



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 6, 2015
SUBJECT / REPORT NO:	Rural Zoning By-law Follow-up and Updates (PED13167(d)) (Wards 9, 11, 12, 13, 14 and 15)
WARD(S) AFFECTED:	Wards 9, 11, 12, 13, 14 and 15
PREPARED BY:	Diana Yakhni Senior Planner (905) 546-2424 Ext. 7582 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That approval be given to Official Plan Amendment (OPA) No.____ to the Rural Hamilton Official Plan (RHOP) (CI 15-B) to redesignate a portion of 680 Highway 8 from City Wide Park to Settlement Institutional, to include Settlement Institutional policies within the Rockton Rural Settlement Area Plan and to identify a new Special Policy Area for the Rockton Fairgrounds to allow for ancillary commercial recreation uses, on the following basis:
- (i) That the draft Official Plan Amendment (OPA), attached as Appendix “A” to Report PED13167(d), 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 to apply Rural Zones to lands previously identified as being within the Airport Employment Growth District (AEGD) Study Area and generally bounded by Garner Road East, Highway 6

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South, Glancaster Road, White Church Road, Carluke Road and Fiddlers Green Road, and add special exceptions, on the following basis:

- (i) That the Draft By-law, attached as Appendix “B” to Report PED13167(d), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
 - (ii) That the proposed changes in zoning are in conformity with the Rural Hamilton Official Plan (RHOP).
- (c) That approval be given to City Initiative 15-B for the Rural Area of the City, to amend Zoning By-law 05-200 as it pertains to Rural Zones in order to allow for corrections and additions to be made, which include the clarification of regulations and the inclusion of and amendments to specific special exceptions, on the following basis:
- (i) That the Draft By-law, attached as Appendix “C” to Report PED13167(d), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
 - (ii) That the proposed changes in zoning are in conformity with the Rural Hamilton Official Plan (RHOP).
- (d) That approval be given to City Initiative 15-B for specific properties within Wards 12, 14 and 15, to apply Special Exception 253 to recognize and permit a landscape contracting establishment, on the following basis:
- (i) That the Draft By-law, attached as Appendix “D” to Report PED13167(d), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
 - (ii) That the proposed changes are in response to the direction of a Council approved Motion dated April 8, 2015.

EXECUTIVE SUMMARY

This Report is a follow up to the July 7, 2015 Report (PED13167(c)), which recommended approval of amendments to the Rural Hamilton Official Plan (RHOP), Zoning By-law 05-200 and the Site Plan Control By-law for the Rural Area, in order to implement new Zones for the Rural Area of Hamilton.

The purpose of this Report is four fold and entails a redesignation of a part of a property and the application of a special policy area to property within the Rockton Rural Settlement Area of the Rural Hamilton Official Plan, incorporates and applies the Rural Zones of Zoning By-law 05-200 to the Rural Area of the Airport Employment Growth

District (AEGD) Study Area lands and applies an Airport (U1) Zone to the John C. Munro Hamilton International Airport, provides corrections to Rural Zones for clarification purposes and recognizes and permits landscape contracting establishments on specific properties within the Rural Area of Wards 12, 14 and 15.

Alternatives for Consideration – See Page 11

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider amendments to the Official Plan and Zoning By-law. The proposed zoning changes amend By-law 15-173 which has been appealed to the Ontario Municipal Board (OMB). As such, the proposed changes will not come into force and effect until such time as the OMB approves By-law 15-173.

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 fourth stage brought forward the new Rural Zones in July 2015 and will be followed by Commercial / Mixed Use Zoning in 2016 and Residential in 2017.

The subject report is a follow-up to Report PED13167(c), which brought forward the new Rural Zones on July 7, 2015. The new Rural Zones were approved by Council on July 10, 2015 as By-law 15-173. Fourteen (14) appeals to the OMB have been received pertaining to By-law 15-173. The appeals received pertain to specific properties, regulations and special exceptions.

2.0 Public Consultation and Communication Process

Report PED13167(b) summarizes the extensive public consultation that occurred in developing the Rural Zones, while Report PED13167(c) brought forward the new Rural Zones for approval.

The statutory public meeting pertaining to the Rural Zones 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*.

A Notice of Public Meeting pertaining to recommendations (a), (b) and (c) above was included within the September 18, 2015 edition of the Hamilton Spectator. Recommendation (d) above was not included within the Notice of Public Meeting as the direction of the Council approved motion pertaining to this item identified that no additional public meetings would be required.

In addition, individual letters were mailed out to property owners with lands within the former AEGD Study Area that was not brought into the Urban Area. Specifically, the area generally bounded by Garner Road East, Highway 6 South, Glancaster Road, White Church Road, Carluke Road and Fiddlers Green Road advising them of the proposed zoning changes.

3.0 Motions

Landscape Contracting Establishments Motion:

At the March 31, 2015 Planning Committee meeting and the subsequent April 8, 2015, Council meeting, the following motion was approved:

- “(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).

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The direction of the landscape contracting establishments motion has been addressed in part by staff through Report PED13167(c) and the creation of Special Exception 253. However, item (c) of the above motion provides direction to staff to prepare a separate by-law amendment to address landscape contracting establishments that contact staff after May 15, 2015 and no later than August 30, 2015, as part of the subject Report. Additional details pertaining to the implementation of the second half of the landscape contracting establishments motion is provided within Section 4.0 – Existing Landscape Contracting Establishments of this Report.

680 Highway 8 Motion:

At the July 7, 2015 Planning Committee meeting and the subsequent July 10, 2015, Council meeting, the following motion was approved:

“h. That staff be directed to:

amend the Rural Hamilton Official Plan and Zoning By-law No. 05-200 to permit a school on a portion of the property located at 680 Highway 8, on the following basis:

- 1) a portion of the 680 Highway 8 property be redesignated from “City Wide Park” to “Settlement Institutional” on Volume 2 – Map 13, Rockton Rural Settlement Area Plan; and,
- 2) a portion of the 680 Highway 8 property be zoned Settlement Institutional (S3) Zone and identified on Maps 80 and 91.”

The direction of the above motion has been addressed as part of recommendations (a) and (c) of the subject Report.

11 Parkside Drive Motion:

At the September 1, 2015 Planning Committee meeting and the subsequent September 9, 2015, Council meeting, the following motion was approved:

“WHEREAS the Greenbelt Plan allows for small scale institutional uses;

AND WHEREAS the Rural Hamilton Official Plan allows for small scale institutional uses subject to certain tests;

AND WHEREAS the proposed place of worship meets these tests; and,

AND WHEREAS a public meeting is planned for October 6, 2015 to consider changes to the Rural Zoning By-law.

THEREFORE it is resolved that:

That Staff be directed to:

- a. amend Zoning By-law No. 05-200 by modifying the Rural (A2) Zone for the lands located at 11 Parkside Drive to apply an additional special exception to permit a Place of Worship with a maximum size and apply a holding provision to identify required studies to be completed;
- b. include item a. above as part of the report being brought forward to the October 6, 2015 Planning Committee meeting; and,
- c. provide adequate public notice pertaining to item a. above, in accordance with the *Planning Act*.”

The direction of the above motion has been addressed as part of recommendation (c) of the subject Report. Additional details pertaining to the implementation this motion is provided within Section 3.0 – Housekeeping Amendment to Rural Zones and Special Exceptions of this Report.

Rockton Fairgrounds Motion:

At the September 9, 2015, Council meeting, the following motion was approved:

“WHEREAS the Greenbelt Plan identifies that settlement areas continue to be governed by municipal official plans;

AND WHEREAS the Rockton Fairgrounds are located within the Rockton Rural Settlement Area and are designated as General Open Space;

AND WHEREAS a public meeting is planned for October 6, 2015 to consider changes to the Rural Zoning By-law.

THEREFORE it is resolved that:

That Staff be directed to:

- a. amend the Rural Hamilton Official Plan and Zoning By-law No. 05-200 to permit accessory commercial recreation uses on the property located at 812 and 814 Old Highway 8, on the following basis:
 - i) that a Special Policy Area be applied to allow for an ancillary commercial recreation uses; and,

- ii) by modifying the Open Space (P4, 143) Zone, Modified, as identified on Map 79, for the property located at 812 and 814 Old Highway 8, to permit limited commercial recreation uses, including but not limited to paint-ball, accessory to the fairgrounds use;
- b. include item a. above as part of the report being brought forward to the October 6, 2015 Planning Committee meeting; and,
- c. provide adequate public notice pertaining to items a. above, in accordance with the *Planning Act*.”

The direction of the above motion has been addressed as part of recommendations (a) and (c) of the subject Report.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

1.0 Provincial Policy

With the exception of Special Exception 253, as part of Reports PED13167(b) and PED13167(c) staff reviewed and found the Rural Zones to be in conformity with the Greenbelt Plan and consistent with the PPS (2014).

In turn, the application of Rural Zones to the lands generally bounded by Garner Road East, Highway 6 South, Glancaster Road, White Church Road, Carluke Road and Fiddlers Green Road as well as the housekeeping amendments proposed as part of the subject Report, are also in conformity with the Greenbelt Plan and consistent with the PPS (2014)

2.0 Rural Hamilton Official Plan (RHOP)

With the exception of Special Exception 253, both the application of Rural Zones to the Lands generally bounded by Garner Road East, Highway 6 South, Glancaster Road, White Church Road, Carluke Road and Fiddlers Green Road as well as the housekeeping amendments proposed as part of the subject Report, implement the policies and designations of the RHOP.

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 fourth phase brought forward and incorporated into Zoning By-law No. 05-200 was the new Rural Zones.

The subject Report and amending by-laws included as Appendices “B”, “C” and “D” entail the following respectively: application of Rural Zones to the lands generally bounded by Garner Road East, Highway 6 South, Glancaster Road, White Church

Road, Carluke Road and Fiddlers Green Road, application of Special Exception 253 to additional properties in the Rural Area and housekeeping amendments for clarification purposes.

RELEVANT CONSULTATION

Refer to Section 2.0 – Public Consultation and Communication Process above.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1.0 Official Plan Amendment

An amendment to the RHOP is required to change a designation from City Wide Park to Settlement Institutional for a portion of the property at 680 Highway 8 and identify a new Special Policy Area for the property at 812 and 814 Old Highway 8, both within the Rockton Rural Settlement Area. The amendment pertaining to part of the property located at 680 Highway 8 would allow for the establishment of an educational establishment to serve the surrounding community, while the new Special Policy Area would allow for ancillary commercial recreation uses for the Rockton Fairgrounds property.

The amendments to Volume 2 of the RHOP conform to the Greenbelt Plan and are consistent with the PPS (2014).

2.0 Former AEGD Study Area Lands and Lands to the South of Binbrook Urban Boundary

As part of Report PED13167(c) it was identified that the lands that remain in the Rural Area of the AEGD Study Area would be included within Zoning By-law 05-200 through a future amendment to the zoning by-law. In addition, the OMB minutes of settlement pertaining to the AEGD Secondary Plan identified that the three areas remaining within the Rural Area and adjacent to the Urban boundary would be zoned accordingly as part of Zoning By-law 05-200. Staff note that the lands within the Rural Area of the AEGD Study Area are generally bounded by Garner Road East, Highway 6 South, Glancaster Road, White Church Road, Carluke Road and Fiddlers Green Road.

Rural Zones that have been applied to these lands correspond in part to their designation under the RHOP and include the following: Agriculture (A1) Zone, Rural (A2) Zone, Open Space (P4) Zone, Conservation/Hazard Land – Rural (P7) Zone, Conservation / Hazard Land – Rural (P8) Zone and Existing Rural Commercial (E1) Zone. Ten Special Exceptions have also been applied to specific properties within the Rural Area of the former AEGD Study Area to recognize existing use(s) permissions.

In addition and to recognize and permit the John C. Munro Hamilton International Airport as part of Zoning By-law 05-200, a new zone, being the Airport (U1) Zone has

been created. The only permitted use within the Airport (U1) Zone is an airport and the proposed U1 Zone regulations are included within Appendix “B” of this Report.

Finally, a strip of land directly to the south of the Binbrook Urban boundary was left out of By-law 15-173 due to a mapping error. Accordingly, the corresponding adjacent Rural Zone boundaries are being extended and applied to these lands to rectify the zoning mapping omission.

3.0 Housekeeping Amendment to Rural Zones and Special Exceptions

With the Council approval of the Rural Zoning Regulations on July 10, 2015, the Rural Zones have now been applied and reviewed against various development applications and the need for clarification regarding specific regulations have been identified.

As such, the following corrections are proposed as part of the Rural Zones with Zoning By-law 05-200 and have been included as part of Appendix “C” to this Report:

- Clarify that an existing building being replaced within the Conservation / Hazard Land – Rural (P7) Zone would be subject to a maximum height of 10.5 metres;
- Amended the following Special Exceptions (SE's): SE109, SE117, SE147 and SE 195, to clarify applicable regulations and uses; and ,
- Added SE285 to clarify permitted uses.

Since the July 10, 2015 Council approval of By-law 15-173, a number of applications have received final approval. As such, three special exceptions have also been included as part of Appendix “C” to this Report. The special exceptions have been applied to specific properties to recognize permitted uses and regulations.

In addition, as a result of the approved motion pertaining to 680 Highway 8, a mapping change was made to part of this property to change the zoning from the City Wide Park (P3) Zone to the Settlement Institutional (S3) Zone.

Further, as a result of the approved motion pertaining to 11 Parkside Drive, SE284 has been applied to this property to recognize the additional permitted use of a Place of Worship with a maximum size of 1,500 square metres and minimum landscape open space and planting strip requirements. In addition, a holding provision has also been applied to this property which requires the submission and approval of a hydrogeological study and traffic study prior to the development of the Place of Worship use.

Finally, as a result of the approved motion pertaining to the Rockton Fairgrounds (812 and 814 Old Highway 8), SE143 has been amended to identify additional commercial recreation uses which would be permitted as accessory to the fairgrounds use.

4.0 Existing 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).

Appendix “D” to this Report provides a summary of the comments received from landscape contractors as a result of item c) of the motion above as well as the response to those comments.

Existing Landscape Contracting Establishments - Special Exception 253

Based on the direction provided to staff, Special Exception 253 was drafted as part of the July 7, 2015 Report (PED13167(c)) to recognize landscape contracting establishments that were in existence as of March 31, 2015 in Ancaster and Flamborough. 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. As part of PED13167(c) a total of 38 landscape contracting establishments were included as part of Special Exception 253.

Since the preparation of PED13167(c), 23 additional landscape contracting businesses have informed staff, in writing, that they wanted to be recognized as a result of the above noted motion. Staff note that two landscape contracting establishment located in

Ward 12, 14 landscape contracting establishments located in Ward 14, and seven landscape contracting establishments located in Ward 15 have been added to Special Exception 253.

Consistent with the provisions of By-law 15-173, 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, Special Exception 253 already includes 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, in order to ensure there are standards by which any future expansion of this use can be evaluated.

The By-law identifying the additional properties to be added to Special Exception 253 is included as in Appendix “D” to this Report and details pertaining to these establishments are included within Appendix “E”, “E1”, “E2” and “E3” to this Report.

Landscape contracting establishments that have not been recognized

There were a couple of landscape contracting establishments that have not been added to Special Exception 253 for varying reasons. For example, the landscape contracting establishment was located in the 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.

ALTERNATIVES FOR CONSIDERATION

City Council does not adopt the zoning by-law amendments. The existing regulations will remain in effect and the Ancaster and Glanbrook Zoning By-laws will remain in effect for the former AEGD Study Area lands.

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

Appendix B – Former AEGD Study Area Lands and lands directly to the South of Binbrook Urban Boundary (Amending By-law to 05-200 as amended by By-law 15-173 to Apply Rural Zones to the lands generally bounded by Garner Road East, Highway 6 South, Glancaster Road, White Church Road, Carluke Road and Fiddlers Green Road and lands directly to the South of Binbrook Urban Boundary)

Appendix C – Housekeeping Changes (Amending By-law to 15-173 for Corrections and Additions to Rural Zones)

Appendix D – Recognition of Landscape Contracting Establishments (Amending By-law to 15-173 to Apply Special Exception 253 to Additional Properties)

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

- Appendix “E1” – Existing Landscape Contracting Establishments in Ward 12
 - Appendix “E1-1” – 44 Garner Road East
 - Appendix “E1-2” – 1765 Sawmill Road
- Appendix “E2” – Existing Landscape Contracting Establishments in Ward 14
 - Appendix “E2-1” – 3363 Jerseyville Road West
 - Appendix “E2-2” – 2288 Troy Road
 - Appendix “E2-3” – 1288 Brock Road
 - Appendix “E2-4” – 1434 Middletown Road
 - Appendix “E2-5” – 2532 Governors Road
 - Appendix “E2-6” – 1911 Jerseyville Road West
 - Appendix “E2-7” – 1480 Concession 2 Road West
 - Appendix “E2-8” – 627 Concession 6 Road West
 - Appendix “E2-9” – Southwest corner of Concession 5 Road West and Valens Road
 - Appendix “E2-10” – 1182 Brock Road
 - Appendix “E2-11” – 861 Brock Road
 - Appendix “E2-12” – 1117 Highway 8
 - Appendix “E2-13” – 1414 Concession 4 Road West
 - Appendix “E2-14” – 928 Regional Road 97
- Appendix “E3” – Existing Landscape Contracting Establishments in Ward 15
 - Appendix “E3-1” – 43 Concession 7 Road East
 - Appendix “E3-2” – 470 Concession 5 Road West
 - Appendix “E3-3” – 85 Concession 6 Road East

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- Appendix “E3-4” – 240-246 Concession 6 Road East
- Appendix “E3-5” – 435 Concession 4 Road West
- Appendix “E3-6” – 609 Robson Road
- Appendix “E3-7” – 414 Concession 5 Road West

DY/th