



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 5, 2022
<b>SUBJECT/REPORT NO:</b>	Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED22047) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Delia McPhail (905) 546-2424 Ext. 6663
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That **City Initiative CI-22-B – 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 Area Plans 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 PED22047, be adopted by Council;
- (ii) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED22047, be adopted by Council;
- (iii) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement (PPS), 2020 and conform to Growth Plan for the Greater Golden Horseshoe, 2019, as amended and the Greenbelt Plan, 2017.

## **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 and RHOP policies and mapping through the development review process 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 can cause implementation issues. In addition, changes are required to fix grammatical and numbering errors.

## **Alternatives for Consideration – See Page 5**

## **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 and 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 Policy Framework**

The Provincial planning policy framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS 2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2020, as amended) and the Greenbelt Plan, (2017). The *Planning Act* requires that all municipal land use decisions affecting

planning matters be consistent with the PPS and 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 Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal) approval of the Urban and Rural Hamilton Official Plans, the City of Hamilton 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.

Based on the foregoing, it is staff's opinion that these amendments:

- Are consistent with the Provincial Policy Statement (2020);
- Conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020, as amended); and,
- Conform to the Greenbelt Plan (2017).

### **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,

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- 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**

Consultation has been undertaken with staff in the Development Planning and the Sustainable Communities Sections of the Planning Division to discuss any interpretation/implementation related issues with the policies of the Official Plans.

Staff also consulted with the Development Industry Liaison Group (DILG) on March 14, 2022.

Notice of these amendments has been posted in the Hamilton Spectator on March 15, 2022.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

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

- Adding new definitions to provide better direction for implementation of the plans;
- Reinstating a policy that had been previously deleted in error;
- Adding a new site specific policy to provide flexibility for future parkland uses on a landlocked parcel;
- 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.

Within the UHOP, the term Rural Hamilton is introduced as a reference to lands subject to the policies of the RHOP. Within the RHOP, proposed amendments include the introduction of a new definition of agricultural alcohol production facility, which provides clarity to include all types of alcohol production, including distillation as a production method for gin, whisky and other similar products that are not made in a brewery, cidery or winery. A small-scale agricultural alcohol production facility replaces the terms

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winery, brewery and cidery as an on-farm secondary use to the primary agricultural use of lands within the Rural Area.

Clarification is also made to prohibit the establishment of secondary dwelling units (internal to the principal dwelling) within the Rural Settlement Areas of Carlisle, Greensville, Freelon and Lynden, due to servicing constraints, since the policy as currently written only restricts detached secondary dwelling units, which are already prohibited throughout Rural Hamilton.

Appendices “C”, “C1”, “D”, and “D1” attached to Report PED20201 identify the above-mentioned issues, amongst others, that require correction, and rationale for the proposed amendments.

The effect of these amendments 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.

A separate report (PED22046) will implement the proposed changes to the Rural Hamilton Official Plan that permit agricultural alcohol production facilities within the Rural Area through modifications to 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 All Volumes
- Appendix "C1" - Proposed Schedules, Map and Appendix Amendments – UHOP All Volumes
- Appendix "D" - Proposed Text Amendments – RHOP All Volumes
- Appendix "D1" - Proposed Schedule, Map and Appendix Amendments – RHOP All Volumes