



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 8, 2020
SUBJECT/REPORT NO:	Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED20201) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Delia McPhail (905) 546-2424 Ext. 6663
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **City Initiative CI-19-F – Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan**, to amend policies, schedules and maps in Volume 1 – Parent Plan, Volume 2 – Secondary Plans and Rural Settlement Areas, and Volume 3 – Area and Site Specific Policies of the UHOP and RHOP, correct and clarify policies and mapping, be APPROVED on the following basis:

- (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED20201, be adopted by Council;
- (ii) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED20201, be adopted by Council; and,
- (iii) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement (PPS), 2014 and conform to Growth Plan for the Greater Golden Horseshoe, 2019, as amended and the Greenbelt Plan, 2017.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

EXECUTIVE SUMMARY

The purpose of the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan (RHOP) housekeeping 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.

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 and mapping are required to provide clarity with respect to intent.

Proposed policy changes also include those related to Bill 108 (*More Homes, More Choice Act, 2019*), concerning the requirement for municipalities to establish Official Plan policies to permit Second Dwelling Unit(s) (SDUs), and mapping changes include those resulting from a Provincial Order in Council approving an amendment to the Niagara Escarpment Plan for a portion of lands located at 1375 Stone Church Road East and 60 Arbour Road, Hamilton.

Alternatives for Consideration – See Page 6

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 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 has resulted in the identification of areas where revisions to the existing policies are required to provide clarity with respect to intent.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Legislation

Bill 108 (*More Homes, More Choice Act, 2019*) received Royal Assent on June 6, 2019 and amended various pieces of legislation such as the *Planning Act*, *Ontario Heritage Act*, and the *Development Charges Act*, amongst others. The changes to the *Planning Act* require all municipalities to prepare and implement Official Plan policies to permit up to two SDUs associated with a Single Detached, Semi-Detached, or Row House (Street Townhouse) dwelling through their Official Plans. The SDUs are to be permitted as one SDU within the dwelling and one SDU in an attached accessory structure thereby resulting in up to 3 residential units on a lot. Amendments to both the Urban and Rural Hamilton Official Plans are included within this Housekeeping Amendment.

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.

The Provincial Planning framework requires municipalities to establish Official Plan policies to permit Second Dwelling Unit(s) and that these policies are to be implemented

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through the Zoning By-law on lots containing single, semi-detached, and row houses. An SDU may be internal to the principal dwelling, or as a separate detached dwelling unit or both. Through Bill 108, municipal Official Plans are to contain policies to permit up to three dwelling units (one main dwelling, one accessory internal to the dwelling, and one detached Dwelling Unit) on a lot.

Urban Hamilton 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, and improve policy interpretation.

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).

RELEVANT CONSULTATION

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

In addition, staff have informed the Development Industry Liaison Group (DILG) of this Housekeeping Amendment Report (PED20201).

ANALYSIS AND RATIONALE FOR RECOMMENDATION

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;
- Amending policies and/or adding new policies to align with Provincial legislation (Bill 108) and Order in Council 228/2020;
- Removing redundant and/or outdated policy references and/or text;
- Clarifying/correcting policy intent by adding, deleting and/or replacing wording; and,
- Creating consistency between policies and schedules and/or maps and correcting mapping errors.

Appendices “C”, “C1”, “C2”, “C3”, “D”, “D1”, “D2”, and “D3” to Report PED20201 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 will be aligned with Provincial legislation, current, accurate, and policy implementation will be more straightforward.

The intent, purpose and effect of the policies and designations are not changed by these technical and administrative amendments.

To implement the proposed change in land use designation for 51 and 52 Adair Avenue South, Hamilton, a Zoning By-law Amendment is required to rezone the lands from the “C” District (Urban Protected Residential, etc.) of Hamilton Zoning By-law No. 6593 to the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone of Hamilton Zoning By-law No. 05-200. Similarly, to implement the proposed change in land use for 1375 Stone Church Road East and 60 Arbour Road, Hamilton, a Zoning By-law Amendment is required to rezone the lands from the Conservation/Hazard Land (P5) Zone to the Prestige Business Park (M3) Zone of Hamilton Zoning By-law No. 05-200.

ALTERNATIVES FOR CONSIDERATION

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

Should Planning Committee decide to not approve the staff recommendation, the UHOP and RHOP will have policy interpretation issues and will not be up to date with Provincial legislation.

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” – Proposed Text Amendments – UHOP Volume 1
- Appendix “C1” – Proposed Text Amendments – UHOP Volume 2
- Appendix “C2” – Proposed Text Amendments – UHOP Volume 3
- Appendix “C3” – Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes
- Appendix “D” – Proposed Text Amendments – RHOP Volume 1
- Appendix “D1” – Proposed Text Amendments – RHOP Volume 2
- Appendix “D2” – Proposed Text Amendments – RHOP Volume 3
- Appendix “D3” – Proposed Schedule, Appendix, and Map Amendments – RHOP All Volumes