



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	July 10, 2018
<b>SUBJECT/REPORT NO:</b>	Modifications and Updates to the Urban Hamilton, Rural Hamilton, and Former City of Hamilton Official Plans (PED18148) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Catherine Parsons (905) 546-2424 Ext. 2634
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That approval be given to Official Plan Amendment to the Urban Hamilton Official Plan (UHOP) No. XX (CI-18-E) to amend policies, schedules and maps in Volume 1 – Parent Plan, Volume 2 – Secondary Plans, and Volume 3 - Area and Site Specific Policies of the UHOP, to implement previous planning decisions and correct and clarify policies and mapping, on the following basis:
- (i) That the draft Urban Hamilton Official Plan Amendment (UHOPA), attached as Appendix “A” to Report PED18148, be adopted by Council;
  - (ii) That the proposed UHOPA is consistent with the Provincial Policy Statement (PPS), 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.
- (b) That approval be given to Official Plan Amendment to the Rural Hamilton Official Plan (RHOP) No. XX (CI-18-E) to amend policies, schedules and maps, contained in Volume 1 – Parent Plan, Volume 2 – Rural Settlement Areas, and Volume 3 – Area Specific Policies of Volume 3 of the RHOP, to correct and clarify policies and mapping, on the following basis:
- (i) That the draft Rural Hamilton Official Plan Amendment (RHOPA), attached as Appendix “B” to Report PED18148, be adopted by Council;

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- (ii) That the proposed RHOPA is consistent with the Provincial Policy Statement (PPS), 2014 and conforms to the Greenbelt Plan, 2017 and the Growth Plan for the Greater Golden Horseshoe, 2017.
- (c) That approval be given to Official Plan Amendment to the Former City of Hamilton Official Plan No. XX (CI-18-E) to amend Schedule M-2 – General Land Use Plan of the West Harbour (Setting Sail) Secondary Plan to implement a previous planning decision of the Ontario Municipal Board (OMB) for lands located at 366 Bay Street North, on the following basis:
  - (i) That the draft Former City of Hamilton Official Plan Amendment (OPA), attached as Appendix “C” to Report PED18148, be adopted by Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS), 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.
- (d) That By-law 10-212 respecting 713 and Part of 777 Garner Road East, Ancaster, and By-law 11-252 respecting 460 and 480 Springbrook Avenue, Ancaster, relating to approved but not final and binding UHOPAs (UHOPA No. 3 and UHOPA No. 10, respectively) be repealed in their entirety.

## **EXECUTIVE SUMMARY**

The purpose of the Urban Hamilton Official Plan (UHOP), Rural Hamilton Official Plan (RHOP) and Former City of Hamilton Official Plan Amendments is to undertake policy and map changes required to maintain policy intent and ensure clear implementation of the plans. Housekeeping Amendments form part of the ongoing maintenance of the City’s Official Plans, and are periodically undertaken to ensure the Plans are clear, accurate, and policy implementation is clear.

The application of the UHOP policies and mapping, through the development review process and in the preparation of secondary plans has identified areas where revisions to the existing policies are required to provide clarity of intent. Changes are also proposed where policy and mapping are in conflict and/or are inconsistent, which has caused implementation issues.

In addition, amendments are proposed to implement Official Plan Amendments to former municipality Official Plans that occurred during the period when the UHOP was approved by the MMAH but not yet approved by the OMB, and therefore not in effect. During this period (March, 2011 to August, 2013), where former municipal Official Plan Amendments were adopted by Council, associated Urban Hamilton Official Plan Amendments (UHOPAs) were approved and held in abeyance. Final adoption of the

approved UHOPAs and incorporation into the UHOP would later occur through a UHOP Housekeeping Amendment, once the UHOP came into effect. Staff have undergone review of these outstanding UHOPAs, and are recommending amendments to the UHOP to ensure the land use planning framework reflects the approvals granted by Council when former municipality Official Plans were in effect. Further, some amendments received by-law numbers but did not become final and binding. It is necessary to repeal these by-laws.

Similar to the UHOP, the application of the RHOP through the development review process has resulted in the identification of areas where revisions to the existing policies are required to provide clarity with respect to intent.

In addition to general housekeeping changes, the proposed Rural Hamilton Official Plan Amendment (RHOPA) includes revisions to the rural servicing policies of the RHOP, which will provide greater flexibility to landowners. Mapping changes to Volumes 1 and 3 are also required to include municipal lands previously omitted from the municipal boundary.

The West Harbour (Setting Sail) Secondary Plan was adopted by Council on March 23, 2005 and approved by the OMB on June 26, 2012 (PL050408), through By-law 12-163 to Adopt Official Plan Amendment (OPA) No. 23 to the former Region of Hamilton-Wentworth Official Plan and OPA No. 198 to the former City of Hamilton Official Plan. The version of the secondary plan that is contained within the UHOP has not been approved by the OMB, and is therefore not in effect. A Housekeeping Amendment to the former City of Hamilton Official Plan is required to implement the direction of an OMB Decision issued on August 9, 2011 (PL101293) for the property 366 Bay Street North.

Updates to the City's Zoning By-laws, through a separate report (Report PED18147), will implement the Official Plan Amendments, where required.

***Alternatives for Consideration – See Page 10***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider Official Plan Amendments to the Urban Hamilton, Rural Hamilton, and former City of Hamilton Official Plans. Notice of these

Amendments has been posted in the Hamilton Spectator, as required by the *Planning Act*.

## **HISTORICAL BACKGROUND**

The application of the City's Official Plans through the development review process and in the preparation of secondary plans and rural settlement areas has resulted in the identification of areas where revisions to the existing policies are required to provide clarity with respect to intent.

The West Harbour (Setting Sail) Secondary Plan was adopted by Council on March 23, 2005 and approved by the OMB on June 26, 2012 (PL050408), through By-law 12-163 to Adopt Official Plan Amendment (OPA) 23 to the former Region of Hamilton-Wentworth Official Plan and OPA 198 to the former City of Hamilton Official Plan. The version of the secondary plan that is contained within the UHOP has not been approved by the OMB, and therefore is not in effect. Pursuant to an OMB Decision issued August 9, 2011 (Case No. PL101293), a housekeeping amendment is required to amend the land use designation for a specific site.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### 1.0 Provincial Policy Framework

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

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent OMB approval of the City's Official Plans, the City has established the local policy framework for the implementation of the Provincial planning policy framework.

Although there are no direct policies within the Provincial plans respecting Housekeeping Amendments, the proposed amendments are meant to correct errors and clarify policies that implement the Provincial policy framework, and as such, the proposed amendments are consistent with Section 3 of the *Planning Act*, consistent with the PPS, and conform to the Growth Plan and the Greenbelt Plan.

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## 2.0 Urban and Rural Hamilton Official Plans

The policies of UHOP Volume 1, Chapter F – Implementation provide direction for updating the Plan, as follows:

### **“Official Plan Amendments**

- F.1.1.4 Amendments to this Plan shall be undertaken by the City:
- a) to update this Plan to reflect new provincial or municipal planning policies at the time of Official Plan Five year review or other appropriate time through a City initiative; or,
  - b) to update and streamline administration or municipal planning policies.
- F.1.1.5 When considering amendments to this Plan, including secondary plans, the City shall have regard to, among other things, the following criteria:
- a) the impact of the proposed change on the City’s vision for a sustainable community, as it relates to the objectives, policies and targets established in this Plan; and,
  - b) the impact of the proposed change on the City’s communities, environment and economy and the effective administration of the public service.”

Pursuant to Policy F.1.1.4, staff are initiating a UHOP amendment to update municipal planning policies. The proposed changes meet the criteria set out in F.1.1.5 as they are minor in nature, improve policy interpretation, and implement previous land use planning approvals of Council.

The policies of the RHOP mirror the policies of the UHOP that speak to the City undertaking official plan amendments to update municipal planning policies (RHOP Volume 1, Chapter F – Implementation, Policy F.1.1.3).

## 3.0 Former City of Hamilton Official Plan

Staff are implementing direction of an OMB decision to implement the change required to the City of Hamilton Official Plan for Setting Sail Secondary Plan. Since the Setting Sail Secondary Plan still in effect under the Former City of Hamilton Official Plan, it is important that this document remains current.

## **RELEVANT CONSULTATION**

Staff within Planning Division and Transportation Section were consulted to identify any interpretation/implementation related issues with the policies of the Official Plans.

With respect to the proposed amendments to the rural servicing policies of the UHOP, staff from Planning and Economic Development (Planning and Building), Public Works (Hamilton Water) and Public Health formed a Technical Working Group to identify possible alternatives to the issues facing rural servicing.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

### 1.0 General Amendments to the Urban Hamilton and Rural Hamilton Official Plans

The purpose of these amendments is to clarify the intent of the policies in the Plans by:

- Adding new policies and definitions to provide better direction for implementation of the plans;
- Removing duplicate, redundant and/or outdated policy references and/or text;
- Clarifying/correcting policy intent by adding, deleting and/or replacing wording;
- Creating consistency between policies and schedules and/or map and correcting mapping errors; and,
- Amending Integrated Transportation Network terminology and updating road right-of-way allowance requirements.

Appendices “D”, “D1”, “D2”, “D3”, “D4”, “F”, “F1”, “F2”, “F3”, and “F4” to Report PED18148 identify the above-mentioned issues that require correction, and rationale for the proposed amendments.

The effect of this amendment is that the UHOP and RHOP Plans will be current, accurate, and policy implementation will be more straightforward.

### 2.0 OPAs and OMB Decisions to Former Municipal Official Plans

#### 2.1 Former Municipal OPAs

In addition to routine Housekeeping Amendments, there are several proposed UHOP Amendments that address the period of time between the UHOP approval by the MMAH (March, 2011), and the OMB issuing a Decision on the UHOP (August 16, 2013). These Amendments are outlined in Appendix “E” and “E2” to Report PED18148. During this period when the UHOP was under appeal, development applications, involving Official Plan Amendments to former municipal Official Plans, were brought forward to Council with draft UHOPAs. When former municipal Official Plan

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Amendments were adopted by Council, associated UHOPAs were approved and held in abeyance. In some cases, a by-law number was assigned. Final adoption of the approved UHOPAs and incorporation into the UHOP would later occur through a UHOP Housekeeping Amendment, once the UHOP came into effect.

Staff have undergone review of these outstanding UHOPAs, and are recommending amendments to the UHOP to ensure the land use planning framework reflects the approvals granted by Council when former municipality Official Plans were in effect. In general, these amendments are site specific in nature.

## 2.2 OMB Decisions

On June 22, 2012, the OMB issued its decision to amend the former City of Hamilton Official Plan (OPA number not assigned) to incorporate a new area within the Chedmac Secondary Plan for these lands, as well as the associated designations and policies. Similar to the above-mentioned UHOPAs held in abeyance, the OMB Decision was issued prior to the UHOP coming into effect. The land use permissions are being updated, formatted to the UHOP structure and included in Volumes 1 and 2. Since 2012, there have been several changes to the heritage buildings on the site, including the demolition of the Brow Infirmary Building, Brow Annex Building, and the Moreland Building. The revisions to Chedmac Secondary Plan specific to the Browlands addition to the secondary plan are identified in Appendix "E1" and "E2" to Report PED18148 and are reflected in the draft UHOPA, attached as Appendix "A" to Report PED18148.

## 3.0 Zoning By-law Amendments Required to implement the UHOPA

An associated Housekeeping Amendments to the Zoning By-laws, which is the subject of a separate report (Report PED18147), will implement the proposed amendments identified through Report PED18148, if required. The following four properties require Zoning By-law Amendments:

- Chedmac Secondary Plan – Browlands Addition (860 Scenic Drive, Hamilton)

As previously discussed, on June 22, 2012, the OMB issued its decision to amend the former City of Hamilton Official Plan to incorporate a new area within the Chedmac Secondary Plan. In addition to the UHOP Amendments required, it was identified that the Long and Bisby Building has dual zoning "E" (Multiple Dwellings, Lodges and Clubs, etc.) District in Zoning By-law No. 6593 and the Conservation/Hazard Land (P5) Zone in Zoning By-law No. 05-200. The P5 zone will be amended as part of the Zoning By-law updates (see Report PED18147) (CI-18-G).

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- 15 Emerson Street and 122 Longwood Road South, Hamilton

These properties are both subject to the former City of Hamilton Zoning By-law No. 6593 and located directly adjacent to properties subject to the Transit Oriented Corridor (TOC) Zones in Zoning By-law No. 05-200.

The property located at 15 Emerson Street has merged with 1341 Main Street West (and is now one comprehensive development site on the TOC corridor), and therefore should be rezoned to a TOC Zone. The property located at 122 Longwood Road South is intended to be merged with the property located at 906 Main Street West to become a comprehensive development site on the TOC Corridor. Accordingly, it should also be rezoned to a TOC Zone (see Report PED18147) (CI-18-G).

A UHOP Amendment is required to change the designations of both properties from the Low Density Residential 2 Designation to the Mixed Use – Medium Density Designation, and to apply Area Specific Policy E in the Ainslie Wood Westdale Secondary Plan in Volume 2. An Amendment is also required to redesignate 122 Longwood Road South from the Neighbourhoods Designation to the Mixed Use – Medium Density Designation on Schedule “E-1” of Volume 1. These amendments implement the intensification policies for the Transit Oriented Corridor in Chapter E (Volume 1).

- 40 Parkside Avenue, Dundas

This property is subject to the Single Detached Residential (R1) Zone and Open Space – Conservation (OS) Zone in the Town of Dundas, Zoning By-law No. 3581-86 (see Report PED18147) (CI-18-G). An Official Plan Amendment is required to update the limits of the Open Space Designation in accordance with the Environmental Impact Statement (EIS). The OPA will facilitate the required zone boundary changes for accuracy.

#### 4.0 Amendments to Rural Servicing Policies in the RHOP

Development in Rural Hamilton is, for the most part, dependent on private services (sewage disposal and water supply). There are policies in the RHOP which address the provision of private services, with the aim of establishing sustainable private services which do not to create a negative impact on surrounding groundwater and users nearby. In an effort to provide an increased level of flexibility to property owners, while at the same time ensuring that the goal of providing sustainable services remains intact, the following policy changes are proposed:

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- Amendments to Section C.5.1 – Private Water and Wastewater Services to provide greater flexibility in the usage of a cistern as a primary water source.

Policy C.5.1.1g) of the RHOP currently states that all development (including redevelopment) must proceed by way of a well with sufficient quantity to sustain the use and a cistern may only be used as a supplementary water supply system, if it has been demonstrated that sufficient quantity can be provided from the well alone. The RHOP prohibits cisterns for new development because it requires a permanent off-site water source and is not considered a sustainable water source (Appendix “F” to Report PED18148);

This policy has created some issues for developments in the rural area, particularly in cases of redevelopment of sites which are already reliant on a cistern. To address this concern, staff are proposing a policy change to permit the redevelopment of an existing use with a cistern to continue using a cistern, or, to permit new development to proceed by way of cistern, or a combination of a well/ cistern, if it has been demonstrated by the proponent (in the form of a well test or study) that groundwater quality and quantity in the vicinity is inadequate to support the use (Appendix “F” to Report PED18148);

- Amendments to Section F.1.14.2 – Lot Creation to provide greater flexibility in allowing minor lot additions to increase the size of existing, undersized lots, supporting the intent of the policies of section C.5.1. The policy change will permit lot additions which represent an improvement to an existing situation, even if the entirety of the sustainable servicing requirements of Section C.5.1 are not met (Appendix “F” to Report PED18148).

The above-noted policy changes are jointly supported by staff from Planning and Economic Development (Planning and Building), Public Works (Hamilton Water) and Public Health.

#### 5.0 Setting Sail Secondary Plan (under the Former City of Hamilton Official Plan)

Pursuant to an OMB Decision issued August 9, 2011 (Case No. PL101293), a housekeeping amendment is required to amend the land use designation for a specific site. Lands located at 366 Bay Street North, Hamilton will be redesignated from “Low Density Residential” to “Medium Density Residential 1” on Schedule M-2 – General Land Use Plan of the Setting Sail Secondary Plan to allow for a residential development.

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## 6.0 Other Matters

As previously noted, Official Plan Amendments to former Municipality Official Plans during the time the UHOP was under appeal were brought to Council with draft Urban Hamilton Official Plan Amendments. Since the UHOP was not in effect, these UHOPAs were held in abeyance and did not come into force and effect. Some of the draft OPA's that were held in abeyance were assigned UHOPA numbers, and passed as By-laws despite their status as being approved but not yet adopted. Since these OPAs are now proposed to be implemented through the draft UHOPA attached as Appendix "A" to Report PED18148, staff proposed repealing these by-laws and deleting the corresponding OPA numbers from the tracking record. The UHOPA numbers to be deleted from our record include:

- UHOPA No.3 – By-law 10-212 respecting lands located at 713 and 777 Garner Road East, Ancaster; and,
- UHOPA No. 10 – By-law 11-252 respecting lands located at 460 and 480 Springbrook Avenue, Ancaster.

## **ALTERNATIVES FOR CONSIDERATION**

Council could choose to add, delete, or amend any or all of the proposed mapping and text changes.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Economic Prosperity and Growth**

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

### **Our People and Performance**

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

## **APPENDICES AND SCHEDULES ATTACHED**

- Appendix "A" – Draft Urban Hamilton Official Plan Amendment No. XX
- Appendix "B" – Draft Rural Hamilton Official Plan Amendment No. XX
- Appendix "C" – Draft Former City of Hamilton Official Plan Amendment No. XX
- Appendix "D" – Proposed Text Amendments – UHOP Volume 1
- Appendix "D1" – Proposed Text Amendments to Integrated Transportation Network Policies – UHOP Volume 1
- Appendix "D2" – Proposed Text Amendments – UHOP Volume 2
- Appendix "D3" – Proposed Text Amendments – UHOP Volume 3

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**SUBJECT: Modifications and Updates to the Urban Hamilton, Rural Hamilton, and Former City of Hamilton Official Plans (PED18148) (City Wide) - Page 11 of 11**

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- Appendix “D4” – Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes
- Appendix “E” – Proposed Text Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal – UHOP All Volumes
- Appendix “E1” – Proposed Amendments to Chedmac Secondary Plan – Chedoke Browlands Addition
- Appendix “E2” – Proposed Schedule, Map, and Appendix Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal
- Appendix “F” – Proposed Text Amendments – RHOP Volume 1
- Appendix “F1” – Proposed Text Amendments to Integrated Transportation Network Policies – RHOP Volume 1
- Appendix “F2” – Proposed Text Amendments – RHOP Volume 2
- Appendix “F3” – Proposed Text Amendments – RHOP Volume 3
- Appendix “F4” – Proposed Schedule, Appendix, and Map Amendments – RHOP All Volumes
- Appendix “G” – Proposed Amendment to the Former City of Hamilton Official Plan

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