

Proposed Text Amendments – RHOP Volume 1

Grey highlighted strikethrough text = text to be deleted

Bolded text = text to be added

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Volume 1, Chapter A – Introduction			
A.1.3	<p>A.1.3 Role and Function of the Official Plan This Plan projects a long term vision for the physical development of the City over the next 30 years.</p> <ul style="list-style-type: none"> is one of the key implementation mechanisms for the City’s Growth Strategy (GRIDS) and other corporate initiatives including Master Plans (Transportation and Infrastructure, Recreational), and the Social Development Strategy. <p>The Rural Hamilton Official Plan applies to lands within <i>Rural Hamilton</i>.</p>	<p>A.1.3 Role and Function of the Official Plan This Plan projects a long term vision for the physical development of the City over the next 30 years.</p> <ul style="list-style-type: none"> is one of the key implementation mechanisms for the City’s Growth Strategy (GRIDS) and other corporate initiatives including Master Plans (Transportation and Infrastructure, Recreational), and the Social Development Strategy. <p>The Rural Hamilton Official Plan applies to lands within <i>Rural Hamilton</i>.</p>	<p>Clarifies that the Rural Hamilton Official Plan applies to the area within the municipal boundary of the City of Hamilton outside of the urban boundary (<i>Rural Hamilton</i>).</p>
Volume 1, Chapter B – Communities			
B.3.2.2.2	<p>Rural Housing B.3.2.2.2 The existing stock of housing in the rural settlement areas shall be retained wherever possible and kept in a safe and adequate condition through use of the City’s Property Standards by-law and incentive programs financed by the City or by senior levels of government.</p>	<p>Rural Housing 3.2.2.2 The existing stock of housing in the rural area shall be retained wherever possible and kept in a safe and adequate condition through use of the City’s Property Standards by-law and incentive programs financed by the City or by senior levels of government.</p>	<p>There is a significant housing stock outside rural settlement areas that should be included in this policy because it is the intent of the policy to protect the existing housing stock within the entire Rural Area.</p>

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B.3.3.4	Other Policies B.3.3.45 The policies of this section shall be implemented through mechanisms such as zoning and site plan control, where appropriate and as specified in Chapter F – Implementation.	Other Policies 3.3.5 The policies of this section shall be implemented through mechanisms such as zoning and site plan control, where appropriate and as specified in Chapter F – Implementation.	Numbering change.
B.3.3.5	B.3.3.56 The City, as owners of many public buildings and places, shall apply the design policies of this Section and other sections of this Plan when planning for and developing new, and making improvements to, streets, public spaces, community facilities, and infrastructure.	3.3.6 The City, as owners of many public buildings and places, shall apply the design policies of this Section and other sections of this Plan when planning for and developing new, and making improvements to, streets, public spaces, community facilities, and infrastructure.	Numbering change.
Volume 1, Chapter C – City-Wide Systems and Designations			
C.3.1.2 d)	C.3.1.2 The following uses shall be permitted in the Agriculture, Specialty Crop, Rural and Settlement Residential designations, provided the applicable conditions are met: d) A secondary dwelling unit may be permitted within a single or semi-detached dwelling on a lot with a minimum size of 0.4 ha (one acre), provided it complies with all applicable policies and Zoning By-law regulations.	C.3.1.2 The following uses shall be permitted in the Agriculture, Specialty Crop, Rural and Settlement Residential designations, provided the applicable conditions are met: d) A secondary dwelling unit may be permitted within a single or semi-detached dwelling on a lot with a minimum size of 0.4 ha (one acre), provided it complies with all applicable policies and Zoning By-law regulations.	Bill 108 changes to the <u>Planning Act</u> include the requirement that all municipal Official Plans must include policies to permit second dwelling units within a single detached, semi-detached or row house (townhouse) dwelling. Of those built forms, only single detached dwellings are permitted in the RHOP, and only a few semi-detached dwellings exist within

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			Rural Hamilton. Therefore, it is appropriate to only permit secondary dwelling units within those built forms within Rural Hamilton.
C.3.1.2 e)	<p>C.3.1.2 The following uses shall be permitted in the Agriculture, Specialty Crop, Rural and Settlement Residential designations, provided the applicable conditions are met:</p> <p>e) A detached secondary dwelling unit shall not be permitted in Rural Hamilton until such time as the City:</p> <p>i) has completed a study to address the adequacy of sustainable servicing policies of Section C.5 to address detached secondary dwelling units; and,</p> <p>ii) has developed and implemented appropriate policies and regulations for these uses.</p>	<p>C.3.1.2 The following uses shall be permitted in the Agriculture, Specialty Crop, Rural and Settlement Residential designations, provided the applicable conditions are met:</p> <p>e) A detached <i>secondary dwelling unit</i> shall not be permitted in <i>Rural Hamilton</i> until such time as the City:</p> <p>i) has completed a study to address the adequacy of sustainable servicing policies of Section C.5 to address detached <i>secondary dwelling units</i>; and,</p> <p>ii) has developed and implemented appropriate policies and regulations for these uses.</p>	Planning Division staff have initiated a study of secondary dwelling units throughout the municipality and one of the anticipated outcomes will be the determination of appropriate locations within Rural Hamilton. It is premature to allow detached secondary dwelling units throughout the area, in advance of the completion of that study.
C.3.1.4 b)	<p>C.3.1.4 The following uses shall be permitted in the Agriculture, Specialty Crop, and Rural designations, provided the applicable conditions are met:</p> <p>b) Except as permitted in Section D.2.1.1.46 of this Plan, where a second dwelling is required on a lot on a temporary basis, such as allowing an existing dwelling to be replaced, the City may permit both dwellings on the</p>	<p>C.3.1.4 The following uses shall be permitted in the Agriculture, Specialty Crop, and Rural designations, provided the applicable conditions are met:</p> <p>b) Except as permitted in Section D.2.1.1.6 of this Plan, where a second dwelling is required on a lot on a temporary basis, such as allowing an existing dwelling to be replaced, the City may permit both dwellings on the same</p>	Administrative change to correct Policy Section number reference.

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	same lot for a specified period of time provided that: ...	lot for a specified period of time provided that: ...	
C.4.5.6.3 b)	C.4.5.6.3 b) Where feasible and where the City requires dedication of property for future right-of-way widths, lands shall be dedicated equally from both sides of the road unless otherwise specified. Where the City requires more than one half of the widening dedication from one side of the right-of-way, the City shall require, from said side of the right-of-way, dedication at no cost to the City of one half of the total proposed widening dedication and shall acquire the remaining land required for the right-of-way dedication through gift, bequeathment, purchase, expropriation or other methods.	C.4.5.6.3 b) Where feasible and where the City requires dedication of property for future right-of-way widths, lands shall be dedicated equally from both sides of the road unless otherwise specified. Where the City requires more than one half of the dedication from one side of the right-of-way, the City shall require, from said side of the right-of-way, dedication at no cost to the City of one half of the total proposed dedication and shall acquire the remaining land required for the right-of-way dedication through gift, bequeathment, purchase, expropriation or other methods.	OPA No. 18 (By-law No. 18-222) changed the term “widening” to “dedication” in other policy references, but failed to change these references.
C.5.1.1	C.5.1.1 No draft, conditional, or final approval of <i>development</i> proposals shall be granted by the City for any <i>development</i> in the rural area Rural Hamilton that could impact existing <i>private services</i> or involves proposed <i>private services</i> until the <i>development</i> proposal has complied with all of the following:	C.5.1.1 No draft, conditional, or final approval of <i>development</i> proposals shall be granted by the City for any <i>development</i> in <i>Rural Hamilton</i> that could impact existing <i>private services</i> or involves proposed <i>private services</i> until the <i>development</i> proposal has complied with all of the following:	Provides greater clarity.
C.5.1.1 c)	C.5.1.1 c) The minimum size for a new lot proposed in an application for a severance, or lot addition, or draft plan of subdivision with an existing or proposed private water system and/or	C.5.1.1 c) The minimum size for a new lot proposed in an application for a severance, lot addition or draft plan of subdivision with an existing or proposed private water system and/or existing or	Reference to draft plan of subdivision added to provide greater clarity. Appendix “F” to Staff Report No. PED18148 recommended the

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	<p>existing or proposed private sewage disposal system shall:</p> <p>i) be the size required to accommodate the water system and sewage disposal system with no acceptable on-site and off-site impacts, and;</p> <p>ii) shall include sufficient land for a reserve discharge site or leaching bed, as determined by the requirements in Policies C.5.1.1 a) and b). In no case shall a proposed new lot; and,</p> <p>iii) not be less than 0.4 hectare (one acre) in size. The maximum lot size shall be in accordance with Policy F.1.14.2.1 gf.</p>	<p>proposed private sewage disposal system shall:</p> <p>i) be the size required to accommodate the water system and sewage disposal system with acceptable on-site and off-site impacts;</p> <p>ii) shall include sufficient land for a reserve discharge site or leaching bed, as determined by the requirements in Policies C.5.1.1 a) and b); and,</p> <p>iii) not be less than 0.4 ha (one acre) in size. The maximum lot size shall be in accordance with Policy F.1.14.2.1 f).</p>	<p>formatting and policy reference changes, as part of the Rural Servicing Review; however, RHOPA No. 18 (By-law No. 18-222) inadvertently omitted them.</p>
C.5.1.1 d)	<p>C.5.1.1 d) Development of a new land use or a new or replacement building on an existing lot that require(s) water and/or wastewater servicing, may only be permitted where it has been determined by the requirements of Policies C.5.1.1 a) and b) that the soils and size of the lot size are sufficient to accommodate the water system and sewage disposal system within acceptable levels of on-site or off-site impacts including nitrate impact, and shall include sufficient land for a reserve discharge site or leaching bed. The maximum lot size shall be in accordance with F.1.14.2.1 gf.</p>	<p>C.5.1.1 d) Development of a new land use or a new or replacement building on an existing lot that require(s) water and/or wastewater servicing, may only be permitted where it has been determined by the requirements of Policies C.5.1.1 a) and b) that the soils and size of the lot are sufficient to accommodate the water system and sewage disposal system within acceptable levels of on-site or off-site impacts including nitrate impact, and shall include sufficient land for a reserve discharge site or leaching bed. The maximum lot size shall be in accordance with F.1.14.2.1 f).</p>	<p>Administrative change to delete duplicate word and to correct policy reference.</p>

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C.5.1.1 g)	C.5.1.1 g) The existing or proposed water supply system shall include a well with sufficient quantity of water and with potable water supply to sustain the use. A cistern that meets current accepted standards, may, to the satisfaction of the City, be an additional component of the water supply system.	C.5.1.1 g) The existing or proposed water supply system shall include a well with sufficient quantity of water and with potable water supply to sustain the use. A cistern that meets current accepted standards, may, to the satisfaction of the City, be an additional component of the water supply system.	Appendix “F” to Staff Report No. PED18148 recommended this change, as part of the Rural Servicing Review; however, RHOPA No. 18 (By-law No. 18-222) inadvertently omitted them.
Volume 1, Chapter D – Rural Systems and Designations			
D.2.1.1.4 e)	D.2.1.1.4 <i>Cannabis growing and harvesting facilities</i> are permitted in accordance with the regulations set out in the Zoning By-law and provided that the following conditions are met: e) No Small scale retail sales are permitted in accordance with Policy D.2.1.3.1 c) ;	D.2.1.1.4 <i>Cannabis growing and harvesting facilities</i> are permitted in accordance with the regulations set out in the Zoning By-law and provided that the following conditions are met: e) <i>Small scale</i> retail sales are permitted in accordance with Policy D.2.1.3.1 c);	The provincial government regulates the retail sales of cannabis through the issuance of licenses. Therefore, zoning regulations that prohibit the sale of cannabis is not enforceable.

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D.6.19	D.6.19 Prior to the submission of an application for a Zoning By-law amendment for an asphalt plant or a facility for the production of secondary products related to an aggregate operation mineral aggregate operation , the City shall require a pre-submission consultation with the applicant, the Province, Conservation Authorities and other relevant agencies to identify the content of studies and information to be provided to support the application, to scope or focus study requirements where appropriate to ensure the proposed use:	D.6.19 Prior to the submission of an application for a Zoning By-law amendment for an asphalt plant or a facility for the production of secondary products related to a <i>mineral aggregate operation</i> , the City shall require a pre-submission consultation with the applicant, the Province, Conservation Authorities and other relevant agencies to identify the content of studies and information to be provided to support the application, to scope or focus study requirements where appropriate to ensure the proposed use:	Replaced “aggregate operation” with the correct Glossary term and corrected resulting grammatical error.
D.6.30	D.6.30 The rehabilitation of areas impacted by mineral aggregate resource extraction operations shall reflect and <i>conserve</i> elements of the pre-extraction character of the <i>significant cultural heritage resources</i> where possible.	D.6.30 The rehabilitation of areas impacted by <i>mineral aggregate operations</i> shall reflect and <i>conserve</i> elements of the pre-extraction character of the <i>significant cultural heritage resources</i> where possible.	By deleting the words “resource extraction”, the Glossary term, “mineral aggregate operations” may be italicized to effectively convey intended meaning.
Volume 1, Chapter F – Implementation			
F.1.1	F.1.1 Official Plan The Official Plan provides the direction for managing growth and change in the City for lands within <i>Rural Hamilton</i> over a 30 year time frame.	F.1.1 Official Plan The Official Plan provides the direction for managing growth and change in the City for lands within <i>Rural Hamilton</i> over a 30 year time frame.	Clarifies that the Rural Hamilton Official Plan applies to the area within the municipal boundary of the City of Hamilton outside of the urban boundary.

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F.1.12.2	<p>F.1.12.2 An <i>existing</i> use, identified as Protected Countryside area on Schedule A – Provincial Plans, that does not comply to or conform with the land use designations and policies of this Plan and/or the Zoning By-law, that existed prior to December 16, 2004 or any amendments may continue provided that:</p> <p>a) The non-complying use did not conflict with the Official Plan and Zoning By-law in effect at the time the use was established; and</p> <p>b) The non-complying use has not been interrupted subsequent to the approval of this Plan.</p> <p>c) The non-complying use was lawfully <i>existing</i> on or before December 15, 2004.</p>	<p>F.1.12.2 An <i>existing</i> use, identified as Protected Countryside area on Schedule A – Provincial Plans, that does not comply to or conform with the land use designations and policies of this Plan and/or the Zoning By-law may continue provided that:</p> <p>a) The non-complying use did not conflict with the Official Plan and Zoning By-law in effect at the time the use was established; and</p> <p>b) The non-complying use has not been interrupted subsequent to the approval of this Plan.</p> <p>c) The non-complying use was lawfully <i>existing</i> on or before December 15, 2004.</p>	<p>Deleted phrase as Subsection F.1.12.2 c) provides the necessary clarity.</p>
F.1.14.2.1 a) iv)	<p>F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations:</p> <p>a) Severances that create a new lot for the following purposes shall be prohibited:</p> <p>iv) Severance of any <i>existing</i> second dwelling on a lot, irrespective of the</p>	<p>F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations:</p> <p>a) Severances that create a new lot for the following purposes shall be prohibited:</p> <p>iv) Severance of any <i>existing</i> second dwelling on a lot, irrespective of the</p>	<p>Referencing Policy F.1.14.2.8 b) provides greater clarity that a severance of an existing dwelling may be permitted in the event of a farm consolidation.</p>

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	origin of the second dwelling, except in accordance with Section F.1.14.2.8 b), where a dwelling may be severed as a result of a <i>farm consolidation</i> .	origin of the second dwelling, except in accordance with Section F.1.14.2.8 b), where a dwelling may be severed as a result of a <i>farm consolidation</i> .	
F.1.17.7	F.1.17.7 Public meetings under the <u>Planning Act</u> shall not be required for minor amendments to this Plan or the Zoning By-law , such as format changes, typographical errors, grammatical errors and policy or regulation number changes.	F.1.17.7 Public meetings under the <u>Planning Act</u> shall not be required for minor amendments to this Plan or the Zoning By-law, such as format changes, typographical errors, grammatical errors and policy or regulation number changes.	Administrative amendments that are necessary to improve clarity and understanding of the Zoning By-law (i.e. formatting, numbering, typographical and grammatical and number changes) do not warrant a full public process.
F.3.2.12.1	F.3.2.12.1 Where a request is made by a proponent of a <i>development</i> application to reduce or waive requirements for conveyance of lands for road widenings or daylight triangles as set out in Section C.4.5.2, Section C.4.5.6, Schedule C-1 – Future Read Widenings Right-of-Way Dedications (Rural) , or Section C.4.5.7, proponents may be required to prepare a Right of Way Impact Assessment to review potential impacts and provide a rationale for the alternative requirement, in accordance with the criteria outlined in Policy C.4.5.6.5 a).	F.3.2.12.1 Where a request is made by a proponent of a <i>development</i> application to reduce or waive requirements for conveyance of lands for road widenings or daylight triangles as set out in Section C.4.5.2, Section C.4.5.6, Schedule C-1 – Future Right-of-Way Dedications (Rural), or Section C.4.5.7, proponents may be required to prepare a Right of Way Impact Assessment to review potential impacts and provide a rationale for the alternative requirement, in accordance with the criteria outlined in Policy C.4.5.6.5 a).	OPA No. 109 (By-law No. 18-218) changed the term “road widening” to “right-of-way dedication” in other policy references, but failed to change this reference. Reference to Section C.4.5.6 provides additional clarification.
F.3.4.1.8	Targets for Air Quality	Targets for Air Quality	Provides greater clarity.

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	<p>F.3.4.1.8 The City’s objective is to increase the number of good air quality days, where the Province’s Air Quality Index (AQI) is less than 30, over the lifetime of this Plan, by encouraging and undertaking actions to reduce greenhouse gas emissions towards the following locally established targets identified in Table F.3.4.2.</p>	<p>F.3.4.1.8 The City’s objective is to increase the number of good air quality days, where the Province’s Air Quality Index (AQI) is less than 30, over the lifetime of this Plan, by encouraging and undertaking actions to reduce greenhouse gas emissions towards the locally established targets identified in Table F.3.4.2.</p>	
<p>New section heading to be added – F.3.9</p>	<p>Add new policy section heading to Section F.3.0 – Other Implementation Tools as Section F.3.9.</p>	<p>F.3.9 Property Maintenance and Occupancy By-laws</p>	<p>The City’s Property Standards By-law is a tool that supports the goals and objectives of the UHOP and should be referenced within Section F.3.0.</p>
<p>New policy to be added – F.3.9.1</p>	<p>Add new policy under Section F.3.0 – Other Implementation Tools as Policy F.3.9.1.</p>	<p>F.3.9.1 The City may establish, update and enforce a Property Standards By-law, in accordance with the <u>Building Code Act</u> and the <u>Municipal Act</u>, regarding minimum standards for the maintenance and occupancy of properties, including but not limited to the following:</p> <ul style="list-style-type: none"> a) the physical condition of buildings and structures; b) the physical condition of lands; c) the adequacy of heating, plumbing, electrical and lighting systems; and, d) the fitness of buildings for occupancy. 	

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Volume 1, Chapter G – Glossary			
N/A	Add definition of Secondary Dwelling Unit to Chapter G – Glossary	Secondary Dwelling Unit: means a dwelling unit that is accessory to and located on the same lot as the principal dwelling and shall be physically located within the principal dwelling, or located within an accessory building to the principal dwelling.	Bill 108 changes to the <u>Planning Act</u> include the requirement that all municipal Official Plans must include policies to permit second dwelling units. Therefore, a definition is required to implement the proposed policy changes to the RHOP.
N/A	Add definition of Urban Area to Chapter G – Glossary	Urban Area: The area inside the <i>urban boundary</i> .	RHOP makes reference to Urban Area in Chapter C and is as a defined term within the definition of Urban Boundary. Definition is the same as that within the UHOP.