

CITY OF HAMILTON

NOTICE OF MOTION

Council: September 10, 2020

MOVED BY COUNCILLOR A. VANDERBEEK.....

Interim Control By-law – Pleasant View Area

WHEREAS the Pleasant View area of Dundas has had more than 45 years of layered provincial and local planning policy and regulations directing development in the area;

WHEREAS in July 2013, Niagara Escarpment Plan Amendment No 179 received Ministerial approval bringing the Pleasant View area into the Niagara Escarpment Plan;

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

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

WHEREAS City Council, at its meeting of September 11, 2019, Item 7.2 approved the following direction: (d) That staff be directed to work with the Niagara Escarpment Commission staff to petition the Ministry of Natural Resources and Forestry to put the Pleasant View Survey Lands under Development Control as soon as possible; and

WHEREAS an Interim Control By-law will allow the City to undertake and complete the aforementioned studies and work with the Ministry of Natural Resources and Forestry to put the Pleasant View Survey Lands under Development Control;

NOW THEREFORE BE IT RESOLVED:

That the Council of the Corporation of the City of Hamilton enact an Interim Control By-law, attached as Appendix "A", to restrict the use of lands identified on the Schedule attached to the Interim Control By-law for a period of one year, pending the completion of planning studies in respect of land use policies and zoning by-law regulations for the Pleasant View area.

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

Bill No.

CITY OF HAMILTON

By-Law No. 20-

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

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

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

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

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

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

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

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

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

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

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

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

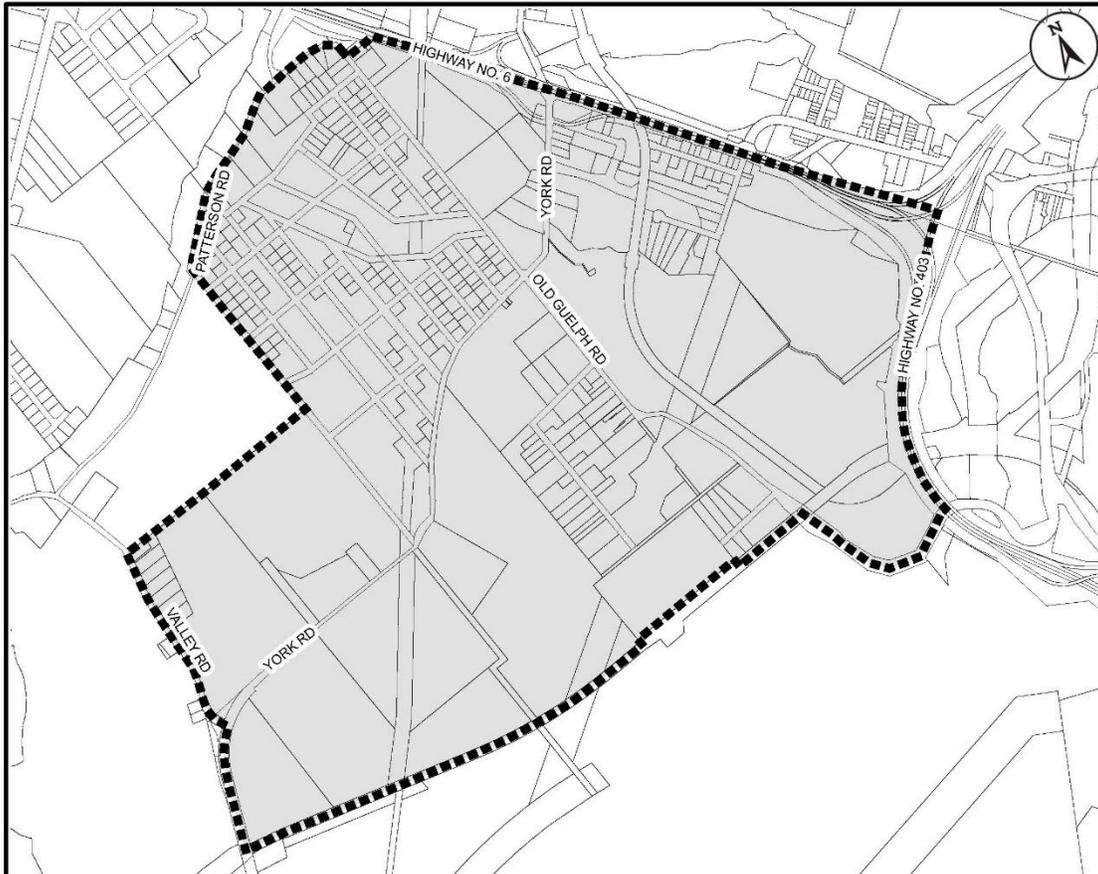
- i. This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Subsection a) or b) above.
 - ii. Once the permit or approval under Subsection a) or b) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.
4. This By-law shall be in effect for a period of one year from the date of passage of this By-law.
5. The Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 10th day of September, 2020.

E. Pauls
Acting Mayor

L. Kelsey
Acting City Clerk

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



<p>This is Schedule "A" to By-law No. 20-</p> <p>Passed the day of, 2020</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>		
<h2>Schedule "A"</h2> <p>Map forming Part of By-law No. 20- _____</p> <p>to Amend By-law No. 3581-86</p>	<p>Subject Property</p> <p> Geographical Area (lands) subject to By-law No. 20__</p>		
<p>Scale: N.T.S</p>	<p>File Name/Number: Interim Control By-law - Pleasant View</p>		<p>Date: September 10, 2020</p>
<p>Planner/Technician: CN/AL</p>			<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>