

Authority: Item 8, Planning Committee
Report: 22-013 (PED22112(c))
CM: August 12, 2022
Ward: City Wide

Bill No. 216

CITY OF HAMILTON

BY-LAW NO. 22-

To Adopt:

**Official Plan Amendment No. 36 to the
Rural Hamilton Official Plan**

Respecting:

Bill 13 & Bill 109 Implementation

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

1. Amendment No. 36 to the Rural Hamilton Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 12th day of August, 2022.

F. Eisenberger
Mayor

A. Holland
City Clerk

Rural Hamilton Official Plan Amendment No. 36

The following text, together with Appendix “A” – Volume 1, Chapter F – Implementation, constitutes Official Plan Amendment No. 36 to the Rural Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose of and effect of this Amendment is to:

- Amend existing policies and add new policies to the Rural Hamilton Official Plan to respond to *Planning Act* legislation changes which implement Ontario’s *More Homes for Everyone Act, 2022* (“Bill 109”), and *Supporting People and Businesses Act, 2021* (“Bill 13”); and,
- The effect of the amendments is to respond to legislative changes to the *Planning Act* intended to expedite the development approvals process with the stated goal of increasing the supply of housing units. The *Planning Act* changes require municipalities to refund Application Fees for Official Plan Amendments, Zoning By-law Amendments and/or Site Plan approvals if Prescribed Timeframes are exceeded.

2.0 Location:

The lands affected by this Amendment are located within the Rural Area of the City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- To update the Rural Hamilton Official Plan to reflect updated policy direction of the Planning Act, R.S.O., 1990 c. P.13 due to Provincial Bill 109, *More Homes for Everyone Act, 2022* and Bill 13, *Supporting People and Businesses Act, 2021*.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Text

4.1.1 Chapter F – Implementation

a. That the following policies of Volume 1: Chapter F – Implementation be amended, added or deleted, as outlined in Appendix “A”, attached to this amendment:

- | | | | |
|-----------------|---------------------------|------------------|--------------|
| • F.1.5.5 (new) | • F.1.9.7 | • F.1.11.1 | • F.1.17.3 |
| • F.1.5.6 (new) | • F.1.9.7 – Table F.1.9.1 | • F.1.11.4 | • F.1.17.7 |
| • F.1.8.5 (new) | • F.1.9.8 | • F.1.11.6 (new) | • F.3.2.11 |
| • F.1.9.3 | • F.1.9.12 (new) | • F.1.17.2 | • F.3.2.11.1 |

5.0 Implementation:

An amendment to the City’s Formal Consultation By-law, new delegation by-laws for certain minor zoning amendments, new Guidelines and Terms of Reference documents, and changes to application processing procedures will give effect to the Amendments.

This Official Plan Amendment is Schedule “1” to By-law No. 22-216 passed on the 12th day of August, 2022.

**The
City of Hamilton**

F. Eisenberger
Mayor


A. Holland
City Clerk

Appendix "A" – Volume 1, Chapter F – Implementation

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
<p>Insert new Policy F.1.5.5, as follows:</p> <p>F.1.5.5 A Minor Zoning By-law Amendment includes any or all of the following circumstances:</p> <ul style="list-style-type: none"> a) To prohibit development of a single detached dwelling and a residential care facility on a retained agricultural parcel of land as a result of a surplus farm dwelling identified through a condition of Consent; b) To recognize a reduced lot area as part of a surplus farm dwelling approved through a Consent application; c) To amend an existing Holding Provision; d) To establish a new Holding Provision; e) To add a use permitted by the Official Plan; and, f) To remove an existing Site Specific Zoning By-law where the effect would be to revert to the parent zoning in force and effect. 	<p>F.1.5.5 A Minor Zoning By-law Amendment includes any or all of the following circumstances:</p> <ul style="list-style-type: none"> a) To prohibit development of a single detached dwelling and a residential care facility on a retained agricultural parcel of land as a result of a surplus farm dwelling identified through a condition of Consent; b) To recognize a reduced lot area as part of a surplus farm dwelling approved through a Consent application; c) To amend an existing Holding Provision; d) To establish a new Holding Provision; e) To add a use permitted by the Official Plans; and, f) To remove an existing Site Specific Zoning By-law where the effect would be to revert to the parent zoning in force and effect.
<p>Insert new Policy F.1.5.6, as follows:</p> <p>F.1.5.6 Council may, by By-law, delegate to the Chief Planner or other designated staff the authorization to pass a Minor Zoning By-law Amendment in accordance with policy F.1.5.5.</p>	<p>F.1.5.6 Council may, by By-law, delegate to the Chief Planner or other designated staff the authorization to pass a Minor Zoning By-law Amendment in accordance with policy F.1.5.5.</p>
<p>Insert new Policy F.1.8.5, as follows:</p> <p>F.1.8.5 Council may, by By-law, delegate to the Chief Planner or other designated staff, the authorization to pass a by-law, in accordance with policy F.1.8.4, provided:</p> <ul style="list-style-type: none"> a) the Holding Provision was applied by the City as part of an applicant-initiated site specific Zoning By-law Amendment; or, b) the Holding Provision applies to lands within a Rural Settlement Area, in accordance with Section D.5.0 – Rural Settlement Areas. 	<p>F.1.8.5 Council may, by By-law, delegate to the Chief Planner or other designated staff, the authorization to pass a by-law, in accordance with policy F.1.8.4, provided:</p> <ul style="list-style-type: none"> a) the Holding Provision was applied by the City as part of an applicant-initiated site specific Zoning By-law Amendment; or, b) the Holding Provision applies to lands within a Rural Settlement Area, in accordance with Section D.5.0 – Rural Settlement Areas.

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F.1.9.3 Notwithstanding Policy F.1.9.1, the City may waive the requirement for formal consultation, where the City has identified that, due to the nature of the proposal, the need for and scope of required <i>other information and materials</i> can be determined without a formal consultation. If the requirement for formal consultation is waived, the City shall provide the applicant with a form waiver letter from the formal consultation process that identifies the any necessary <i>other information and materials</i> to be submitted with the application(s) to deem it complete.	F.1.9.3 Notwithstanding Policy F.1.9.1, the City may waive the requirement for formal consultation, where the City has identified that, due to the nature of the proposal, the need for and scope of required <i>other information and materials</i> can be determined without a formal consultation. If the requirement for formal consultation is waived, the City shall provide the applicant with a waiver letter from the formal consultation process that identifies any necessary <i>other information and materials</i> to be submitted with the application(s) to deem it complete.
F.1.9.7 Table F.1.9.1 identifies the <i>other information and materials</i> which may be required, to deem <u>Planning Act</u> applications for official plan amendment, zoning by-law amendment, draft plan of subdivision, and site plan complete:	F.1.9.7 Table F.1.9.1 identifies the <i>other information and materials</i> which may be required, to deem <u>Planning Act</u> applications for official plan amendment, zoning by-law amendment, draft plan of subdivision, and site plan complete:
F.1.9.7 Repeal and replace Table F.1.9.1 with the table contained at the end of Appendix "A" to the Amendment	See new Table F.1.9.1 at the end of Appendix "A"
F.1.9.8 <i>Other information and materials</i> submitted in accordance with Policy F.1.9.5 shall be subject to the following requirements to be deemed complete: a) The <i>other information and materials</i> submitted shall be prepared by a qualified professional, in accordance with applicable legislation, in accordance with Council endorsed Terms of Reference or Guideline material as amended , and/or to the satisfaction of the City, retained by and at the expense of the applicant. b) The City may request or conduct a peer review of any <i>other information and materials</i> submitted where the City lacks the appropriate expertise to review such <i>other information and materials</i> . Such peer review shall be completed by an appropriate agency or professional	F.1.9.8 <i>Other information and materials</i> submitted in accordance with Policy F.1.9.5 shall be subject to the following requirements to be deemed complete: a) The <i>other information and materials</i> submitted shall be prepared by a qualified professional, in accordance with applicable legislation, in accordance with Council endorsed Terms of Reference or Guideline material as amended, and/or to the satisfaction of the City, retained by and at the expense of the applicant. b) The City may request or conduct a peer review of any <i>other information and materials</i> submitted where the City lacks the appropriate expertise to review such <i>other information and materials</i> . Such peer review shall be completed by an appropriate agency or professional

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<p>consultant retained by the City, at the applicant's expense.</p> <p>c) The City may refuse any other information and materials submitted as part of a complete application(s) if it considers the quality of the submission unsatisfactory and is not considered to be in accordance with the applicable Terms of Reference or Guideline.</p> <p>...</p>	<p>consultant retained by the City, at the applicant's expense.</p> <p>c) The City may refuse any <i>other information and materials</i> submitted as part of a complete application(s) if it considers the quality of the submission unsatisfactory and is not considered to be in accordance with the applicable Terms of Reference or Guideline.</p> <p>...</p>
<p>Insert new Policy F.1.9.12, as follows:</p> <p>Prior to the submission of a complete <u>Planning Act</u> application, where complete application requirements have been determined through formal consultation or a formal consultation waiver letter prior to January 1, 2023, the City may:</p> <p style="padding-left: 40px;">a) amend the formal consultation or waiver letter; or b) require a new formal consultation.</p>	<p>Prior to the submission of a complete <u>Planning Act</u> application, where complete application requirements have been determined through formal consultation or a formal consultation waiver letter prior to January 1, 2023, the City may:</p> <p style="padding-left: 40px;">a) amend the formal consultation or waiver letter; or b) require a new formal consultation.</p>
<p>F.1.11.1 Council may adopt Temporary Use By-laws without having to amend this Plan provided the use complies with the permitted uses in Chapter D – Rural Systems and Designations, to permit the temporary use of land, buildings or structures for a purpose that is prohibited by the Zoning By-law. Council may, by By-law, delegate to the Chief Planner or other designated staff, the authorization to adopt Temporary Use By-laws.</p>	<p>F.1.11.1 Council may adopt Temporary Use By-laws provided the use complies with the permitted uses in Chapter D – Rural Systems and Designations, to permit the temporary use of land, buildings or structures for a purpose that is prohibited by the Zoning By-law. Council may, by By-law, delegate to the Chief Planner or other designated staff, the authorization to adopt Temporary Use By-laws.</p>
<p>F.1.11.4 A Temporary Use By-law may be permitted for a period of time which shall not exceed three years. However, Council may, by By-law, delegate to the Chief Planner or other designated staff, the authorization to adopt a By-law to extend such period of time for further periods of time not exceeding three years each during which the temporary use is authorized, in accordance with policy F.1.11.3.</p>	<p>F.1.11.4 A Temporary Use By-law may be permitted for a period of time which shall not exceed three years. However, Council may, by By-law, delegate to the Chief Planner or other designated staff, the authorization to adopt a By-law to extend such period of time for further periods of time not exceeding three years each during which the temporary use is authorized, in accordance with policy F.1.11.3.</p>

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Insert new Policy F.1.11.6, as follows: F.1.11.6 The Chief Planner or other designated staff may, by By-law, adopt a Temporary Use By-law or grant an extension to a Temporary Use By-law in accordance with policies F.1.11.2, F.1.11.3 and F.1.11.4.	F.1.11.6 The Chief Planner or other designated staff may, by By-law, adopt a Temporary Use By-law or grant an extension to a Temporary Use By-law in accordance with policies F.1.11.2, F.1.11.3 and F.1.11.4.
F.1.17.2 Notification of public meeting(s) for the adoption of the Official Plan and amendments, changes to the Zoning By-law, Plans of Subdivision, draft plan of condominium as required by the <u>Planning Act</u> , and Community Improvement Plans shall be given to the public at least 17 7 days prior to the date of the meeting(s) and the notice shall be given in accordance with the applicable requirements of the <u>Planning Act</u> regulations.	F.1.17.2 Notification of public meeting(s) for the adoption of the Official Plan and amendments, changes to the Zoning By-law, Plans of Subdivision, draft plan of condominium as required by the <u>Planning Act</u> , and Community Improvement Plans shall be given to the public at least 7 days prior to the date of the meeting(s) and the notice shall be given in accordance with the applicable requirements of the <u>Planning Act</u> regulations.
F.1.17.3 Council decisions shall take place a minimum of 17 7 days from the time the first notification is given, for <u>Planning Act</u> applications/procedures identified in Section F.1.17.2.	F.1.17.3 Council decisions shall take place a minimum of 17 7 days from the time the first notification is given, for <u>Planning Act</u> applications/procedures identified in Section F.1.17.2.
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, mapping 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, mapping errors and policy or regulation number changes.
F.3.2.11 Public Consultation Strategy	F.3.2.11 Public Consultation
F.3.2.11.1 Council has adopted Public Consultation Strategy Guidelines which shall be used by proponents when preparing a strategy that is conducting public consultation and producing a summary and response to comments received, as may be required as part of a complete application. The City shall require the applicant to submit all materials identified in the Public Consultation Guidelines, where applicable, as part of a complete application for an Official Plan Amendment,	F.3.2.11.1 Council has adopted Public Consultation Guidelines which shall be used by proponents when conducting public consultation and producing a summary and response to comments received, as may be required as part of a complete application. The City shall require the applicant to submit all materials identified in the Public Consultation Guidelines, where applicable, as part of a complete application for an Official Plan Amendment, Zoning By-law
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Zoning By-law Amendment, Draft Plan of Subdivision, or Site Plan. The City may revise the Public Consultation Strategy Guidelines from time to time.	Amendment, Draft Plan of Subdivision, or Site Plan. The City may revise the Public Consultation Guidelines from time to time.

Volume 1: Chapter F – Implementation – Table F.1.9.1

Repeal and replace existing table with the following:

(Bolded text = New study/material being added, ~~strike through~~ = revised title of existing study/material)

Table F.1.9.1 Other Information and Materials

Study/Material Name		Planning Application			
		Official Plan Amendment	Zoning By-law Amendment	Draft Plan of Subdivision	Site Plan Control
1	Affordable Housing Report/Rental Conversion Assessment	√	√		√
2	Aggregate Resource Assessment	√			
3	Aggregate/Mineral Resource Analysis	√			
4	Agricultural Impact Assessment	√	√	√	√
5	Air Quality Study	√	√	√	
6	Archaeological Assessment	√	√	√	√
7	Channel Design and Geofluvial Assessment	√	√	√	
8	Chloride Impact Study	√	√	√	
9	Concept Plan	√	√	√	√
10	Construction Management Plan			√	√
11	Contaminant Management Plan	√	√	√	√
12	Cost Recovery Agreement	√	√	√	√
13	Cultural Heritage Assessment - Documentation and Salvage Plan	√	√	√	√
14	Cultural Heritage Impact Assessment (for Heritage Resources and/or Cultural Heritage Landscapes)	√	√	√	√
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15	Cut and Fill Analysis	√	√	√	√
16	Cycling Route Analysis	√	√	√	
17	Draft Official Plan Amendment/ Draft Zoning By-law Amendment	√	√		
18	Dust Impact Analysis	√	√	√	√
19	Energy and Environmental Assessment Report	√	√	√	√
20	Environmental Impact Statement (EIS) and Summary of Environmentally Significant Areas Impact Evaluation Group Comments (where applicable)	√	√	√	√
21	Environmental Site Assessment and/or Record of Site Condition	√	√	√	√
22	Erosion and Sediment Control Plan	√	√	√	√
23	Erosion Hazard Assessment	√	√	√	√
24	Farm Economics Report	√	√		
25	Financial Impact Analysis	√	√		
26	Fish Habitat Assessment	√	√	√	√
27	Floodline Delineation Study/ Hydraulic Analysis	√	√	√	√
28	Full Disclosure Report	√	√		
29	Functional Servicing Feasibility Report	√	√	√	
30	General Vegetation Inventory	√	√	√	√
31	Grading Plan	√	√	√	√
32	Housing Report	√	√	√	√
33	Hydrogeological Study	√	√	√	√
34	Impact Assessment for new Private Waste Disposal Sites	√	√		√
35	Karst Assessment/Karst Contingency Plan	√	√	√	√
36	Land Use Compatibility Study	√	√		√
37	Land Use in the Vicinity of Existing Pipelines Study	√	√	√	√
38	Land Use/ Commercial Needs and Impact Assessment	√			
39	Landfill Impact Study Assessment	√	√	√	
40	Landscape Plan			√	√
41	Demarcation of top of bank, limit of wetland, limit of natural hazard, Limit of Environmentally Significant Area, or Limit of Conservation Authority Regulated Area	√	√	√	√
42	Linkage Assessment	√	√	√	√
43	Market Impact Study	√	√		
44	Master Drainage Plan	√	√	√	√

45	Materials Palette or Imagery			√	√
46	Meander Belt Assessment	√	√	√	√
47	Minimum Distance Separation Calculation	√	√		√
48	Ministry of the Environment Conservation and Parks - Environmental Compliance Approval	√	√	√	√
49	Modern Roundabout and Neighbourhood Roundabout Analysis	√	√	√	
50	Neighbourhood Traffic Calming Options Report	√	√	√	
51	Noise Impact Studies (Noise Feasibility and/or Detailed Noise Study)	√	√	√	√
52	Nutrient Management Study	√	√	√	√
53	Odour Impact Assessment	√	√	√	√
54	Odour, Dust and/or Light Impact Assessment	√	√	√	√
55	Parking Analysis/Study	√	√	√	√
56	Pedestrian Route and Sidewalk Analysis	√	√	√	
57	Planning Justification Report	√	√	√	
58	Pre-Technical Conservation Authority Review	√	√	√	√
59	Public Consultation Summary and Comment Response Report	√	√	√	
60	Recreation Feasibility Study	√	√		
61	Recreation Needs Assessment	√	√	√	
62	Restoration Plan	√	√	√	√
63	Right of Way Impact Assessment (OPA 49)	√	√	√	√
64	Roadway/Development Safety Audit	√	√	√	
65	School Accommodation Issues Assessment	√	√		
66	School and City Recreation Facility and Outdoor Recreation/Parks Issues Assessment	√	√	√	
67	Servicing Options Report	√	√	√	
68	Shoreline Assessment Study/Coastal Engineers Study	√	√	√	√
69	Site Lighting Plan			√	√
70	Site Plan and Building Elevations	√	√	√	√
71	Slope Stability Study and Report	√	√	√	√
72	Soil Management Plan			√	√
73	Soils/Geotechnical Study			√	√
74	Species Habitat Assessment	√	√	√	√
75	Storm Water Management Report/Plan and/or update to an	√	√	√	√

	existing Storm Water Management Plan				
76	Sub-watershed Plan and/or update to an existing Sub-watershed Plan			√	√
77	Summary Response to Formal Consultation Comments	√	√	√	√
78	Sun/Shadow Study	√	√	√	√
79	Survey Plan	√	√	√	√
80	Traffic Impact Study	√	√	√	√
81	Transit Assessment	√	√	√	
82	Transportation Demand Management Options Report	√	√	√	√
83	Transportation Impact Study	√	√	√	
84	Tree Management Plan/Study	√	√	√	√
85	Tree Protection Plan	√	√	√	√
86	Urban Design and Architectural Guidelines			√	
87	Urban Design Report and Design Review Panel Summary of Advice and Response (where applicable)	√	√	√	√
88	Vibration Study	√	√	√	√
89	Visual Impact Assessment	√	√	√	√
90	Water and Wastewater Servicing Study	√	√	√	
91	Watermain Hydraulic Analysis			√	√
92	Water Well Survey and Contingency Plan	√	√	√	√
93	Wildland Fire Assessment			√	√
94	Wind Study	√	√	√	√
95	Zoning Compliance Review		√	√	√
96	3D Model	√	√	√	√