



City of Hamilton

PLANNING COMMITTEE ADDENDUM

Meeting #: 23-004
Date: March 21, 2023
Time: 9:30 a.m.
Location: Council Chambers (Planning)
Hamilton City Hall
71 Main Street West

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

	Pages
6. DELEGATION REQUESTS	
*6.2 Kasper Koblauch, ERA Architects, respecting Designation of 66-68 Charlton Ave. West (Item 9.1) (For today's meeting) (in-person)	
11. DISCUSSION ITEMS	
*11.5 Implementing OPA No. 167 – Secondary Planning Strategy for Urban Expansion Areas and Municipal Comprehensive Review Update (PED21067(d)) (City Wide)	3
*a. Written Submissions:	31
(i) Maria Gatzios on behalf of the Twenty Road East Landowners Group	
13. NOTICES OF MOTION	
*13.1 Outdoor Commercial Patios - Routine Minor Variances and Temporary Use By-laws	34
15. PRIVATE AND CONFIDENTIAL	

*15.2 Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-18-004) and Zoning By-law Amendment Application (ZAC-18-009) for lands located at 299-307 John Street South and 97 St. Joseph's Drive, Hamilton (LS22007(a)/PED22038(b)) (Ward 2)

Pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; 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.



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

March 21, 2023

Implementing OPA 167 – Secondary Planning Strategy for Urban Expansion Areas and Municipal Comprehensive Review Update (PED21067(d)) (City Wide)

Presented by: Melanie Pham

Presentation Outline

- Brief update on MCR process
- Planning implications of Provincially modified Urban Boundary
- Secondary Plan approaches
- Staff Recommendations
- Public Consultation
- Next steps



Historical Background – MCR/GRIDS2

- Municipal Comprehensive Review (MCR) initiated in 2017 in conjunction with update to Growth Related Integrated Development Strategy (GRIDS 2)
- November 2021 – Council approved a No Urban Boundary Expansion growth option
- June 2022 – UHOPA 167 (Urban OP) and RHOPA 34 (Rural OP) adopted by City Council and sent to Ministry of Municipal Affairs and Housing (MMAH) for approval.
- November 2022 - MMAH issues decision, with modifications

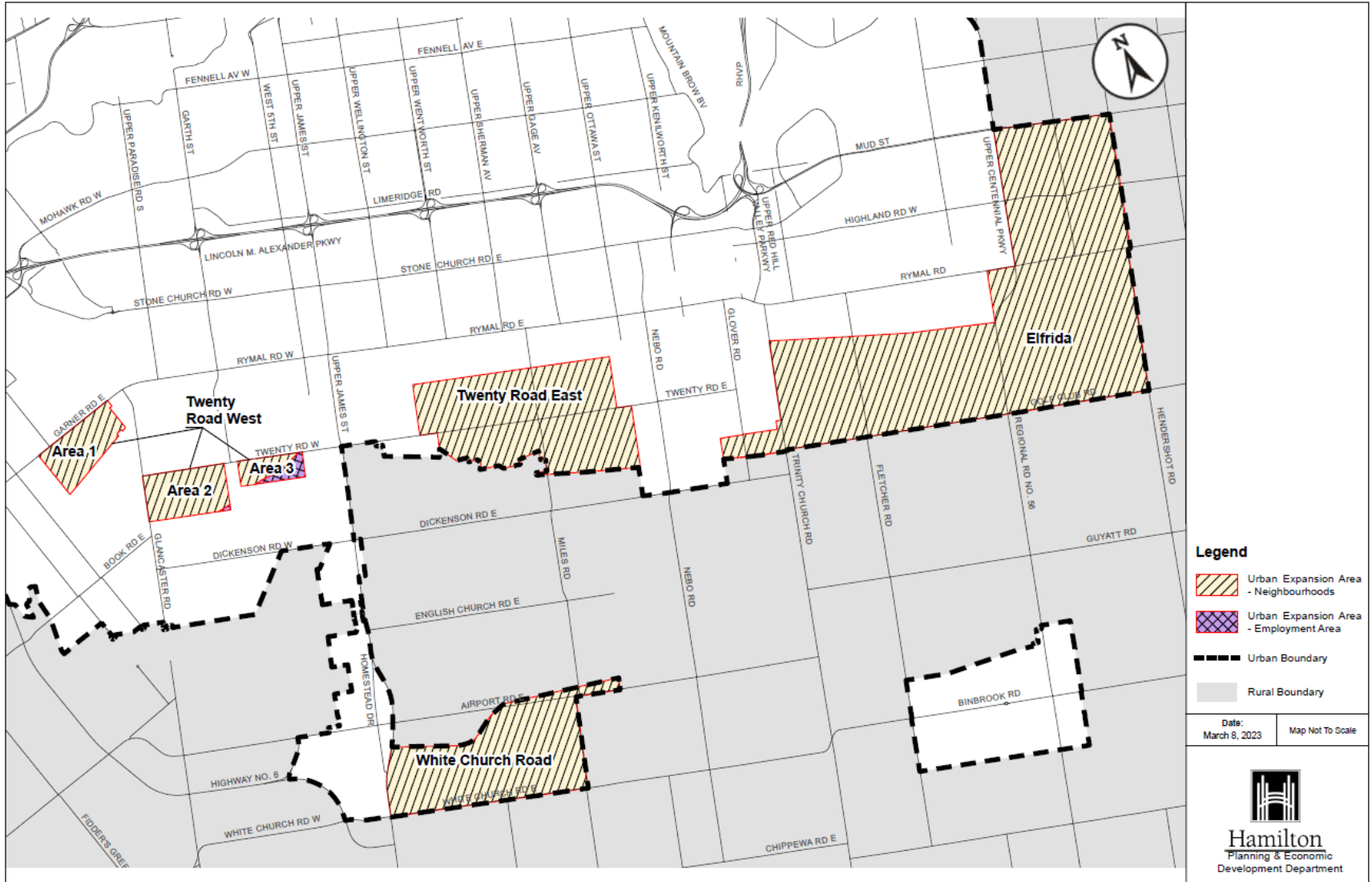


MMAH Modifications - Urban Expansion Areas

- Key modifications to UHOPA and 167 and RHOPA 34:
 - Changes to Urban Boundary
 - Intensification and greenfield density targets TBD
 - Redesignation of Employment lands (2 sites)
 - Increased height and density permissions in Community Nodes
 - Expanded locations for Major Office
 - Higher density along BLAST network routes
 - Removal of 30 storey height limit in Neighbourhoods
- Approximately 2200 ha of land added to urban area, of which about 1600 ha is estimated to be developable



Urban Expansion Areas



MMAH Modifications – Additional Implications

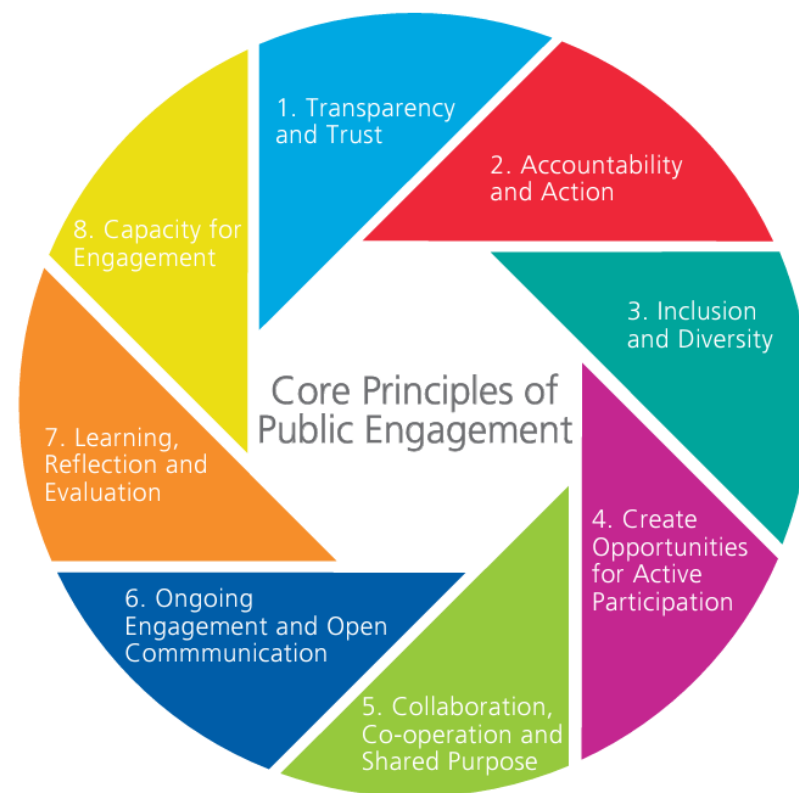
- MMAH modifications require Secondary Planning to be completed for Urban Expansion Areas prior to development.
- MMAH modifications require the minimum density target for greenfield areas to be established through a future amendment to the UHOP as part of the MCR process.
- Master Planning processes and DC By-law updates linked to MCR impacted by changes.



Focus	Workplan	Timing
Urban Focus MCR	Conformity OPA complete. Implementation still required for density and intensification targets, Urban Expansion Area policies, and to correct matters relating to MMAH modifications.	Q2-Q3, 2023
Major Transit Station Areas	Address policy changes since 2019. Delineate all MTSAs and density targets. Investigation into Protected MTSAs where Inclusionary Zoning policies may be applied.	Q3 2023
Rural Focus MCR	All RHOP conformity matters. Agricultural System Mapping refinements. Rural policy updates and Natural Heritage updates.	Q2 2024
Local Context Official Plan Review	All policy updates not related to Provincial Conformity. Implementation of new and revised local strategies. Updates to secondary plans. Focus on policy refinements that implement local objectives.	Q2 2024

Secondary Planning

- Secondary Planning is a complex process
- Requires significant background work and studies to be done
- Requires significant level of public engagement



Area	Existing Information
All Areas Except White Church Road	Some high level study completed as part of GRIDS2/MCR to compare Ambitious Density and No Urban Boundary Growth Scenarios. Includes GHG Emissions Analysis, Fiscal Impact Assessment, Agricultural Impact Assessment, Servicing Needs Technical Memo, Background Report on Transportation Criteria.
Twenty Road West Areas (3 Areas)	Airport Employment Growth District (AEGD) Secondary Plan studies Update to the existing 2011 AEGD Transportation Management Plan currently underway. Various Class EAs underway for arterial roads in the area.
Twenty Road East	2017 Upper Hannon Creek Master Drainage Plan Municipal Class Environmental Assessment applies to a portion of the area
Elfrida	2017 Upper Hannon Creek Master Drainage Plan Municipal Class Environmental Assessment applies to a portion of the area. Phase 1 of Elfrida Subwatershed Study was completed. Preliminary work was completed as part of Elfrida Growth Area Study

	Summary
1	The City leads Secondary Plan processes. Plans have a full level of detail.
2	The City leads Secondary Plan processes. Plans include only a high-level community structure.
3	The City leads Secondary Plan processes, but a portion of work is completed by a landowner/landowner group.
4	Landowners and/or landowner groups lead Secondary Planning and submit private Official Plan Amendment applications to enact Secondary Plans.
5	Secondary Planning led by City may be implemented through a Community Planning Permit System (CPPS) By-law.

Community Planning Permit System (CPPS)

- Also known as Development Permit System
- Combines Zoning, Site Plan and Minor Variance into one streamlined 45 day planning review process
- Permit-based approvals framework that replaces need for an implementing Zoning by-law
- Detailed policy development needed prior to establishing a CPPS is similar to Secondary Plan and Zoning development process
- Potential benefits:
 - I.e. streamlined process, flexible and conditional zoning, no third party appeals once implemented, bonusing capabilities, permit process includes site alteration, grading and landscaping, applies to development under 10 units

Recommendations

- City shall lead Secondary Planning processes
- Add specific fee for Official Plan Amendment – Urban Expansion Area Secondary Plan to reflect additional staff resources needed for review
- Confirm proposed sequencing and scheduling of Secondary Plans and resultant staffing needs

Recommendations

Planning staff to prepare a policy framework outlining requirements for Secondary Plans in Urban Expansion Areas

Key directions:

- City intends to undertake Secondary Plans
- Policies apply to all Secondary Plan processes for Urban Expansion Areas
- Re-confirming key UHOP priorities to address
- Key studies needed for Secondary Plans
- Minimum geographic boundaries
- Servicing Strategies to be completed concurrently with Secondary Plan processes
- Enabling policies and direction for cost-sharing agreements between landowners

Recommendations

That Council endorse the draft Secondary Plan Guidelines in Appendix A

Key Content in Guidelines:

- A requirement for establishment of a detailed area-specific Terms of Reference prior to initiating a Secondary Plan
- Explanation of the Ten Directions for Development in the Urban Hamilton Official Plan and how they are the core foundational principles for planning new communities
- Required Secondary Plan phases
- Required components of a Secondary Plan
- Minimum standards for public engagement and public notification
- Requirements for a Secondary Plan Report

Proposed Consultation Program

- Inclusion of information on City's Engage Hamilton platform
- Virtual public information centre
- Commenting period for emailed and written comments
- Meeting with Development Industry Liaison Group (DILG)
- Notice to GRIDS2/MCR public and stakeholder mailing lists, Indigenous Nations and via newspaper notice



Next Steps

- Staff to prepare policy framework for Secondary Planning in Urban Expansion Areas
- Public and stakeholder consultation on draft policy framework and draft Secondary Plan Guidelines
- Staff to investigate detailed resource requirements for reviewing privately initiated applications for Secondary Plan Official Plan Amendment and determine appropriate fee
- Determine proposed sequencing and scheduling of City-led Secondary Plans, including budget and staffing implications
- Report back in Q3



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



Hamilton

Secondary Plan Guidelines For Urban Expansion Areas

PURPOSE:

This document explains the guidelines for the preparation of a Secondary Plan for any area designated as “Urban Expansion Area” within the Urban Hamilton Official Plan. It is intended to illustrate the expectations and standards that the process of creating a Secondary Plan is intended to follow. This document applies to both Secondary Plans undertaken and/or led by the City of Hamilton or privately initiated Secondary Plans.

Where a Secondary Plan is privately initiated, failure to adhere to the guidelines may result in a final Secondary Plan report being considered unsatisfactory.

PREPARED BY:

The Secondary Planning process must include a Registered Professional Planner (RPP) as a project lead and the final report for a Secondary Plan must be prepared by a Registered Professional Planner (RPP).

BACKGROUND:

A Secondary Plan is a land use plan for a particular geographic area of a municipality that is prepared as an amendment to an official plan. Secondary plans identify more detailed land uses, densities, design requirements, and infrastructure requirements and other implementing actions appropriate for a community. They are considered a second layer of the City-wide Official Plan and supplement Volume 1 policy directions and designations.

Secondary Planning is a specific tool, which:

- Helps understand opportunities and address issues related to land use in certain defined geographic areas;
- Provides community specific guidance for those areas of the City where more detailed direction is needed for matters beyond the general framework provided by the Official Plan;
- Directs how growth and change should occur;
- Provides an opportunity to promote consistency in new/developing areas and compatibility between land uses; and,
- Co-ordinates local development with City-wide planning and infrastructure strategies to ensure the efficient provision of infrastructure.

Within Urban Expansion Areas, the City’s Urban Hamilton Official Plan requires a Secondary Plan to be completed prior to any development occurring.

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PRIOR TO COMMENCING SECONDARY PLAN:

Where the City is leading a Secondary Plan process, a detailed Terms of Reference specific to the area intended for the Secondary Plan will be prepared prior to the initiation of a Secondary Plan.

Any privately initiated Secondary Plans shall require City approval of a detailed Terms of Reference prior to the commencement of a Secondary Plan, in accordance with Policy F.1.2.3 of the Urban Hamilton Official Plan.

Detailed terms of references shall include all minimum standards outlined in these guidelines. The detailed terms of references should also identify all supporting/aligning studies that will provide input to the Secondary Plan process.

FOUNDATIONAL DIRECTIONS FOR SECONDARY PLANNING:

As part of the recent GRIDS 2 study, ten directions to guide development were endorsed by Council as a tool to guide and evaluate decisions related to growth, and are included in Policy A.2.1 of the City’s Urban Hamilton Official Plan. These core directions should be considered foundational directions to address as part of all planning processes, including planning for Urban Expansion Areas.

- Direction 1: Plan for climate change mitigation and adaptation, and reduce greenhouse gas emissions.
- Direction 2: Encourage a compatible mix of uses in neighbourhoods, including a range of housing types and affordabilities, that provide opportunities to live, work, learn, shop and play, promoting a healthy, safe and complete community.
- Direction 3: Concentrate new development and infrastructure within existing built-up areas and within the urban boundary through intensification and adaptive re-use.
- Direction 4: Protect rural areas for a viable rural economy, agricultural resources, environmentally sensitive recreation and the enjoyment of the rural landscape.
- Direction 5: Design neighbourhoods to improve access to community life for all, regardless of age, ethnicity, race, gender, ability, income and spirituality.
- Direction 6: Retain and intensify existing employment land, attract jobs in Hamilton’s strength areas and targeted new sectors, and support access to education and training for all residents.
- Direction 7: Expand transportation options through the development of complete streets that encourage travel by foot, bike and transit, and enhance efficient inter-regional transportation connections.

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Direction 8: Maximize the use of existing buildings, infrastructure, and vacant or abandoned land.

Direction 9: Protect ecological systems and the natural environment, reduce waste, improve air, land and water quality, and encourage the use of green infrastructure.

Direction 10: Maintain and create attractive public and private spaces and respect the unique character of existing buildings, neighbourhoods and communities, protect cultural heritage resources, and support arts and culture as an important part of community identity.

SECONDARY PLAN PHASES:

The process of creating a Secondary Plan shall include three general phases:

Phase 1: Background work to collect data and identify existing conditions, opportunities, and constraints (E.g. airport noise levels). Identification of land use needs (e.g. employment, commercial, residential, parks, schools, recreational facilities and other community services and facilities). Completion of visioning exercises to establish high level principles, goals, and/or objectives for the Secondary Plan.

Phase 2: Analysis of information and creation of land use options for consideration by stakeholders and the public, with input from aligning studies.

Phase 3: Identification of a preferred land use plan and policy directions for the Secondary Plan area, and an implementation strategy.

Work may be further broken down into more detailed components or additional phases if appropriate. Throughout all phases, the project lead will monitor any ongoing Provincial and City projects and initiatives as they pertain to a Secondary Plan study area, to ensure that the outcomes of other projects are understood and incorporated into the Secondary Plan as required.

COMPONENTS OF A SECONDARY PLAN:

All Secondary Plans shall include the following components:

- Description of the secondary plan area;
- Vision;
- Principles, Objectives and/or Goals;
- Land Use Policies for all land use designations;
- Urban Design Policies;
- Cultural Heritage Policies;
- Natural Heritage Policies;
- Transportation Policies;

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- Infrastructure, Energy and Sustainability Policies;
- Implementation Policies, including specific direction for land owner groups where appropriate;
- Site Specific Policies; and,
- Maps illustrating permitted land uses, transportation network elements, natural heritage system features, cultural heritage resources, and other details as appropriate.

This is not an exhaustive list of all potential components that may form part of a Secondary Plan. Other components may be included where appropriate.

PUBLIC ENGAGEMENT:

Public Engagement is a critical part of a Secondary Plan process and must occur at each phase of the process. Feedback must be documented to be able to illustrate how it has been considered at each phase. Where a Secondary Plan is privately initiated, a Public Consultation Plan that meets or exceeds the consultation standards noted below shall be required as part of a detailed terms of reference.

Information about each consultation shall be collected and documented in a feedback report, which shall form part of the final Secondary Plan report. Information included in feedback reporting should be consistent with the Council approved Public Consultation Summary and Comment Response Guidelines for Planning Act applications.

Minimal consultation for **each phase** includes:

- For City-led Secondary Plan processes, one advance meeting with an internal Technical Advisory group comprised of City staff;
- For a privately initiated Secondary Plan, one advance meeting with a City staff review group;
- One meeting with a Community Liaison Group/Community Focus Group;
- One in-person Public Meeting or Workshop; and,
- One virtual Public Meeting or Workshop (virtual meetings may be combined with in-person meetings).

The standards above outline minimum requirements for public engagement. Nothing in this guideline is intended to restrict additional public engagement from taking place. Additional staff, stakeholder or public meetings may be beneficial as part of a Secondary Plan process. Additional methods of engagement to solicit feedback are encouraged and could include pop-up events, surveys, or other engagement methods. Social media postings and advertising are forms of communication but not considered engagement methods.

Community Liaison Group/Community Focus Group

The purpose of a Community Liaison Group/Community Focus Group is to act as a ‘sounding board’ and provide input to the project team completing a Secondary Plan at each phase prior to broader public consultation meetings.

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These groups are an important method of engagement because the knowledge and advice of local residents, stakeholders, and community leaders can lead to more informed and better decision making. A Community Liaison Group/Focus Group can assist in the identification of opportunities, issues and constraints, share knowledge of an area, review the project team’s work and provide input at key milestones throughout the study, provide feedback that reflects the needs and interests of the local community and/or their represented interest group, and assist with communicating the study’s progress to the larger community. A Community Liaison Group/Focus Group should be comprised of approximately 6-12 persons. Members should come from a wide range of backgrounds to represent the overall study area, and may include persons who are residents, part of the agricultural industry, business and land owners, workers, and/or representatives from local residents’ associations and interest groups.

Project Email

A project contact email shall also be established at the commencement of the project, to receive questions and comments regarding the Secondary Plan. The project email shall be monitored on a regular basis and the project team must provide responses to inquiries in a timely manner. All comments submitted via email should be documented as part of the feedback report.

PUBLIC NOTICE REQUIREMENTS:

Throughout a Secondary Plan project, a list of persons who have requested to be notified about the project shall be maintained and updated on an ongoing basis. Every phase of the Secondary Plan process shall require notification to all persons on this list by email or mail.

The first phase of a Secondary Plan requires a higher level of notification to ensure that potential interested persons are made aware of the Secondary Plan from the beginning of the process. Notice of the first phase of public consultations must include:

- A mailed notice to all addresses within the study area for the Secondary Plan and to all addresses within 120 metres of the boundary of a study area.

Each Phase of the Secondary Plan process (Phases 1, 2 and 3) shall require the following additional notification measures:

- A mailed or emailed notice to all parties normally notified of an Official Plan Amendment application. These may include but are not limited to Utility Companies, Railways, School boards, Conservation Authorities, Canada Post, Transport Canada, Metrolinx and the Ministry of Transportation (contact information may be provided by the City);
- A mailed or emailed notice to the Hamilton International Airport;
- A mailed or emailed notice to the Mayor and all Councillors;
- A mailed or emailed notice to any Neighbourhood Associations located in surrounding areas;

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- A mailed or emailed notice to the Ontario Federation of Agriculture and the Agriculture and Rural Affairs Advisory Committee Legislative Coordinator;
- A mailed or emailed notice to the Director of Planning and Chief Planner;
- A newspaper notice in a newspaper with a City-wide distribution area; and,
- A newspaper notice in any local community newspaper whose distribution area includes all or part of the Secondary Plan study area.

Indigenous Consultation

Notification shall also be provided by mail or email prior to commencement of the first Phase of a Secondary Plan, to all indigenous nations which may have an interest in the project. Initial notification prior to commencement of the project shall include an offer to meet with each indigenous nation to discuss the project. Where no response to a project commencement notice is received, a follow-up email and phone call is needed to confirm whether there are any interests related to the project. Follow-ups shall be documented in the project records.

Website

A central website shall be created and made publicly available where information related to the project, contact information, and information about public consultation opportunities is available.

Newspaper Notice Content

A newspaper notice must include a brief description of the Secondary Plan study, a location map of the study area, information about planned consultation events, instructions for how the public can provide input, and project contact information.

FINAL REPORT:

Once the Secondary Plan process has been completed, a final Secondary Plan Report shall be prepared in support of the recommended/proposed Secondary Plan.

Where a Secondary Plan is privately initiated, this report shall be a requirement for a Complete Application for Official Plan Amendment, when the formal application is made for the proposed Secondary Plan.

In addition to any other requirements identified through the consultation process, the report must include the following components, prepared in accordance with City of Hamilton Terms of References:

- Basic background information about the Secondary Plan area;
- A summary of the process undertaken to create the Secondary Plan, including a review of supporting studies and how they were incorporated;
- A review of applicable planning policy and how the proposed plan conforms to those policies;

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- A summary of all consultations undertaken throughout the process of creating the Secondary Plan;
- A summary of public feedback received, and copies of feedback in an appendix;
- Information about how public feedback was considered at each phase and incorporated into the Plan;
- A detailed analysis and rationale for the recommended Secondary Plan. This should include growth estimates for the plan, land use information for different types of land uses, transportation network information, infrastructure information, and information about other planning priorities such as housing, urban design, natural and cultural heritage conservation, sustainability and climate change adaptation; and,
- A final draft of the proposed Official Plan Amendment to establish the Secondary Plan, including all policies, maps and schedules.

Note:

A Secondary Plan Report is similar to a Planning Justification Report as it sets out the planning rationale for the Secondary Plan and how all of the planning considerations related to the Secondary Plan have been balanced appropriately based on good planning principles. Where a Secondary Plan is privately initiated and a Planning Justification Report is also a requirement for a complete application, a single report may be submitted to satisfy both requirements, provided it meets the guidelines for both reports.

OTHER INFORMATION

GRIDS 2 / MCR

<https://www.hamilton.ca/build-invest-grow/planning-development/grids/grids-2-and-municipal-comprehensive-review>

Land Needs Assessment (LNA)

<https://www.hamilton.ca/build-invest-grow/planning-development/grids/land-needs-assessment>

Official Plan Review

<https://www.hamilton.ca/build-invest-grow/planning-development/official-plan/official-plan-review>

Development Application Guidelines

<https://www.hamilton.ca/build-invest-grow/planning-development/planning-policies-guidelines>

REVIEWED AND APPROVED BY:

Sustainable Communities, Planning and Economic Development Department

CONTACT:

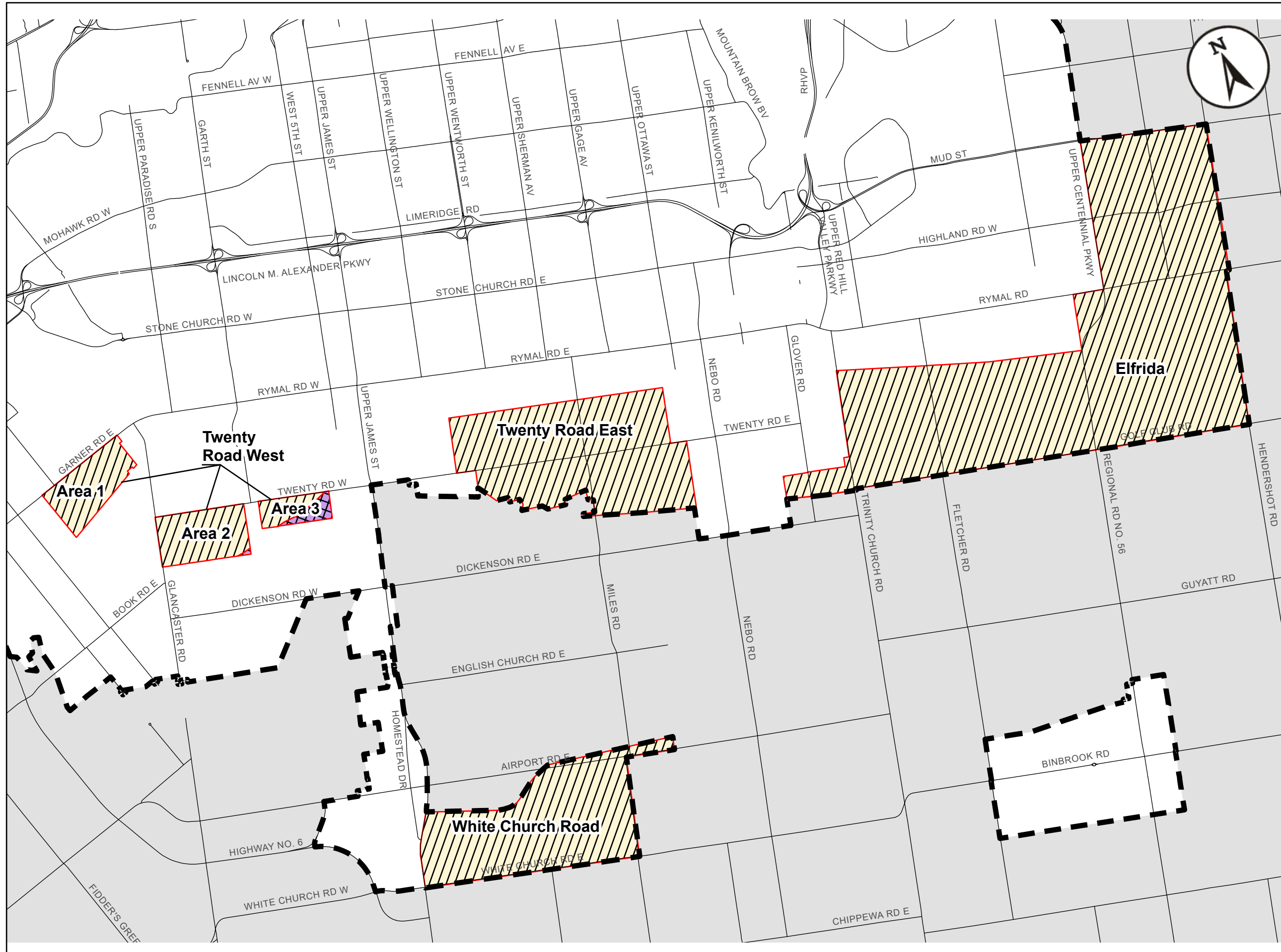
Christine Newbold, Manager, Sustainable Communities
Christine.Newbold@hamilton.ca

DRAFT





Ten Directions to Guide Development

The following are the Ten Directions to Guide Development, as provided in Volume 1, Policy A.2.1 – Urban Hamilton Official Plan:

- Direction 1:** Plan for climate change mitigation and adaptation, and reduce greenhouse gas emissions.
- Direction 2:** Encourage a compatible mix of uses in neighbourhoods, including a range of housing types and affordabilities, that provide opportunities to live, work, learn, shop and play, promoting a healthy, safe and complete community.
- Direction 3:** Concentrate new development and infrastructure within existing built-up areas and within the urban boundary through intensification and adaptive re-use.
- Direction 4:** Protect rural areas for a viable rural economy, agricultural resources, environmentally sensitive recreation and the enjoyment of the rural landscape.
- Direction 5:** Design neighbourhoods to improve access to community life for all, regardless of age, ethnicity, race, gender, ability, income and spirituality.
- Direction 6:** Retain and intensify existing employment land, attract jobs in Hamilton’s strength areas and targeted new sectors, and support access to education and training for all residents.
- Direction 7:** Expand transportation options through the development of complete streets that encourage travel by foot, bike and transit, and enhance efficient inter-regional transportation connections.
- Direction 8:** Maximize the use of existing buildings, infrastructure, and vacant or abandoned land.
- Direction 9:** Protect ecological systems and the natural environment, reduce waste, improve air, land and water quality, and encourage the use of green infrastructure.
- Direction 10:** Maintain and create attractive public and private spaces and respect the unique character of existing buildings, neighbourhoods and communities, protect cultural heritage resources, and support arts and culture as an important part of community identity.



Legend

-  Urban Expansion Area - Neighbourhoods
-  Urban Expansion Area - Employment Area
-  Urban Boundary
-  Rural Boundary

Date: March 8, 2023
 Map Not To Scale



Gatzios Planning + Development Consultants Inc.

File No: 62HA-0721

March 20, 2023

Planning Committee

City of Hamilton

71 Main Street West

Hamilton, Ontario

L8P 4Y5

**Regarding: MARCH 21, 2023 PLANNING COMMITTEE ITEM 11.5 REPORT PED21067(d)
IMPLEMENTING OPA 167 – SECONDARY PLANNING STRATEGY FOR URABN
EXPANSION AREAS AND MUNICIPAL COMPREHENSIVE REVIEW UPDATE**
on behalf of **TWENTY ROAD EAST LANDOWNERS**

Dear Planning Committee members:

I am writing on behalf of my clients, Carmen Chiaravalle, 1694408 Ontario Inc., Demik Brothers Hamilton Ltd., John Edward Demik, Peter Demik and Elaine Vyn (collectively, the "Twenty Road East Landowners Group"), being owners of lands in the south area of the City of Hamilton centered around the intersection of Twenty Road and Miles Road.

My client's lands are included within the Urban Expansion Areas in the recent approval of the UHOPA, within the area labelled as "**Twenty Road East**" on Appendix "C" to Report PED21067(d).

The comments provided below on the above-noted Report are preliminary as the Report was only available to us for review as of midday today. Additional comments will be provided shortly.

First, we are appreciative and supportive of the City turning its attention to the planning for the Urban Expansion Areas, and initiating the processes which will be required to see these areas proceed through the planning process.

The Twenty Road East Landowners Group is eager to work with the City to see this area comprehensively planned to accommodate urban growth.

We have the following preliminary comments on the staff report that is on the agenda as item 11.5 for the March 21, 2022 Planning Committee meeting.

1. Recommendation (b) regarding Secondary Plan Guidelines

It appears that recommendations (b)(i) and (b)(ii) contradict each other as written, with (i) indicating that the interim draft Secondary Plan Guidelines in Appendix "A" be endorsed, followed then by (ii) indicating that staff be directed to consult on the Guidelines.

It is requested that recommendation (i) be revised to read "**Be used by staff for the purposes of consultation regarding future Secondary Planning processes for**". In the absence of this change, the consultation required by recommendation (ii) would not be meaningful if the Guidelines are already endorsed pursuant to (i).

If use of the term "endorsed" is meant to imply approved for the purposes of consultation, then we suggest that the language be revised to clearly indicate this, since "endorsed" does not suggest consultation is still pending.

Further, we have not yet had a chance to review the interim draft Secondary Plan Guidelines document found in Appendix "A" and would appreciate the opportunity to review and provide our comments to the city prior to any endorsement by Council.

2. Recommendations (c) and (d) regarding Secondary Plans

We note that the Report describes various ways that Secondary Plans could proceed within Urban Expansion Areas, describing Options 1 to 5 within section 4 of the Report.

However, it appears that Recommendation (c)(i) has staff requesting direction to proceed with Option 1 being "lead the development of comprehensive Secondary Plans".

Further on, recommendation (d) has staff requesting direction to report back on Option 4, being privately initiated submissions of Official Plan Amendments to enact Secondary Plans.

It is difficult to reconcile these two recommendations, and admittedly due to the Report being released midday Monday for the Tuesday morning meeting, there has been insufficient time to review the information and summary of Options contained in the Report.

We ask that a decision on which Option or Options are available on this matter and contained within any future Official Plan Amendment as directed in recommendation (a) of process be deferred until such time as staff has the opportunity to consult on the various Options and material contained in this Report.

Summary

In summary, we believe the information and potential Options contained within the Report provides a good summary outline towards planning for the future of the Urban Expansion Areas, and should be used as the basis for public consultation going forward.

We would like the opportunity to provide input prior to the endorsement of the Secondary Plan Guidelines and, we would like the opportunity to provide input to the various Options prior to staff being directed to proceed with one over the other.

We believe that a City-initiated Official Plan Amendment which establishes a policy framework outlining requirements for Secondary Plans in Urban Expansion Areas as outlined in recommendation (a) should await input on these various items prior to being drafted and considered by Council.

We look forward to working with staff on these initiatives to move this process forward.

Sincerely,

Gatzios Planning + Development Consultants Inc.

A handwritten signature in black ink, appearing to read 'M Gatzios', with a stylized flourish at the end.

Maria Gatzios, MCIP RPP

Copy to: TRE Landowner Group
Davies Howe LLP
Weir Foulds LLP

CITY OF HAMILTON

N O T I C E O F M O T I O N

Planning Committee: March 21, 2023

MOVED BY COUNCILLOR M. FRANCIS.....

Outdoor Commercial Patios – Minor Variances and Temporary Use By-laws

WHEREAS, Outdoor Commercial Patios are regulated in size and location by Zoning By-law No. 05-200;

WHEREAS, By-law No. 20-181, as amended by By-law Nos. 20-215 and 21-143 amended the Outdoor Commercial Patio regulations in the Zoning By-law to provide temporary relief from the locational requirements for Outdoor Commercial Patios;

WHEREAS, Report PED20135(c) recommended reinstatement of the temporary locational permissions for Outdoor Commercial Patios to support local businesses by increasing operational flexibility;

WHEREAS, Council approved By-law No. 22-073 to reinstate the temporary locational permissions for Outdoor Commercial Patios on properties abutting a Residential Zone provided a minimum setback of 5 metres from a Residential Zone is provided and the patio does not obstruct a driveway, parking aisle or fire route, and the Zoning By-law restricts Outdoor Commercial Patios to the front yard of a property if the rear lot line abuts a Residential Zone, Downtown Residential (D5) Zone, or Downtown Multiple Residential (D6) Zone, or is separated by a laneway from said zones;

WHEREAS, Report PED20135(c) directed staff to report back to Council before April 2025, prior to the expiration of the Temporary Use By-law, to present staff’s evaluation of the merits of establishing the temporary locational permissions for Outdoor Commercial Patios as permanent given that commercial entertainment and recreation on Outdoor Commercial Patios is now permitted in the Zoning By-laws and regulated by the Noise Control-By-law;

WHEREAS, a Minor Variance Application is required to assess variations from the requirements of the Zoning By-law;

WHEREAS, a Minor Variance Application fee is \$3,735.00.

WHEREAS, a Routine Minor Variance fee of \$675.00 is applied to pools, decks, sheds, accessory buildings, porches, eave projections, recognizing legal non-complying situations and secondary dwelling units;

WHEREAS, in 2022, four Minor Variance Applications were received to modify the zoning regulations associated with Outdoor Commercial Patio locations;

WHEREAS, a variance to the locational permissions and setback requirements for Outdoor Commercial Patios shall require varying the location requirements in the Zoning By-law and the temporary location permissions and setback requirements of the Temporary Use By-law;

THEREFORE BE IT RESOLVED

That staff be directed to amend the interpretation note for Routine Minor Variance applications in the Tariff of Fees By-law to include variances to the zoning by-law regulations for Outdoor Commercial Patios and the temporary use provisions where a Temporary Use By-law applies to the property for Outdoor Commercial Patios as a Routine Minor Variance.