the major and minor systems through William Connell Park to convey uncontrolled flows from the subject development to William Connell Park pond at their own cost; and,
 - (b) The Owner shall establish an adequate minor and major conveyance system to convey interim and post development flows from all external drainage areas from the south side of the subject development to a suitable outlet without impacting all rear lots proposed along the south limit. An external drainage outlet to a rear yard catch basin proposed

Appendix "F" to Report PED21207

Page 3 of 5

on a private lot will not be permitted. The development cannot block the external drainages to the south and west side of the subject site. The Owner shall provide an appropriate interim overland conveyance system on the subject land to convey all external drainage areas from the south and west of the draft plan lands;

- (49) That, **prior to servicing**, the Owner acknowledges that the subject development cannot proceed until such time as sanitary services are available at the east limit of the subdivision, to the satisfaction of the Senior Director, Growth Management Division;
- (50) That, **prior to servicing**, the Owner agrees to prepare a geotechnical report including lands described as Part 3 on Reference Plan 62R-.... and agrees to implement the report's recommendations, to the satisfaction of the Senior Director, Growth Management Division;
- (51) That, **prior to registration of the plan of subdivision**, the Owner agrees to secure their proportionate share of the ongoing operation and maintenance of the storm water management pond located downstream of William Connell Park through all phases of development to the satisfaction of the Senior Director, Growth Management Division;
- (52) That, **prior to preliminary grading**, the Owner shall pay their proportionate share to carry out a monitoring program and evaluate the performance of both stormwater management facilities (William Connell park pond and Mewburn Pond) for a minimum of five years in accordance with the conditions and monitoring procedures outlined in the Environmental Compliance Approval issued by the Ministry of the Environment, Conservation and Parks, as a benefiting land owner, to the satisfaction of the Senior Director, Growth Management Division;
- (53) That, **prior to servicing**, the Owner submits the sanitary design to the satisfaction of the Senior Director, Growth Management Division.

Bell Canada

- (54) That, **prior to registration of the plan of subdivision**, the Owner agrees to grant to Bell Canada any easements that may be required for telecommunication services. If there are any conflicts with existing Bell Canada facilities or easements, the owner/developer shall be responsible for rearrangements of relocation, at their own cost;

Canada Post

- (55) That **prior to registration of the plan of subdivision**, the Owner shall include on all offers of purchase and sale, a statement that advises the prospective purchaser:
- (a) That the home mail delivery will be from a designated Centralized Mail Box; and,
 - (b) That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales;
- (56) That **prior to registration of the plan of subdivision**, the Owner agrees to:
- (a) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
 - (b) Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
 - (c) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision;
 - (d) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans; and,
 - (e) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations;

Enbridge

- (57) That **prior to registration of the plan of subdivision**, the Owner provide to Union Gas the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Enbridge;

Forestry and Natural Heritage

- (58) That **prior to registration of the plan of subdivision**, the Owner shall provide payment for road allowance trees based on the City's Forestry User Rate;
- (59) That **prior to registration of the plan of subdivision**, the Owner shall provide payment for 106 trees that were removed from 62R-..., based on the City's Forestry User Rate.

City Cost Sharing

Any share costs with the Owner will be in accordance with the City’s Financial Policy.

NOTES TO DRAFT PLAN APPROVAL

- Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received before the draft approval lapses;
- That payment of Cash-in-Lieu of Parkland will be required for the development prior to the issuance of each building permit for the lots within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of the building permit; all in accordance with the Financial Policies for Development, and the City’s Parkland Dedication By-law, as approved by Council; and,
- This property is eligible for municipal waste collection service subject to meeting the City’s requirements indicated by the Public Works Department and subject to compliance with the City’s Solid Waste Management By-law 09-067, as amended. The property owner must contact the City by email wastemanagement@hamilton.ca or by telephone 905-546-CITY (2489) to request waste collection service. Waste Management staff will complete a site visit to determine if the property complies with the City’s waste collection requirements.

Appendix “H” to Report PED21207
Page 1 of 2

Zoning By-law Site Specific Modifications – “R-4 / S-1301a” (Small Lot Single Family Dwelling) District, Modified

Provision	Required	Amendment	Analysis
9A.(2)(a)(1.)	Building Height	12.5 m	<p>The building height will be compatible with adjacent single detached dwellings to the west and east.</p> <p>Therefore, the proposed modification can be supported.</p>
9A.(2)(b)(1.)(i)	Front Yard Depth	Front yard depth of not less than 4.5 metres to the front of the unit and not less than 6.0 metres to the front of the garage	<p>The front yard setbacks will be compatible with adjacent single detached dwellings to the west and east. The recessed garage will ensure good design of the single detached dwellings.</p> <p>Therefore, the proposed modification can be supported.</p>
9A.(2)(b)(1.)(ii)	Side yard	At least one side yard, having a width not less than 1.0 metres.	<p>The modification facilitates appropriate drainage and access to rear yard for maintenance.</p> <p>Therefore, the proposed modification can be supported.</p>
9A.(2)(b)(1.)(iv)	Rear Yard	A depth of not less than 7.0 metres.	<p>The proposed modification to decrease the rear yard from 7.5 metres to 7 metres is compatible with adjacent development and is determined to be sufficient space for the enjoyment of private rear yard amenity space.</p> <p>Therefore, the proposed modification can be supported.</p>

Appendix “H” to Report PED21207

Page 2 of 2

Provision	Required	Amendment	Analysis
9A.(2)(c)(1.)	Lot width and Lot Area	Every lot shall have an average width not less than 9.7 metres and an average lot area not less than 291 square metres.	<p>The reduction in lot width and lot area is nominal from the parent zone. The proposed lot width can accommodate a driveway and adequately sized landscaped area to accommodate stormwater management and tree planting purposes.</p> <p>The reduction in lot area from the parent zone contributes to an appropriate intensity of use on the lot while accommodating a sufficiently sized home and adequate setbacks.</p> <p>Therefore, the proposed modification can be supported.</p>
9A.(2)(b)(1.) (i) and Section 18.(3)(vi)(d)	Porch Encroachment	A porch may encroach into the required front yard no more than 2.0 metres.	<p>The modification to the front yard encroachment supports a functional front porch as an amenity space.</p> <p>Therefore, the proposed modification can be supported.</p>
Section 18.(14)(i)	Landscaped Area	Not less than 35% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel pavers or other similar materials.	<p>The proposed landscaped area is adequately sized to accommodate stormwater management and tree planting purposes while ensuring that a driveway and walkway can be provided for the home.</p> <p>Therefore, the proposed modification can be supported.</p>

From: [REDACTED]
To: [Roth, Jennifer](#)
Subject: Draft Plan of Subdivision 25T-200721(r)
Date: April 19, 2021 3:41:38 PM
Attachments: [Outlook-kprgubve.jpg](#)

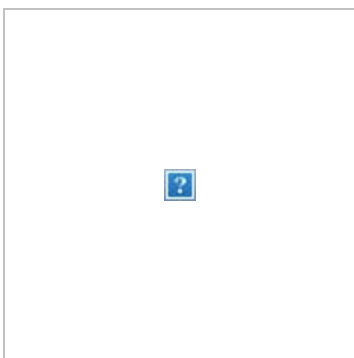
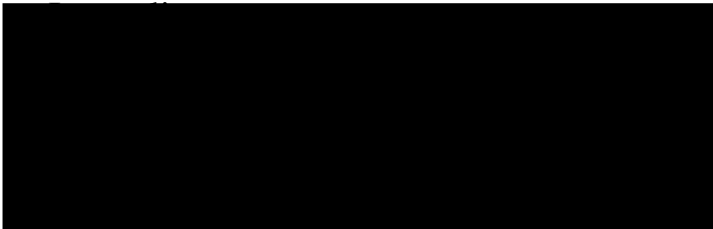
Hi Jennifer,

Thank you for your response. I didn't think my letter would make a difference and it does still make me sad - but we totally expected the grounds to be built upon anyway.

A couple of questions:

1. I am one of only two properties that does not have a fence behind my house. Who would be responsible for putting a division between our house and the property that will be going in behind mine?
2. I'm thrilled to read that pathways to the park are in the plans as people are constantly making their way via the back anyway. Thank you.
3. Do you have an estimated build time when this will happen?
4. Are they single family dwellings or townhouses?

Thank you for any information you can provide.



Like us on Facebook

From: Roth, Jennifer <Jennifer.Roth@hamilton.ca>
Sent: April 19, 2021 2:50 PM
To: [REDACTED]
Cc: Wojewoda, Nikola <Nikola.Wojewoda@hamilton.ca>
Subject: RE: Draft Plan of Subdivision 25T-200721(r)

Good afternoon [REDACTED]

I am confirming receipt of your comments and wanted to note that they will be included in the staff report as an Appendix.

If you're available to discuss the development, I would be happy to set up an appointment at your convenience. I am available all day tomorrow except from 10-11:30 and am available Wednesday afternoon.

To give a little more history and context, the lands are within the City of Hamilton's urban boundary and have been identified for residential development dating to before amalgamation. This portion of Sheldon Gate subdivision received approval for development from the Province through the issuance of an Ontario Municipal Board decision (Case No. PL 140290) in 2015. The attached plan provides a more detailed view of what was approved by the Province, which the City, along with the adjacent developer to the west in the Eden Park subdivision are working to implement. You will see on this plan that the construction of Alexsia Court and Konstantine Court were the first phase of this subdivision. With the development north of your home in the subsequent phases of this development planned, there will be direct access to William Connell Park using safe sidewalk connections.

Please do let me know if you would like to discuss further and I can give you a call.

Thank you for your comments,

Jennifer Roth, MCIP, RPP
Planner I

Community Planning & GIS
Planning & Economic Development Department
71 Main Street West, 5th Floor
Hamilton ON, L8P 4Y5
Telephone: 905-546-2424 ex. 2058
Fax: 905-546-4202

The City of Hamilton encourages physical distancing, wearing a mask in an enclosed public space, and increased handwashing. Learn more about the City's response to COVID-19
www.hamilton.ca/coronavirus.

[Hamilton Land Acknowledgement](#)

The City of Hamilton is situated upon the traditional territories of the Erie, Neutral, Huron-Wendat, Haudenosaunee and Mississaugas. This land is covered by the Dish With One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. We further acknowledge that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation.

Today, the City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and we recognize that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

Please consider the environment before printing this email.

From: [REDACTED]
Sent: April 19, 2021 1:38 PM
To: Wojewoda, Nikola <Nikola.Wojewoda@hamilton.ca>; Roth, Jennifer <Jennifer.Roth@hamilton.ca>
Subject: Draft Plan of Subdivision 25T-200721(r)

Dear Jennifer Roth and Alderman John-Paul Danko,

Please find my letter attached, regarding the proposed housing behind William Connell Park.

Sincerely,

[REDACTED]

From: [REDACTED]
To: [Roth, Jennifer](#)
Subject: File# CI-21-B and 25T-200721
Date: April 28, 2021 11:58:55 AM

Hello Jennifer
Can you please call me regarding the above file have some inquiry about the application

Thanks

[REDACTED]

From: [REDACTED]
To: [Roth, Jennifer](mailto:Roth.Jennifer)
Subject: Re: Subdivision 25t-2000721 plan question
Date: April 29, 2021 2:28:07 PM

Hi Jennifer,

Got the link and thanks again for your assistance.

have a good afternoon

[REDACTED]

On Thu, Apr 29, 2021 at 2:21 PM Roth, Jennifer <Jennifer.Roth@hamilton.ca> wrote:

Hi [REDACTED]

I should have stated that the information to register for the meeting is contained in the notice letter I attached in my previous email. I've copied it here:

DATE: April 29th, 2021

TIME: 7:00 PM – 8:30 PM

REGISTER HERE: signin.webex.com/join

ENTER CODE: **185 867 4665**

FORMAT: Staff presentation followed by questions answered live using the Q&A format.

Let me know if you have any trouble registering.

Thanks,

Jennifer Roth, MCIP, RPP

Planner I

Community Planning & GIS

Planning & Economic Development Department

71 Main Street West, 5th Floor

Hamilton ON, L8P 4Y5

Telephone: 905-546-2424 ex. 2058

Fax: 905-546-4202

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Please consider the environment before printing this email.

From: [REDACTED]
Sent: April 29, 2021 2:17 PM
To: Roth, Jennifer <Jennifer.Roth@hamilton.ca>
Subject: Re: Subdivision 25t-2000721 plan question

Thank you Jennifer,

How do I register for the meeting online?

On Thu, Apr 29, 2021 at 1:44 PM Roth, Jennifer <Jennifer.Roth@hamilton.ca> wrote:

Good afternoon [REDACTED]

An information meeting is scheduled for this evening at 7:00pm and notice was distributed via mail on April 14. I have attached the notices and associated plans for your review. I will be providing additional information regarding the official plan amendment, zoning by-law amendment and minor revision to the draft approved plan of subdivision this evening.

The notice sign you have taken a picture of will be updated when a Planning Committee meeting is scheduled for Council to make a decision on the land use changes. This meeting has not been scheduled. A mail out notice to residents within 120 metres will also occur.

Do not hesitate to contact me if you have further questions, and feel free to register for this evenings information session.

Thank you,

Jennifer Roth, MCIP, RPP

Planner I

Community Planning & GIS

Planning & Economic Development Department

71 Main Street West, 5th Floor

Hamilton ON, L8P 4Y5

Telephone: 905-546-2424 ex. 2058

Fax: 905-546-4202

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Today, the City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and we recognize that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

Please consider the environment before printing this email.

From: [REDACTED]
Sent: April 29, 2021 1:15 PM
To: Roth, Jennifer <Jennifer.Roth@hamilton.ca>
Subject: Subdivision 25t-2000721 plan question

Good afternoon Jennifer

Is there plan available for the new subdivision? For the streets and lots I didn't see anything online city of Hamilton website.

Also is there a meeting scheduled?

April 19, 2021

Dear Jennifer Roth and Alderman John-Paul Danko,

I am writing to you both in regards to the letter that we received from the City of Hamilton and their Draft Plan of Subdivision 25T-200721(r). I don't think you can begin to imagine our disappointment about the city's plans to allow more housing in this beautiful area.

Although our survey is just off of Rymal Road, we consider ourselves very blessed to live in such a serene place. We look out into our 'backyard' and see nature at its finest. William Connell Park is filled with people and families engaging in all kinds of outdoor activities that include:

- Playing on the, not one but two, playgrounds there
- Walking around the pond
- Skating on this pond in the winter months
- Walking, jogging and/or biking the beautifully groomed paths and trails
- And, once Covid is behind us, enjoying the organized sports that will take place there

Looking out back, right now, I see a crowded parking lot filled with cars. Why? Because this IS a beautiful park in which to enjoy outdoor activities.

Houses are already being built to the one side of this park (that backs onto Hazelton Avenue). We now understand that more houses will be built onto this green space. When is it enough? WHY can't this land stay as it is so trails can be extended, wild life be left alone, and parking made bigger to accommodate the more and more people who hear or read about this great park?

If Covid has taught us anything, it's that we are once again getting outside and enjoying nature. Families are biking & hiking together again. The City of Hamilton has a MOST wonderful piece of property in William Connell Park, and yet it seems as though you can't close it in quickly enough with housing. How sad is that?

I'm attaching some wild-life pictures that I have taken out my back door. This is what we enjoy now. Once you add *MORE* houses, all this will be lost. And for what - so our city can collect tax dollars from more growth in an already oversaturated market?

I implore you to reconsider using this land for houses. Instead, I would ask that you look into how you can make this already wonderful park, even better! You have the space now – but if you build houses, the opportunity will be lost. It is my guess that if you took a survey of all the people in the park today, you would get 100% agreement to not build up walls, in the form of housing, around this beautiful space.

We pray that you will reconsider your current plan and make changes for the betterment of nature and family unity.

Sincerely,



Appendix “J” to Report PED21207
Page 1 of 2

Meeting Minutes: Virtual Neighbourhood Meeting for CI-21-B, April 29, 2021

Staff Present:

Jennifer Roth, Planner I, Community Planning
 Alissa Mahood, Senior Project Manager, Community Planning
 Alvin Chan, Manager, Legislative Approvals / Staging of Development

Applicant:

Matt Johnston, Urban Solutions
 Giovanni Fiscalleti, Spallaci Homes

Attendees: 7

Start: 7:00 p.m.

- Introduction and presentation ended and question period started around 7:12 p.m.
- End:** 8:00 p.m.

Format:

- Virtual meeting using WebEx Events;
- Attendees couldn't speak unless promoted;
- Access to Q/A and Chat Box; and,
- Staff requested attendees to use the 'Raise Hand' function and that they would be promoted to speak since there were not too many people.

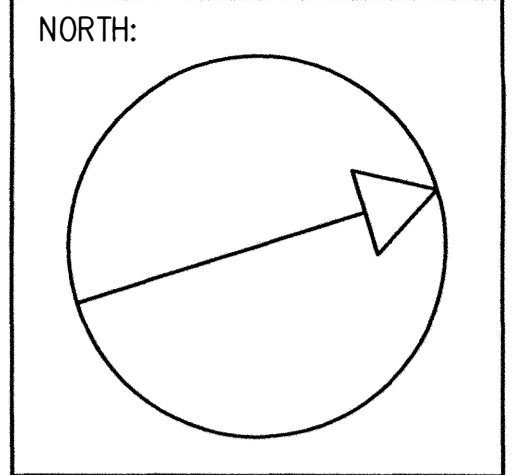
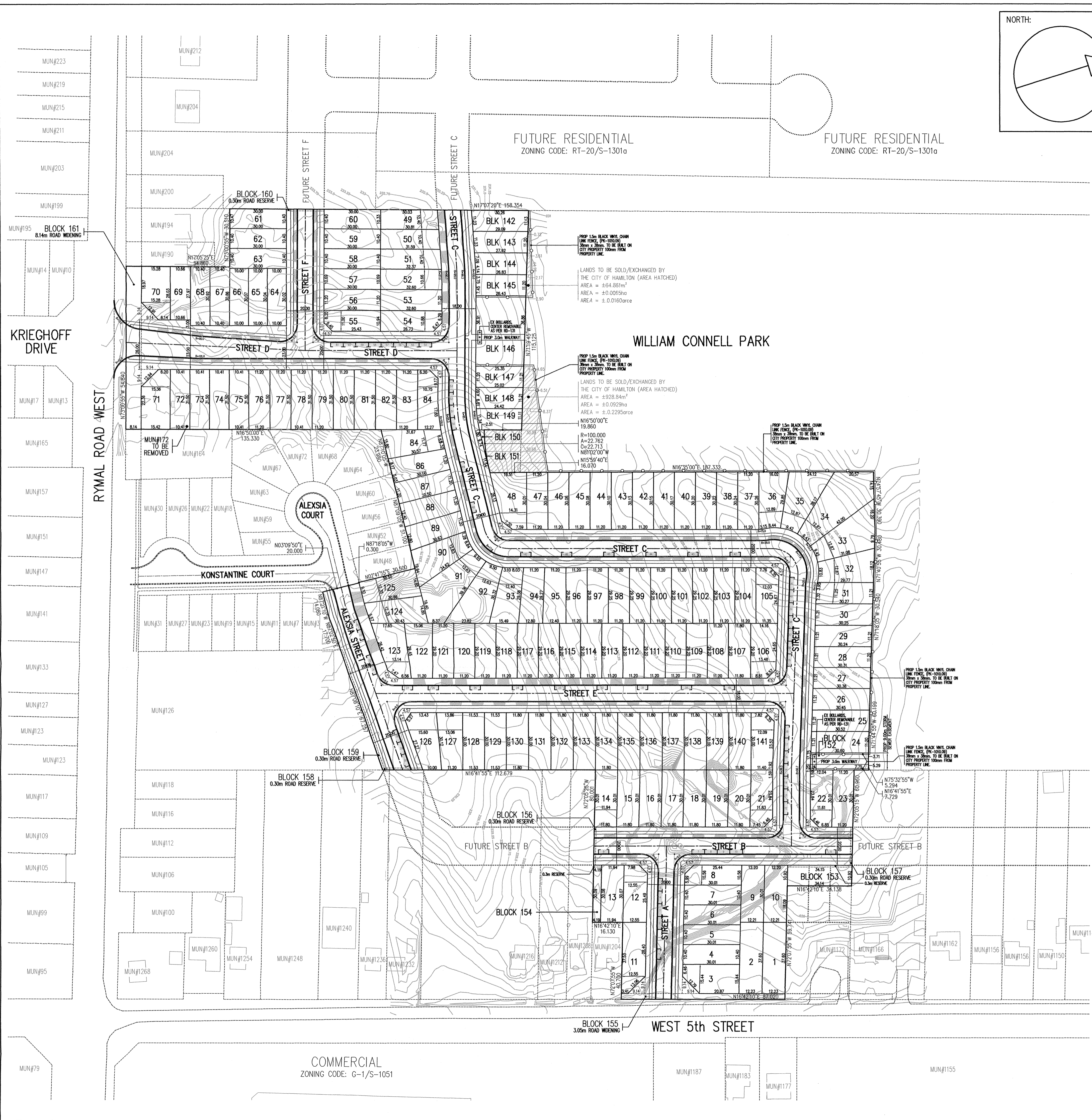
Comment Received	Answer Provided	Follow-Up Info / Action
Quality and quantity control of stormwater run off into the Stormwater Management (SWM) ponds in William Connell and the protection of the water table.	Subdivisions require erosion and siltation control measures and engineering requirements to avoid quality and quantity control of stormwater.	Will include in staff report.
Concern that a portion of the land donated to the City by Dr. William Connell was being sold for development.	Stated that there was land that was being swapped and emphasized that there was land added to the park to create a safer, wider park opening on the south.	After checking with LAS Staff (Meghan Stewart), the parcel of land that is subject to the sale/swap was not part of the donation. Will include in staff report.

**Appendix “J” to Report PED21207
Page 2 of 2**

Comment Received	Answer Provided	Follow-Up Info / Action
Concern that no consultation with Dr. William Connell’s family was occurring	Confirmed that no consultation had occurred with Dr. William Connell’s family, but stated that there were opportunities to consult in general.	After a donation of land, anything can be done with the lands. Again, the parcel wasn’t part of the donation. Will include in staff report.
Concern about the loss of land for the wildlife in the area and concern about species at risk	Stated that this land is within the urban boundary and there would be impacts on wildlife. The adjacent lands are being developed for residential, and the benefits of connecting the road network and infrastructure are high. The trees will be evaluated for compensation.	As a result of illegal tree removal activity, the study has had to pivot to focus on compensation. Will include in staff report.
Concern that studies won’t be done before the land is sold and swapped.	Stated that most detailed engineering work occurs as conditions of the subdivision are cleared. Stated that a Species at Risk Assessment and Tree Protection Plan were being completed before going to Planning Committee.	As a result of illegal tree removal activity, the study has had to pivot to focus on compensation. Will include in staff report.

Answers were provided by Jennifer Roth and Alvin Chan.

The meeting was closed with next steps and stated that the statutory meeting notice would be circulated and posted on the sign for anyone who wished to be involved at that stage and provided my contact information for any follow up questions.



SINGLE DETACHED RESIDENTIAL		
LOT NUMBER	FRONTAGE (m)	AREA (m.sq.)
1	12.23	459.40
2	12.23	459.39
3	15.44	421.51
4	10.40	312.07
5	10.40	312.07
6	10.40	312.07
7	10.40	312.07
8	10.55	306.25
9	12.20	366.18
10	12.20	366.18
11	12.55	429.33
12	12.55	366.91
13	11.94	359.04
14	11.80	354.00
15	11.80	354.00
16	11.80	354.00
17	11.80	354.00
18	11.80	354.00
19	11.80	354.00
20	11.80	354.01
21	11.83	340.78
22	11.61	341.58
23	11.21	336.08
24	11.21	342.28
25	11.21	341.48
26	11.21	340.69
27	11.21	339.89
28	11.21	339.09
29	11.21	338.74
30	11.21	338.93
31	11.25	338.43
32	12.87	426.75
33	12.87	586.85
34	12.87	817.28
35	12.87	527.27
36	12.89	407.44
37	11.20	338.82
38	11.20	338.57
39	11.20	338.31
40	11.20	338.06
41	11.20	337.81
42	11.20	337.55
43	11.20	337.30
44	11.20	337.05
45	11.20	336.79
46	11.20	336.54
47	11.20	336.29
48	14.31	464.10
49	10.40	315.90
50	10.40	323.57
51	10.40	331.67
52	10.66	346.99
53	11.20	365.12
54	10.88	344.88
55	11.00	319.07
56	11.20	336.00
57	10.69	320.69
58	10.40	312.00
59	10.40	312.00
60	10.40	310.95
61	10.40	313.05
62	10.40	312.00
63	10.40	312.00
64	10.00	300.29
65	10.00	300.56
66	10.00	300.84
67	10.40	321.24
68	10.40	321.70
69	10.66	298.46
70	15.28	387.10
71	15.36	442.76
72	10.41	327.80
73	10.41	327.80
74	10.41	327.80
75	10.41	327.80
76	11.20	352.80
77	11.20	352.80
78	11.20	352.80
79	11.20	352.80
80	11.20	352.80
81	11.20	352.80
82	11.20	352.80
83	11.20	352.80
84	10.75	336.83
85	11.77	397.01
86	11.20	372.10

LOT NUMBER	FRONTAGE (m)	AREA (m.sq.)
87	11.20	341.60
88	11.20	359.90
89	11.20	366.00
90	12.63	470.52
91	12.63	656.28
92	12.63	527.25
93	12.40	390.07
94	11.20	351.00
95	11.20	345.15
96	11.20	327.60
97	11.20	327.60
98	11.20	327.60
99	11.20	327.60
100	11.20	327.60
101	11.20	327.60
102	11.20	327.60
103	11.20	327.60
104	11.20	327.60
105	12.03	335.96
106	13.48	388.77
107	11.80	344.56
108	11.20	327.04
109	11.20	327.04
110	11.20	327.04
111	11.20	327.04
112	11.20	327.04
113	11.20	327.04
114	11.20	327.04
115	11.20	327.04
116	11.20	327.04
117	11.20	327.04
118	11.20	327.04
119	11.20	327.04
120	11.20	327.04
121	11.20	327.04
122	11.20	383.33
123	13.14	410.35
124	12.35	386.58
125	12.35	398.46
126	15.60	410.16
127	13.06	375.91
128	11.53	345.99
129	11.53	345.99
130	11.80	354.00
131	11.80	354.00
132	11.80	354.00
133	11.80	354.00
134	11.80	354.00
135	11.80	354.00
136	11.80	353.96
137	11.80	354.00
138	11.80	354.00
139	11.80	354.00
140	11.80	354.01
141	12.09	346.14

BLOCKS		
LOT NUMBER	FRONTAGE (m)	AREA (m.sq.)
142	11.23	331.30
143	11.23	319.25
144	11.23	306.23
145	11.20	297.96
146	36.91	954.74
147	11.20	282.08
148	11.21	277.79
149	11.34	261.52
150	11.54	16.57
151	11.54	2.68
152	9.00	276.55
153	34.15	372.74
154	4.19	126.04

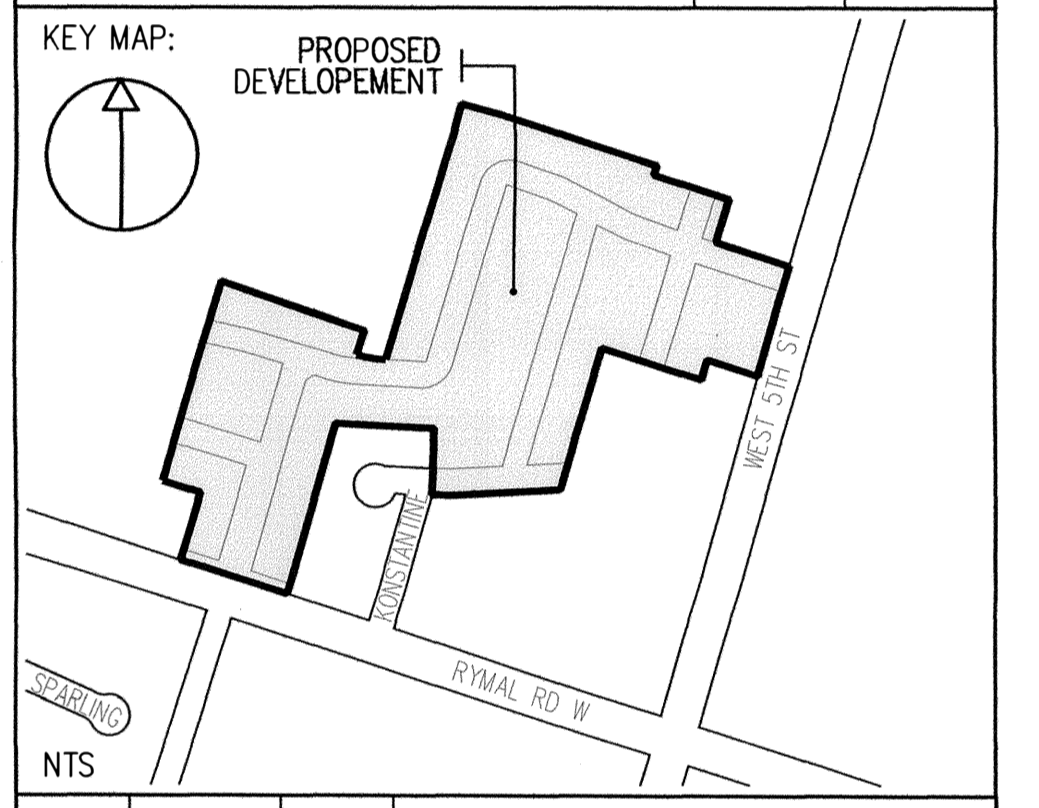
Approved by the O.M.B.
Issue Date: APRIL 27, 2015
Decision/Order No. PL140290

DRAFT PLAN OF SUBDIVISION SHELDON'S GATE HAMILTON, ONTARIO

PART OF LOT 16
CONCESSION 8
(GEOGRAPHIC TOWNSHIP OF BARTON)
IN THE
CITY OF HAMILTON

(A) SHOWN ON PLAN (H) MUNICIPAL PIPED WATER AVAILABLE
(B) SHOWN ON PLAN (I) SANDY SILT / SILTY CLAY
(C) SHOWN ON PLAN (J) NOT SHOWN
(D) SEE LAND USE SCHEDULE (K) MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER
(E) SHOWN ON PLAN (L) SHOWN ON PLAN
(F) SHOWN ON PLAN
(G) SHOWN ON PLAN

LAND USE SCHEDULE			
DESCRIPTION	LOT/BLOCK	AREA	PERCENT
SINGLE DETACHED RESIDENTIAL	1 TO 141	5.043ha	63.40%
BLOCKS (FUTURE RESIDENTIAL)	142 TO 145 147 TO 151 153 TO 154	0.259ha	3.26%
BLOCK (SEWER EASEMENT)	152	0.028ha	0.35%
ROADS	---	2.529ha	31.80%
ROADS (0.30m RESERVE)	156 TO 160		
ROADS (3.05m ROAD WIDENING)	155		
ROADS (8.14m ROAD WIDENING)	161		
PARK	146	0.095ha	1.19%
TOTALS		7.954ha	100.00%



No.	DATE	BY	REVISION

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

OWNER'S CERTIFICATE: I HEREBY AUTHORIZE URBEX ENGINEERING LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION FOR APPROVAL.

JOHN CHUN, PRESIDENT DATE
2190557 ONTARIO INC.
I HAVE AUTHORITY TO BIND THE CORPORATION

JOHN CHUN, PRESIDENT DATE
2197925 ONTARIO INC.
I HAVE AUTHORITY TO BIND THE CORPORATION

SURVEYOR'S CERTIFICATE: I HEREBY CERTIFY THAT THE BOUNDRIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY SHOWN.

S.D. McLAREN, O.L.S. DATE
A.T. McLAREN LIMITED

CONSULTANT:
URBEX ENGINEERING LIMITED
161 REBECCA STREET
HAMILTON ON L8R 1B9
TEL 905-522-3328
FAX 905-522-0452
EMAIL info@urbex.biz

DATE: 2015-04-01	FILE NAME: 2015-04-01-GATE-DRAFT.DWG
DRAWN: HARRY KANDILAS	SCALE: 1:1000
PROJECT No.: D0079-P00-07	SHEET No.: 1



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 16, 2021
SUBJECT/REPORT NO:	Bill 13, Proposed <i>Supporting People and Businesses Act, 2021</i> (PED21220) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Anita Fabac (905) 546-2424 Ext. 1258
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Council adopt the submission regarding Bill 13, the proposed *Supporting People and Businesses Act, 2021*, as provided in Report PED21220;
- (b) That the Director of Planning and Chief Planner be authorized and directed to confirm the submission made to the Province, attached as Appendix “A” to Report PED21220;
- (c) That upon proclamation of the proposed changes to the *Planning Act* in Bill 13, that staff be directed and authorized to schedule a public meeting of the Planning Committee to consider an Official Plan Amendment, and any recommended policies and procedures, to give effect to the proposed changes.

EXECUTIVE SUMMARY

On October 7, 2021, the government introduced Bill 13, the proposed *Supporting People and Businesses Act, 2021*, which has received first reading in the legislature. The Bill, if passed, would amend the *Planning Act* to allow councils to delegate the authority to pass by-laws that are of a minor nature to a committee of council or staff. This could include decisions for temporary use by-laws, the lifting of holding provisions and other minor zoning by-law amendments.

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: Bill 13, *Proposed Supporting People and Businesses Act, 2021*
(PED21220) (City Wide) - Page 2 of 4**

The Ministry solicited feedback through the Environmental Registry of Ontario with a deadline for comments of November 21, 2021. As such and given the timing, staff-level comments have been submitted to the Province, through this Report, and are contained in Appendix “A” to Report PED21220. If the Recommendations of this Report are approved by Council, the Director of Planning and Chief Planner will notify the Province that the submission made has been adopted by Council and of any amendments made by Council.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

If passed, Bill 13 would allow the council of a local municipality to, by by-law, delegate the authority to pass certain by-laws under section 34 of the *Planning Act* that are of a minor nature to a committee of council, or an individual who is an employee of the municipality. In order to implement this, the *Planning Act* would require that the Official Plan specify the types of by-laws which may be delegated. The proposed changes could be used to pass a by-law which was minor in nature and could include the removal of a holding symbol and a temporary use by-law as well as other minor zoning by-law amendments.

As part of the City’s best practice reviews and streamlining measures, the City has delegated the authority to staff to approve applications in accordance with established policies and procedures. Specifically, Council has granted the authority to approve an application for approval of a Draft Plan of Subdivision or Draft Plan of Condominium to the General Manager, Planning and Economic Development Department.

In addition, the General Manager, Planning and Economic Development Department, has been granted the authority to approve an application for Part Lot Control or an application to remove a Holding Symbol. The implementing by-law is presented to Council for adoption.

The authority to approve applications for site plan control has been delegated to the General Manager, Planning and Economic Development Department.

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**SUBJECT: Bill 13, *Proposed Supporting People and Businesses Act, 2021*
(PED21220) (City Wide) - Page 3 of 4**

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

1. Staff have advised the Province of support for proposed Bill 13. The proposed changes would provide flexibility and reduce application processing timeframes for by-laws considered minor in nature. These by-laws could include the removal of a holding by-law, a temporary use by-law or zoning by-law amendments which would be considered minor in nature. All of these currently require Council approval.

Staff also asked that the Province clarify if the notice and statutory public meeting requirements will continue to apply to by-laws passed under Section 34 that have been delegated, and that if they will not apply, that Bill 13 be amended to reflect this.

Should these changes be approved by the Province, an Official Plan Amendment would be required to specify the types of by-laws which may be delegated in the City's Official Plans, as well as a delegated authority by-law which would delegate this authority to a committee of council or an employee of the municipality. Staff will report back to Council on implementation of these changes.

2. As part of the City's best practice reviews and streamlining measures, the City has delegated the authority to staff to approve applications in accordance with established policies and procedures. Specifically, Council has granted the authority to approve an application for approval of a Draft Plan of Subdivision or Draft Plan of Condominium to the General Manager, Planning and Economic Development Department.

In addition, the General Manager, Planning and Economic Development Department, has been granted the authority to approve an application for Part Lot Control or an application to remove a Holding Symbol. The implementing by-law is presented to Council for adoption.

The authority to approve applications for site plan control has been delegated to the General Manager, Planning and Economic Development Department.

The *Planning Act* allows for the delegation of consent granting authorities to either a committee of council (e.g. the Committee of Adjustment) or an appointed officer by by-law. At the time of amalgamation, the former City of Hamilton Council approved the delegation of routine consent matters (easements, long term leases, farm consolidation consents). However, when the Committee of Adjustment was established for the amalgamated City of Hamilton, this option was inadvertently not included in the review of the roles and responsibilities of the consent process. By delegating the consent authority for easements and leases to staff, the current workload of the Committee would be reduced with the intent of reducing timelines

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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: Bill 13, *Proposed Supporting People and Businesses Act, 2021*
(PED21220) (City Wide) - Page 4 of 4**

to get minor variance applications and more complicated consent applications to the Committee of Adjustment. Similar to the subdivision process, where an application cannot be supported by staff or the applicant objects to one or more of the proposed conditions of consent, then the matter could be referred to either the Committee of Adjustment or Planning Committee for their consideration and decisions.

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.

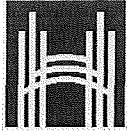
Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21220 - Letter Submitted to the Province

AF:sd



Hamilton

City of Hamilton
City Hall, 71 Main Street West
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning Division, Planning and Economic Development Department
Physical Address: 71 Main Street West
Phone: 905.546.2424 Fax: 905.546.4202
Email: Steve.Robichaud@hamilton.ca

October 26, 2021

Ministry of Municipal Affairs and Housing
777 Bay Street
Toronto, ON
M7A 2J3

Re: Bill 13, Proposed Supportive People and Businesses Act

Dear Sir or Madam:

On behalf of the City of Hamilton, I am pleased to provide this letter as Hamilton's submission on Bill 13.

City staff are supportive of the changes to the *Planning Act* proposed through Bill 13. We ask that the Province clarify if the notice and statutory public meeting requirements will continue to apply to by-laws passed under Section 34 that have been delegated, and that if they will not apply, that Bill 13 be amended to reflect this.

City staff will be taking a report to Planning Committee on November 16, 2021 and to Council on November 24, 2021 outlining our submission. Council's position will be forwarded to the Province once it has been ratified.

We look forward to seeing the results of the consultation on Bill 13. City staff would be pleased to meet with you to discuss these comments in greater detail.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Robichaud".

Stephen Robichaud, MCIP, RPP
Director of Planning and Chief Planner

Copy to
Anita Fabac, Manager of Development Planning, Heritage and Design



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 16, 2021
SUBJECT/REPORT NO:	Residential Care Facility - Inspection Log Report (PED21168) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Adam Palmieri (905) 546-2424 Ext. 5438
SUBMITTED BY:	Monica Ciriello Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	<i>Monica Ciriello</i>

RECOMMENDATION

- (a) That the draft By-law, attached as Appendix “A” to Report PED21168 to amend Schedule 20 – Residential Care Facilities of Licensing By-law 07-170, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That the official inspection log, attached as Appendix “B” to Report PED21168 to be used by City staff and posted in Residential Care Facilities in accordance with the licensing requirements, be approved.

EXECUTIVE SUMMARY

As part of Licensing and By-law Services’ (LBS) continuous improvement efforts, staff are implementing a process which captures the City inspections of Residential Care Facilities (RCFs) and is posted in a location which is readily viewable and accessible by all inspecting agencies and visitors to the RCFs.

The amending By-law, attached as Appendix “A” to Report PED21168, creates a new definition of “inspection log” and makes it a requirement for operators to post the inspection log in a conspicuous location.

Alternatives for Consideration – See Page 3

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SUBJECT: Residential Care Facility - Inspection Log Report (PED21168) (City Wide) - Page 2 of 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

The *Municipal Act, 2001*, provides a municipality with the authority to regulate; including license any business, wholly or partly, carried out within its jurisdiction. The justifications for licensing certain types of businesses generally relates to the Health and Safety as well as consumer protection.

The City of Hamilton currently regulates RCFs under Schedule 20 of the Licensing By-law 07-170 (By-law). RCFs have been part of this By-law since consolidation in 2009. RCFs are licensed as a method of protecting the health and safety of the members who utilize the services provided within the business and to ensure consistency for all business owners within the schedule. RCFs are inspected by multiple City agencies during the year including but not limited to Hamilton Fire, Public Health and LBS.

To ensure transparency for residents and operators about inspections and the results of those inspections, Staff recommend amending Schedule 20 of the Licensing By-law 07-170 to include a requirement to post inspection logs at RCFs in a viewable and accessible location.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Fire, Public Health and Legal Services were consulted in the preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The City of Hamilton currently has over 90 licensed RCFs which receive a semi-annual and annual inspection. During these inspections, occasional deficiencies are found, and compliance is required. A consistent and standard City issued document displayed prominently in a readily accessible location for tracking inspections will allow for greater transparency to the residents regarding the current status of the RCF – “in compliance” or “not in compliance.”

SUBJECT: Residential Care Facility - Inspection Log Report (PED21168) (City Wide) - Page 3 of 3

The inspection log will be used to track all inspections done at the RCF by a Licensing Compliance Officer (Officer) defined under the By-law. This will apply to the annual, semi-annual and other inspections performed by an Officer. Upon re-inspection from the investigating Officer, the document will then be updated to reflect the current status of the home being “in compliance” or “not in compliance”. This document will be displayed in a viewable location and shall not be altered by anyone other than the inspecting Officer.

The intended goal of this document is to provide:

- Better accessibility to information for the residents at a single point of reference, on current operation of home and any violations that may currently exist;
- Better transparency between operators, residents and guests who reside in or frequent the facility; and,
- Better consistency in tracking compliance, on a standard City issued document.

ALTERNATIVES FOR CONSIDERATION

Council may decide that an Inspection Log is not a necessary requirement for RCFs, and that an amendment to Schedule 20 is not required.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**Healthy and Safe Communities**

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21168 – Draft By-law to amend Business Licensing by-law 07-170

Appendix “B” to Report PED21168 – Residential Care Facility Inspection Log

Authority: Item,
Report
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO. 21-XXX

To Amend By-law No. 07-170, Being A By-Law to License and Regulate Various Businesses

WHEREAS Council enacted By-law 07-170, being a By-law to license and regulate businesses within the City of Hamilton;

AND WHEREAS this By-law amends By-law No. 07-170;

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

1. Schedule 20, Section 1 of By-law No. 07-170 is amended by adding the following definition:

"inspection log" means the document prepared by the City that is completed by an Officer at the end of an inspection to indicate whether the residential care facility is in compliance or not with relevant City by-laws;

2. Schedule 20, subsection 12 (f) is amended by adding the following after subsection (vi):

(vii) the inspection log;

3. Schedule 20, subsection 12 is amended by adding the following after subsection (j):

(k) ensure that all documents required under this By-law shall be complete and accurate and shall not be tampered with or falsified in any way.

4. That in all other respects, By-law 17-170 is confirmed; and

5. That the provisions of this by-law shall become effective on the date approved by City Council.

PASSED this _____ day of _____, 20_____.

F. Eisenberger
Mayor

A. Holland
City Clerk

