



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 7, 2015
SUBJECT / REPORT NO:	Proposed Official Plan Amendment (OPA) and Draft Rural Zoning By-law (PED13167(c)) (Wards 9, 11, 12, 13, 14 and 15)
WARD(S) AFFECTED:	Wards 9, 11, 12, 13, 14 and 15
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SUBMITTED BY: SIGNATURE:	Jason Thorne General Manager Planning and Economic Development Department

RECOMMENDATION

- (a) That approval be given to Official Plan Amendment (OPA) No. [REDACTED] to the Rural Hamilton Official Plan (RHOP) (CI 15-B) to amend policies, schedules and maps, to implement up to date mapping and policies for the Rural Settlement Areas, to introduce source water protection policies, to add new site-specific provisions, to redesignate one parcel of land to Rural from Open Space, and to update the Agricultural and Rural policies for specific agriculturally related uses, on the following basis:
- (i) That the draft Official Plan Amendment (OPA), attached as Appendix “A” to Report PED13167(c), be adopted by Council; and,
 - (ii) That the proposed Official Plan Amendment (OPA) is consistent with the Provincial Policy Statement (PPS) 2014, and conforms to the Greenbelt Plan.
- (b) That approval be given to City Initiative 15-B for the Rural Area of the City, to add 11 new zones to Zoning By-law No. 05-200, to add special exceptions, holding provisions, temporary uses and special figures, to amend the General Open Space (P4) Zone, to add rural use specific parking provisions, to add and amend definitions associated with the new rural zones, and to amend the general

provisions and other administrative sections of the By-law to implement the new rural zones, on the following basis:

- (i) That the Draft By-law, attached as Appendix “B” to Report PED13167(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
- (ii) That the proposed changes in zoning will be in conformity with the Rural Hamilton Official Plan (RHOP) upon approval of Official Plan Amendment (OPA) No. [REDACTED].

Note: Due to the bulk of the text and mapping associated with this initiative, the Official Plan Amendment (OPA) and the Zoning By-law Amendment (text and mapping) have not been included as part of this staff Report (PED13167(c)). Appendices “A” and “B” will be available for viewing in the Office of the City Clerk at 71 Main Street West (City Hall) 1st floor, Planning Division on the 4th floor, or on-line at www.hamilton.ca/ruralzoning.

The Report and Appendices “A1”, and “C” to “F”, will be available on the City’s Website at www.hamilton.ca.

- (c) That approval be given to a Site Plan Control By-law to consolidate Site Plan Control By-law Nos.03-294, 08-298 and 14-323, to add specific uses (i.e. kennel, mushroom operation, etc.) and to require Site Plan Control for lands adjacent to Core Areas, on the following basis:
 - (i) That the Draft By-law, attached as Appendix “C” to Report PED13167(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
- (d) In the event that Greenbelt Plan Policies 3.1.2 and / or 5.2.1, which address existing uses and previous site-specific approvals, are amended to allow a broader range of uses other than existing uses and site-specific approvals, that staff be directed to review the Existing Rural Commercial (E1) and Existing Rural Industrial (E2) Zones to determine if additional uses that were previously permitted under the former Municipal Zoning By-laws can be included within the E1 and E2 Zones in accordance with the Greenbelt Plan and report back to Council on the results of the review.

EXECUTIVE SUMMARY

This Report is a follow up to Report PED13167(b) which considered the proposed amendments to the Rural Hamilton Official Plan (RHOP), Zoning By-law 05-200 and the Site Plan Control By-law for the Rural Area, at the March 31, 2015 Public Meeting held March 31, 2015. The purpose of this Report is to review the comments received as part

of the Public Meeting and after the completion of the March 31, 2015 Staff Report and the three motions presented at Planning Committee / Council. Several changes have been made as a result of the public input and motions.

To implement the policies of the City's RHOP, staff have prepared Draft Zones for the Rural area (see Appendix "B") to be incorporated in Zoning By-law No. 05-200. In preparing the proposed zones, staff have undertaken extensive public consultation and have created Rural Zones that achieve the goals of the RHOP respecting the protection of agricultural lands and natural features in Rural Hamilton. At the same time, the intent of the proposed zones is also to allow for flexibility and innovation in agricultural practice to accommodate the introduction of value-added uses to support and enhance the agricultural community. The zones aim to achieve a balance between these goals.

Alternatives for Consideration – See Page 18

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The *Planning Act* requires that a statutory open house be held at least seven days prior to Council considering the comprehensive Zoning By-law for the Rural area. The meetings held in January 2014, November 25 and 27, 2014, constitute the statutory open houses. The statutory public meeting was held on March 31, 2015.

HISTORICAL BACKGROUND

1.0 Zoning By-law 05-200

The City of Hamilton's new Comprehensive Zoning By-law No. 05-200 came into effect on May 25, 2005, and is being implemented in stages. The first stage represented the Downtown Zones. The second stage brought forward the Open Space and Parks Zones, and the third stage brought forward the Institutional Zones. New Industrial (Employment) Zones were brought forward in 2010. The next phase being brought forward and to be incorporated into Zoning By-law No. 05-200 is the new Rural Zones, which will be followed by Commercial / Mixed Use Zoning in 2016 and Residential in 2017.

2.0 Public Consultation and Communication Process

Report PED13167(b) summarizes the extensive public consultation that occurred in developing the new Rural Zones.

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March 31, 2015 Public Meeting under the Planning Act

A statutory public meeting was held on March 31, 2015 to consider the proposed Official Plan Amendment and Draft Rural Zoning By-law, as required under the *Planning Act*.

At the March 31, 2015 meeting and the subsequent April 8, 2015, Council meeting, the following three motions were approved:

Motion 1:

- “(a) That staff be directed to incorporate into the proposed amendments to the Rural Hamilton Official Plan and Zoning By-law No. 05-200, such changes as are necessary to permit and recognize rural landscape contracting establishments existing as of March 31, 2015 located in Ancaster and Flamborough, provided the establishments inform the City of the address or property description of the business;
- (b) That those rural landscape contracting establishments existing as of March 31, 2015 located in Ancaster and Flamborough, that contact the City by no later than May 15, 2015 be included in the proposed amendments to the comprehensive Zoning By-law as special exceptions;
- (c) That for those rural landscape contracting establishments existing as of March 31, 2015 located in Ancaster and Flamborough that identify their lands after May 15, 2015 and no later than August 30, 2015, that a onetime separate by-law amendment be prepared to incorporate these lands into the comprehensive Zoning By-law as special exceptions and presented to the October 6, 2015 Planning Committee; and,
- (d) With respect to clause sub-section (c) above and in accordance with Section 34(17) of the *Planning Act*, no additional public meetings shall be required” (Planning Committee March 31, 2015, amended on April 8, 2015 Council).

Motion 2:

“That staff be directed to review the regulations and the zones in which abattoirs and livestock assembly points (which include feedlots) are proposed to ensure impacts adjacent residential uses (such as along Dickenson Road) are mitigated and report back to the Planning Committee” (Planning Committee March 31, 2015).

Motion 3:

“That staff be directed to investigate the range of permitted uses within the proposed E1 (Existing Rural Commercial) and the E2 (Existing Rural Industrial) Zones that are proposed to be incorporated into Zoning By-law 05-200 compared to the uses permitted

in the Rural Industrial (M3) and Highway Commercial (HC) Zones in Zoning By-law No. 90-145-Z and report back to the Planning Committee” (April 8, 2015 Council).

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

1.0 Provincial Policy

Staff reviewed and found the Rural Zones to be in conformity with the Greenbelt Plan and consistent with the PPS (2014) as part of our previous PED13167(b) report. The Rural Zones were also reviewed in light of Niagara Escarpment Plan and that review is also included as part of Report PED13167(b).

For purposes of clarification, the following policies of the Greenbelt Plan apply to existing uses or site specific zoning by-law approvals. Sections 3.1.4, 4.5 and 5.2.1 permit the City to recognize legally existing uses as well as any use that has a site (for that property) specific approval in the former municipal by-laws.

2.0 Rural Hamilton Official Plan (RHOP)

As part of Report PED13167(b), staff advised that the Rural Zoning by-law amendments implement the policies and designations of the RHOP. Two small changes have been made to the OPA as follows:

1. 454 Carlisle Road (Carlisle Rural Settlement Area) - to redesignate the lands from Settlement Residential to Settlement Commercial. The proposed Zoning By-law amendment zones the lands as Settlement Commercial (S2) Zone.
2. 475, 515, Parts of Lot 2, Lot 3, Part of Lot 4, Part of Lot 5 Concession 11 Road East (St Mary's Land) – to create a new special policy area to identify the existence of a Conservation Easement on the lands.

3.0 Zoning By-law No. 05-200

As the City of Hamilton's new Comprehensive Zoning By-law No. 05-200 is being implemented in stages, the next phase being brought forward to be incorporated into Zoning By-law No. 05-200 is the new Rural Zones.

The amending By-law includes: 11 draft Rural Zones and associated definitions; general provisions; parking provisions; special exceptions; holding provisions; temporary use provisions; special figures; and, administrative edits as well as associated zoning maps. However, due to the size of the amending By-law it has been included as a separate item to this Report and is identified as Appendix “B”.

4.0 Site Plan Control By-law

A consolidated and amended Site Plan Control By-law is being proposed and will replace the following Site Plan Control By-laws: 03-294, 08-298 and 14-323.

In addition, the proposed consolidated By-law will require Site Plan approval for certain types of developments (i.e. mushroom operations) and will also work hand in hand with the Rural Zones, particularly the Conservation / Hazard Land – Rural Zones (P6, P7 and P8) and may allow for limited development subject to Site Plan Approval.

Further discussion pertaining to the Site Plan Control By-law is included Section 6.0 – Site Plan Control By-law of the Analysis and Rationale Section of Report PED13167(b).

RELEVANT CONSULTATION

Refer to Relevant Consultation Section of Report PED13167(b).

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1.0 Purpose

With the RHOP coming into force and effect on March 7, 2012, work on the Rural Zoning project was reinitiated. The purpose was to implement the policy direction of the RHOP and in turn provide for consistent zoning throughout the Rural area, which is currently subject to five different zoning by-laws.

2.0 Highlights of Rural Zoning

The Rural Zones are able to offer a number of benefits that currently do not exist under the zoning by-laws of the former municipalities and they include; additional opportunities for on-farm diversification, the protection of natural heritage features, provide for certain amount of flexibility, while providing clear and consistent regulations and definitions throughout the Rural area.

The aforementioned benefits are discussed in further detail within Report PED13167(b).

3.0 Structure of Rural Zones

The proposed Rural Zones are included within Appendix “B” to this Report. There are a total of 11 proposed zones, described as follows:

- Agriculture (A1) Zone
- Rural (A2) Zone
- Settlement Residential (S1) Zone
- Settlement Commercial (S2) Zone

- Settlement Institutional (S3) Zone
- Existing Rural Commercial (E1) Zone
- Existing Rural Industrial (E2) Zone
- Extractive Industrial (M12) Zone
- Conservation / Hazard Land – Rural (P6) Zone
- Conservation / Hazard Land – Rural (P7) Zone
- Conservation / Hazard Land – Rural (P8) Zone

A description of each of the zones can be found in Section 3.0 Structure of Rural Zones of Report PED13167(b).

3.1 Existing Zones, Definitions, General Provisions Applicable to the Rural Area

Zoning By-law 05-200 includes four Parks and Open Space Zones that will be applied to lands within the Rural area that contain uses such as recreation, cemeteries, golf courses, seasonal campgrounds and conservation. The four Parks and Open Spaces Zones are: Neighbourhood Park (P1) Zone, Community Park (P2) Zone, City Wide Park (P3) Zone and General Open Space (P4) Zone.

In addition, Zoning By-law 05-200 contains definitions and general provisions that are applicable to and appropriate for the Rural area.

3.2 Special Exceptions

There are 212 special exceptions proposed for properties within the Rural Area. The exceptions pertain to uses, regulations and / or special conditions for a specific site(s).

3.3 Temporary Use and Holding Provisions

There is one temporary use provision proposed within the Rural Area and it pertains to temporary Garden Suites.

There are twelve site-specific holding provisions in the Rural area based on existing site-specific zoning requirements from previous planning approvals. A holding provision is applied to ensure a special requirement(s) is fulfilled prior to the development of the land in accordance with the applicable Zone.

4.0 Concerns Arising Since Preparation of Report PED13167(b)

The various appendices of Report PED13167(b) summarize the public comments and changes made to the zones since December 2013.

Appendix “D” to this Report includes a summary of the written and verbal comments received as part of the March 31, 2015 Public Meeting, while Appendix “E” to this

Report includes a summary of written comments received since the preparation of Report PED13167(b).

The primary concerns raised related to proposed Rural Zoning since the preparation of Report PED13167(b) include the following:

4.1 Landscape Contracting Establishments

Council, at its meeting of April 8, 2015, passed the following Motion:

- “(a) That staff be directed to incorporate into the proposed amendments to the Rural Hamilton Official Plan and Zoning By-law No. 05-200, such changes as are necessary to permit and recognize rural landscape contracting establishments existing as of March 31, 2015 located in Ancaster and Flamborough, provided the establishments inform the City of the address or property description of the business;
- (b) That those rural landscape contracting establishments existing as of March 31, 2015 located in Ancaster and Flamborough, that contact the City by no later than May 15, 2015 be included in the proposed amendments to the comprehensive Zoning By-law as special exceptions;
- (c) That for those rural landscape contracting establishments existing as of March 31, 2015 located in Ancaster and Flamborough that identify their lands after May 15, 2015 and no later than August 30, 2015, that a onetime separate by-law amendment be prepared to incorporate these lands into the comprehensive Zoning By-law as special exceptions and presented to the October 6, 2015 Planning Committee; and,
- (d) With respect to clause sub-section (c) above and in accordance with Section 34(17) of the *Planning Act*, no additional public meetings shall be required” (as amended on April 8).

The majority of comments received regarding landscape contracting establishments since the preparation of Report PED13167(b) and as part of the March 31, 2015 Public Meeting, were from landscape contractors and centred on wanting to permit landscape contracting on their respective properties. Existing Landscape Contracting Establishments that are currently legal (i.e. are permitted in the current in force and effect zoning by-laws) have either been recognized through the use of a Special Exception or they will remain a legal non-conforming use. It is important to note that staff cannot legalize currently illegal uses unless the use complies with the Greenbelt Plan and the RHOP. As part of the Rural Zones, staff are recommending that a Landscape Contracting Establishment as a Secondary Use to Nursery, and subject to a number of regulations, be permitted in the proposed A1, A2, P6 and M12 Zones.

The motion passed by Council respecting landscape contracting establishments is discussed in further detail in Section 5.1.

4.2 Natural Features Zones (P6, P7 and P8 Zones)

The majority of concerns raised were site-specific. Staff undertook a further review of specific properties and where warranted (i.e. manicured or developed portions of a property were included in a P6, P7 or P8 Zone), minor refinements were made to include these manicured / developed portions of a property within a more appropriate Zone. Property owners were notified of any minor refinements that could be made and provided with corresponding revised draft zoning mapping.

4.3 Places of Worship

Two comments were received requesting that provision be made for places of worship in the Rural area.

The RHOP only allows institutional uses within Rural Settlement Areas or on lands designated Rural, subject to conditions. A Zoning By-law Amendment is required to ensure that the place of worship serves the rural community, there is adequate servicing, parking, and as little land as possible is used for the place of worship.

Based on the above, should a place of worship wish to locate in the rural area, a Zoning Amendment will be required to add a site-specific permission to the appropriate zone. No changes are contemplated to the proposed Rural Zones to permit this use as-of-right. Existing legally established places of worship are recognized in the proposed By-law.

4.4 Existing Rural Commercial and Industrial Zoning

A number of concerns were raised relating to maintaining the existing zoning permissions associated with the Highway Commercial and the Rural Industrial Zones under the current zoning by-laws.

The motion directing staff to investigate the range of permitted uses within the proposed Existing Rural Commercial (E1) and Existing Rural Industrial (E2) Zones in comparison to the Highway Commercial (HC) and Rural Industrial (M3) Zones is discussed in further detail in Section 5.3.

4.5 Other Comments

4.5.1 475, 515, Parts of Lot 2, Lot 3, Part of Lot 4, Part of Lot 5 Concession 11 Road East (St Marys Land)

A letter was received on behalf of FORCE requesting staff recognize the Conservation Easement in the RHOP and the Zoning By-law.

These lands are the subject to a Conservation Easement, dated January 24, 2013 entered into between the Provincial Government and St. Marys Cement. The contents and scope of the specific agreement include the lands that were subject to the Development applications for a quarry as well as additional lands owned by St. Marys.

The purpose of this Conservation Easement, in general terms, is to protect, conserve, maintain, restore or enhance land or wildlife on the land, watersheds, water quality / quantity, or agriculture. The agreement contains a variety of restrictions, on the portion of the lands restricting buildings structures, paved areas, site alteration, waterway protection, fencing and tree removal. Many of the items contained in the agreement are not regulated by the Zoning By-law.

To address the land use planning related matters of the Conservation Agreement, the following changes are proposed:

1. Add a site-specific policy area to the RHOP to prohibit a pit or quarry on the entirety of the lands and to recognize that a portion of the lands will be zoned to protect the natural heritage features;
2. Add three site-specific exceptions to the property to prohibit a pit or quarry; to allow the existing single detached dwelling on the parcel located at 515 Concession Road East; and,
3. To zone the lands identified as Protected Lands in the Conservation Easement as either P6, P7 or P8 depending on the natural heritage features and to prohibit all dwellings and structures.

Other comments received have been predominantly on a property specific basis. A summary of those comments are included within Appendices "D3", "D7", "D8", "E2" and "E3" to this Report.

Where possible, property specific comments were addressed through the Rural Zoning By-law and are noted within Appendices "D7" and "E2" of this Report.

4.6 Additional Amendments

In addition, based on comments received and further review of the Draft Zoning Regulations, the following amendments have also been made to the Draft Rural Zones:

- Clarified that there is no restriction on the number of Commercial Motor Vehicles associated with an Agricultural operation;
- Clarified that maximum outdoor storage area associated with Nursery pertains to the retail component;
- Clarification that a 1.0 m setback from a rear or side lot line shall be required for an accessory building to a Single Detached Dwelling;
- In response to the draft 2015 Minimum Distance Separation (MDS) Guidelines, clarified Minimum Distance Separation (MDS) General Provision, so that MDS will not be applied to construction of new dwelling on existing lot less than 4.0 hectares in size and new non-agricultural buildings on an existing lot;
- Clarified that new Single Detached Dwelling is permitted within P6 Zone provided that it is not on a vacant lot;
- Clarified that Landscape Contracting Establishment – Secondary definition would also include the provision of off-site landscape installation services; and,
- Clarified that an existing home business for an office of one physical or mental health practitioner, physician or dentist would be permitted within a Single Detached Dwelling within the A1, A2, S1 and P6 Zones.

5.0 Council Directions Arising from Public Meeting

As a result of the March 31, 2015 Public Meeting, three motions were approved by the Planning Committee and subsequently ratified by Council. The motions, as well as their outcomes and the findings of staff, are discussed in the following subsections.

5.1 Landscape Contracting Establishments

Appendix “F” to this Report provides a summary of the comments received from landscape contractors as a result of the motion as well as the response to those comments.

Existing rural landscape contracting establishments - Special Exception 253

Based on the direction provided to staff, Special Exception 253 has been drafted to recognize landscape contracting establishments that were in existence as of March 31, 2015 in Ancaster and Flamborough. These businesses informed staff, in writing, that they wanted to be recognized as a result of the above noted motion. It is important to note that Special Exception 253 was created solely in response to the above motion and Planning Division staff are of the opinion that this Special Exception is not in conformity with the Greenbelt Plan.

Staff advise the boundaries of Special Exception 253 that have been applied to properties are reflective of the location of the landscape contracting use on the specific property. In addition, minimum setbacks for new buildings and structures and outdoor storage areas reflective of the minimum setbacks within the A1, A2, P6 and M12 Zones for landscape contracting establishments secondary to a Nursery, have been included within Special Exception 253 in order to ensure there are standards by which any future expansion of this use can be evaluated.

In addition, staff advise that Special Exception 103 pertains to properties that have existing permissions under the Flamborough Zoning By-law to permit a landscape contracting establishment. In order to provide for consistency between how any future development of these landscape contracting establishments and the ones to be recognized through Special Exception 253 are evaluated the same regulations for new buildings and structures and outdoor storage areas of Special Exception 253 have also been applied to Special Exception 103. A definition of landscape contracting establishment has been included within both Special 103 and 253.

There were two Landscape contracting establishments located in Ward 12, 17 landscape contracting establishments located in Ward 14, and 19 landscape contracting establishments located in Ward 15 that have been included as part of Special Exception 253. Details pertaining to these establishments are included within Appendix “F”, “F1”, “F2” and “F3” to this Report. Special Exception 253 is part of the Zoning By-law Amendment in Appendix “B” to this Report.

Landscape contracting establishments that have not been recognized

There were a number of landscape contracting establishments that have not been recognized as part of Special Exception 253 for varying reasons. For example, the landscape contracting establishment was located in the Urban area or Niagara Escarpment Commission Development Control or as per Council’s direction the landscape contracting establishment did not meet the requirement of being existing on the property as of March 31, 2015.

5.2 Abattoirs and Livestock Assembly Points

Council, at its meeting of April 8, 2015, passed the following Motion:

“That staff be directed to review the regulations and the zones in which abattoirs and livestock assembly points (which include feedlots) are proposed to ensure impacts adjacent residential uses (such as along Dickenson Road) are mitigated and report back to the Planning Committee.”

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Staff reviewed the proposed Zoning By-law regulations for abattoirs and livestock assembly points, and those regulations are as follows:

<i>Regulations</i>	<i>Abattoir</i>	<i>Livestock Assembly Point</i>
Minimum Lot Area	5.0 hectares	0.4 hectares
Minimum Front Yard	All buildings or structures associated with the use shall be setback a minimum of 100.0 metres from any lot line; No livestock shall be permitted to be kept in any open area within 60 metres of any lot line.	15.0 metres
Minimum Side Yard		15.0 metres
Minimum Rear Yard		15.0 metres
Maximum Gross Floor Area	500.0 square metres	500.0 square metres
Retail	Maximum area permitted for retail sales, shall not exceed 20% of total gross floor area.	Maximum area permitted for retail sales, shall not exceed 20% of total gross floor area.
Outdoor Storage	Shall not be permitted in any Front Yard or Flankage Yard; Shall be located a minimum of 20.0 metres from any lot line, and screened by a visual barrier in accordance with Section 4.19 of this By-law.	Shall not be permitted in any Front Yard or Flankage Yard; Shall be located a minimum of 20.0 metres from any lot line, and screened by a visual barrier in accordance with Section 4.19 of this By-law.

Both abattoirs and livestock assembly points are agriculturally related uses and are identified as permitted uses within the RHOP. Both uses are only proposed to be permitted within the Rural (A2) Zone.

Any barn proposed for the housing of livestock would be subject to a building permit at which time a Minimum Distance Separation (MDS) calculation would need to be prepared to identify the minimum distance required from the proposed barn and any associated proposed manure storage facility and nearby non-agricultural uses (i.e. nearest neighbour's dwelling). The requirement indicating that development must adhere to the MDS Formulae is included as General Provision 4.28 a) of the Draft Rural Zoning By-law. Further, the setback requirements identified within an MDS calculation would likely be more restrictive than the minimum setback requirements identified in the above table.

In addition, staff note that previous research on abattoirs identified that the establishment of this use is subject to an extensive federal approval process.

Recommendation:

Based on further review by staff, as abattoirs and livestock assembly yards both involve livestock, the minimum lot area and setback regulations that they are both subject to within the Rural (A2) Zone should be the same. As such, a minimum lot area of 5.0 ha, a minimum setback distance of 100 m for any building associated with the use from any lot line and a minimum 60 m for any open area for livestock to any lot line, has also been applied to livestock assembly yards and included as part of the revised Rural (A2) Zone included within Appendix “B” of this Report.

5.3 Range of Permitted Uses within Proposed E1 and E2 Zones

The following motion was also passed at the April 8, 2015 Council Meeting:

“That staff be directed to investigate the range of permitted uses within the proposed E1 (Existing Rural Commercial) and the E2 (Existing Rural Industrial) Zones that are proposed to be incorporated into Zoning By-law 05-200 compared to the uses permitted in the Rural Industrial (M3) and Highway Commercial (HC) Zones in Zoning By-law No. 90-145-Z and report back to the Planning Committee.”

Permitted Uses – proposed in the Zoning By-law Amendment

As a result of the concerns raised by business / property owners during the previous public consultation sessions, staff brought forward the E1 and E2 Zones as part of the Report PED13167(b) to try and address those concerns while ensuring conformity with the Provincial Policy framework and the RHOP.

In accordance with Sections 3.1.4 and 5.2.1 of the Greenbelt Plan and the RHOP, existing uses and those uses that have received site-specific approval have been recognized by the Zoning By-law. These sites are proposed to be zoned Existing Rural Commercial (E1) Zone or Existing Rural Industrial (E2) Zone. It is important to note that the majority of E1 and E2 Zoned properties have also had a Special Exception applied to the property to clearly identify the existing use(s) permitted on that property. For example, if there was a site-specific provision for manufacturing of steel pipes, the exception would read as ‘Manufacturing’. The new Zoning By-law is more flexible with its definitions. For example, the definition of ‘Manufacturing’ does not reference specific types of products to be manufactured (e.g. car parts, clothes, etc.). The definition of Manufacturing has been broadened as follows:

Manufacturing - Shall mean the production, fabrication, compounding, processing, packaging, crafting, bottling, packing, recycling or assembling of raw or semi-processed or fully-processed goods or materials, and shall include but not be limited to a Biotechnological Establishment, Computer, Electronic and Data Processing Establishment, Pharmaceutical and Medical

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Establishment, Printing Establishment and / or a Science and Technology Establishment. Manufacturing may also include a Private Power Generation Facility as an accessory use, but shall not include a Waste Management Facility.

Another definition that has been broadened as part of the new Zoning By-law is Farm Product Supply Dealer and the definition is as follows:

Farm Product Supply Dealer - Shall mean the use of land, building or structure, or part thereof, for the sale and/or storage of seeds, fertilizers, farm equipment or other goods or materials used in agriculture.

In addition, Rural Industrial Business Areas such as Peter's Corners, Ofield Road and Flamborough Centre have multiple uses permitted as part of their overall business areas. Beyond existing uses, the uses permitted in the E1 and E2 Zones are those agriculturally related commercial and industrial uses that are also permitted under the Rural (A2) Zone.

Below are two tables that compare the Highway Commercial Uses with the Proposed Existing Rural Commercial (E1) Zone or Rural Industrial (E2) Zone:

Highway Commercial (HC) Zone Permitted Uses	Proposed Existing Rural Commercial (E1) Zone Permitted Uses
<ul style="list-style-type: none">• Accessory Open Storage• Agricultural Equipment Sales, Rentals and Service• Any permitted use in an Automotive Commercial Zone AC subject to the provisions of Subsection 21.2. - AC Zone permits automobile service station, gas bar and car wash• Automobile Sales and Service Establishment and accessory open storage.• Convenience Retail Store• Fruit and Vegetable Market• Garden Centre• Hotel• Motel• One Dwelling Unit within a building containing a permitted use on the first floor• Restaurant - Standard, Convenience, Fast Food	<ul style="list-style-type: none">• Legally Existing Uses <p>+</p> <ul style="list-style-type: none">• Agricultural Processing Establishment – Stand Alone• Agricultural Storage Establishment• Farm Product Supply Dealer• Kennel

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Highway Commercial (HC) Zone Permitted Uses	Proposed Existing Rural Commercial (E1) Zone Permitted Uses
<ul style="list-style-type: none"> Retail Establishment for the sale of Antiques and Crafts 	

Rural Industrial (M3) Zone Permitted Uses	Proposed Existing Rural Industrial (E2) Zone Permitted Uses
<ul style="list-style-type: none"> Accessory Business, Professional or Administrative Office Accessory Open Storage Accessory Retail Sale of Goods produced on the premises Agricultural Processing Establishment Automobile Body Shop Automobile Repair Garage Automobile Towing Establishment Fuel Depot Manufacturing, Processing, Assembling, Packaging, Fabricating, Repairing, Servicing and Warehousing and Storage Pipeline and Pumping Station Propane and Natural Gas Conversion and Repair Shop Truck Cartage Terminal Truck Depot 	<ul style="list-style-type: none"> Legally Existing Uses + Abattoir Agricultural Processing Establishment – Stand Alone Agricultural Storage Establishment Farm Product Supply Dealer

Based on current Greenbelt Plan policy and the RHOP, staff maintains the proposed permissions associated with the E1 and E2 Zones and no further changes are recommended.

As part of Hamilton's comments on the Coordinated Provincial Plan review which were presented to Planning Committee at its meeting of June 16, 2015, there are specific recommendations in the report and Appendices that request the Province review these policies to broaden the scope of uses that may be permitted in areas where highway commercial and dry industrial parks exist. In the event changes are made to the Greenbelt Plan, specifically Policies 3.1.4 and 5.2.1, which address existing uses and previous site-specific approvals, and those policies are amended to allow a broader range of uses, staff will review the Existing Rural Commercial (E1) and Existing Rural Industrial (E2) Zones to determine if additional uses that were previously permitted under the former Municipal Zoning By-laws can be included within the E1 and E2 Zones in accordance with the Greenbelt Plan.

Further, Planning Committee could direct staff to proceed with the following options:

1. Recognize some of the permitted uses within the HC and M3; or
2. Recognize and reflect all current use permissions for current HC and M3 properties as part of the Rural Zoning By-law; or
3. Defer a decision on currently vacant HC and M3 properties for one year and allow property owner to come forward with a Site Plan Control application to develop their property in accordance with the HC and M3 Zones.

Regulations

To provide for flexibility for future development on lots zoned E1 and E2, the regulations that have been included as part of the E1 and E2 Zones are reflective of the existing Highway Commercial (HC) Zone and Rural Industrial (M3) Zone under the Town of Flamborough Zoning By-law 90-145-Z.

6.0 Areas to be left out of Zoning By-law 05-200

Specific geographic areas that will not be included in the new Rural Zoning By-law at this time were discussed in detail within Report PED13167(b) and include the following: Pleasantview Area of Dundas, Portions of the Greensville Rural Settlement Area, Swayze Road Business Park, Lower Stoney Creek, West of Fifty Road, Lands within the Airport Employment Growth District (AEGD) Study Area, Lands subject to Official Plan and Zoning By-law Amendment Application for proposed Lafarge South Quarry Extension.

6.1 Lands within the Airport Employment Growth District (AEGD) Study Area

Since the preparation of Report PED13167(b) a written decision approving the OPA and Zoning By-law Amendment for the AEGD was issued. Accordingly, certain portions of the AEGD are now located within the Urban Area and have been reflected accordingly within the zoning maps.

The lands that remain in the Rural area will be included within Zoning By-law 05-200 through a future amendment to the zoning by-law.

7.0 Development Applications Currently in Process

Development applications for specific properties in the Rural area such as OPAs and Zoning By-law Amendments that are currently in process, are subject to their own public review process. As such, these applications cannot be addressed through the Rural Zoning, unless the applications are approved by Council and the by-law(s) are final and binding.

1. By-law No. 15-052 (548 Millgrove Side Road)
By-law No. 15-108 (250 Concession 4 Road West)

The by-laws are in effect and have been included as part of the Rural Zoning By-law Amendment.

2. By-law No. 15-129 (340 Bell Road)

By-law 15-129 is not final and binding at the time of writing this Report. In the event this by-law comes into effect after the Report is written, it will be included in the Rural Zoning By-law Amendments.

8.0 Transition Issues

When a new Zoning By-law is adopted, and until such time as this by-law comes into effect, permitted uses and regulations will be based on the structure of the two by-laws. In the case of the rural zoning, the A1 and A2 zones which have a wider range of permitted uses, for example, these new uses would not be permitted until the by-law is final and binding. Similarly, rural landscape contractors that have been identified would not be “legal” until the by-law is final and binding. If there are OMB appeals of the by-law, either an appeal against the whole by-law and / or specific properties, the application of the stricter by-law will remain. As the more restrictive of the two by-laws apply, an application to the Committee of Adjustment may be required during the transition period.

ALTERNATIVES FOR CONSIDERATION

City Council does not adopt the OPA and the zoning by-law amendments. The existing RHOP policies will remain in effect. The Ancaster, Dundas, Flamborough, Glanbrook and Stoney Creek Zoning By-laws will remain in effect. This option is not preferred because the *Planning Act* requires that a municipality pass a comprehensive zoning by-law to bring zoning into conformity with the Official Plan within three years of the Official Plan coming into effect. The RHOP came into effect in March 2012.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.1 Continue to grow the non-residential tax base.

1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

APPENDICES AND SCHEDULES ATTACHED

Appendix A – Official Plan Amendment (Available under separate cover; not attached to this Report)

Appendix B – Amending By-law to 05-200 (Available under separate cover; not attached to this Report)

Appendix C – Site Plan Control By-law

Appendix D – Comment Summaries from March 31, 2015 Public Meeting

- Appendix “D1” – Comment Summary – Landscape Contracting Establishments
- Appendix “D2” – Comment Summary – P6, P7 and P8 Zones
- Appendix “D3” – Comment Summary – Places of Worship
- Appendix “D4” – Comment Summary – Rural Zones
- Appendix “D5” – Comment Summary – Existing Rural Commercial and Industrial Zoning
- Appendix “D6” – Comment Summary – Special Exceptions
- Appendix “D7” – Comment Summary – Other Comments

Appendix E – Comment Summaries since Preparation of March 31, 2015 Report to Planning Committee

- Appendix “E1” – Comment Summary – P6, P7 and P8 Zones
- Appendix “E2” – Comment Summary – Special Exceptions
- Appendix “E3” – Comment Summary – Other Comments

Appendix F – Comment Summaries in response to Landscape Contracting Establishments Motion

- Appendix “F1” – Existing Landscape Contracting Establishments in Ward 12
 - Appendix “F1-1” – 313 Sunnyridge Road
 - Appendix “F1-2” – 1326 Butter Road West
- Appendix “F2” – Existing Landscape Contracting Establishments in Ward 14
 - Appendix “F2-1” – 1 Karendale Court
 - Appendix “F2-2” – 1299 Highway 6 North
 - Appendix “F2-3” – 658 Concession 5 West
 - Appendix “F2-4” – 877 Westover Road
 - Appendix “F2-5” – 751 Middletown Road
 - Appendix “F2-6” – 1420 Concession 2 West
 - Appendix “F2-7” – 183 Orkney Road
 - Appendix “F2-8” – 262 Lynden Road
 - Appendix “F2-9” – 1650 Powerline Road West
 - Appendix “F2-10” – 3517 Indian Trail
 - Appendix “F2-11” – 598 Middletown Road

- Appendix “F2-12” – 1441 Jerseyville Road West
- Appendix “F2-13” – 996 Jerseyville Road West
- Appendix “F2-14” – 1049 Concession 6 West
- Appendix “F2-15” – 1182 Brock Road
- Appendix “F2-16” – 797 Concession 8 West
- Appendix “F2-17” – 940 Concession 5 West

- Appendix “F3” – Existing Landscape Contracting Establishments in Ward 15
 - Appendix “F3-1” – 1431 Centre Road
 - Appendix “F3-2” – 912 Beeforth Road
 - Appendix “F3-3” – 888 Beeforth Road
 - Appendix “F3-4” – 148 Concession 6 Road East
 - Appendix “F3-5” – 631 Robson Road
 - Appendix “F3-6” – 98 Concession 7 Road East
 - Appendix “F3-7” – 143 Concession 6 Road East
 - Appendix “F3-8” – 136 Concession 5 Road East
 - Appendix “F3-9” – 534 Concession 5 Road West
 - Appendix “F3-10” – 72 Shelton Lane
 - Appendix “F3-11” – 728 Highway 6
 - Appendix “F3-12” – 682 Ofield Road North
 - Appendix “F3-13” – 11 Parkside Drive
 - Appendix “F3-14” – 460 Highway 5 West
 - Appendix “F3-15” – 181 Concession 6 Road East
 - Appendix “F3-16” – 510 Ofield Road North
 - Appendix “F3-17” – 65 Concession 6 Road East
 - Appendix “F3-18” – 367 Highway 5 West
 - Appendix “F3-19” – 561 Concession 5 Road West

:DY/th