



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 10, 2021
SUBJECT/REPORT NO:	Interim Control By-law Extension - Pleasantview Area (PED21157) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Christine Newbold (905) 546-2424 Ext. 1279
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Interim Control By-law No.20-186 be extended for an additional year from the date of the passing of the By-law No. 20-186 (September 10, 2020), to allow additional time to complete the Pleasantview Land Use Study and bring forward for Council’s consideration amendments to the Rural Hamilton Official Plan and Zoning By-law 05-200 to implement the Pleasantview Land Use Study, for lands located 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.
- (b) That the Draft By-law No. 21-XXX, attached as Appendix “B” to Report PED21157 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

EXECUTIVE SUMMARY

On September 10, 2020, Council passed a motion directing staff to undertake a land use study for the area known as Pleasantview and an Interim Control By-law (By-law No. 20-186). The purpose of the Interim Control By-law (ICBL) was to temporarily suspend most development within the Pleasantview area until the Pleasantview Land Use Study was completed.

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The lands subject to the Pleasantview Land Use Study and Interim Control By-law are shown as Schedule "A" to By-law No. 20-186, attached as Appendix "A" to Report PED21157.

The ICBL will expire on September 10, 2021, unless Council passes a resolution to extend By-law 20-186.

It is proposed that the ICBL be extended for an additional year. The Pleasantview Land Use Study and implementing Rural Hamilton Official Plan Amendment (RHOPA) and zoning by-law amendment (ZBA) are expected to be brought forward to Planning Committee on September 21, 2021, however a Council decision would not occur until after the current expiration date of the ICBL. It is not anticipated that a full year would be necessary and the ICBL could be lifted upon Council's decision on the land use study and associated RHOPA and ZBA

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The draft by-law has been reviewed by Legal Services staff and they have no concerns.

HISTORICAL BACKGROUND

Pleasantview Area Interim Control By-law

Hamilton City Council, at its meeting of September 10, 2020 passed By-law No. 20-186, being an Interim Control By-law (ICBL) for the Pleasantview Lands as shown on Schedule "A" to Appendix "A" to Report PED21157. In addition, staff were directed to undertake a land use study to review existing local municipal and provincial policy frameworks and bring forward the necessary changes to the municipal framework to clarify policy direction for the Pleasantview Area and to ensure conformity with the Niagara Escarpment Plan policies and designations for the area.

The ICBL is in effect until September 10, 2021. The purpose of the ICBL is to suspend development permissions with the Pleasantview area until the Pleasantview Land Use Study was completed.

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Pleasantview Area Land Use Study

Following the passing of By-law No. 20-186, staff initiated the Pleasantview Area Land Use Study. The purpose of the study is to review the local and provincial policy framework and local zoning for the Pleasantview Area and make recommendations for modifications to the RHOP and zoning to ensure the local policy and zoning framework is brought into conformity with the applicable Provincial Plans. A draft of the Pleasantview Area Land Use Study was presented in two virtual public meetings on June 23, 2021. The project team (staff and consultants) have prepared a draft zoning by-law amendment for inclusion of Pleasantview Area into Zoning By-law 05-200. The draft zoning by-law amendment was posted on the project webpage for public review on August 6, 2021 and feedback has been requested by August 23, 2021.

Niagara Escarpment Commission Development Control Initiative

On September 11, 2019, City Council directed staff to work with the Niagara Escarpment Commission (NEC) staff to petition the Ministry of Natural Resources and Forestry (MNR) to put the Pleasantview survey lands under Development Control (Regulation 826) as soon as possible.

On September 19th, 2019, the Niagara Escarpment Commission approved an NEC Staff recommendation that “the Niagara Escarpment Commission support staff in pursuing the application of Development Control within the Pleasant View Survey Area”. Staff worked with the NEC and MNR to provide necessary technical information to assist with the addition of Pleasantview into the area of NEC Development Control.

On March 18, 2021, the NEC passed a resolution directing the Chair of the NEC to request the Minister of Natural Resources and Forestry to proceed to include the Pleasantview in the Area of Development Control through a Minister’s Regulation. A letter from the Chair of the NEC communicating the resolution was sent to the Minister on March 22, 2018.

On July 23, 2021 the Ministry of Natural Resources and Forestry posted “*Amendment to Ontario Regulation 826 to add the Pleasant View Survey lands within the Niagara Escarpment Plan area in the City of Hamilton to the area of development control*” to the Environmental Registry of Ontario webpage (ERO number 019-3898). The purpose of this proposal is to amend Ontario Regulation 826 under the *Niagara Escarpment and Development Act* to add the Pleasantview Area lands to the Area of Development Control for the Niagara Escarpment Commission. The commenting period for the posting ends on September 6th, 2021. Until such time as the proposal has been approved by the Province, the Dundas Zoning by-law No.3581-86 remains in force and effect in the Pleasantview Area.

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Planning Act

Subsection 38(1) of the Planning Act states that where the council of a local municipality has directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area, the council of the municipality may pass an interim control by-law for a period of time not exceeding one year, prohibiting the use of land, buildings or structures within the municipality for such uses set out in the zoning by-law.

Subsection 38(2) allows council to extend the period of time of the ICBL so that the total time does not exceed two years from the date of the passing of the by-law.

No notice or hearing (public meeting) is required for an ICBL. However, the Clerk is required to give notice of the decision within 30 days of passage of the by-law to the prescribed persons and public bodies. There is a 60-day appeal period associated with the passage of an extension to an interim control by-law.

RELEVANT CONSULTATION

Legal Services has been consulted in the preparation of this report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The purpose of an ICBL is to give time for staff to complete a land use study and bring forward the study for Council's consideration. An option for extending the duration of the ICBL is provided in the Planning Act for situations where the Study is on-going, and more time is necessary to complete the study.

The Pleasantview Land Use Study is currently underway. Staff have undertaken consultation with the community on the Study and draft RHOPA and zoning by-law amendment has been made available for review by the public at www.hamilton.ca/pleasantview. The consultation period on the draft RHOPA and Zoning by-law amendment closes on August 16, 2021. The draft RHOPA and zoning by-law amendment is scheduled to be presented to Planning Committee at its meeting on September 21, 2021.

With the ICBL expiring on September 10, 2021, Council will not be in a position to consider the results of the land use study and any implementing Rural Hamilton Official Plan and zoning by-law changes to implement the study until late September at the earliest. An extension to the ICBL of one year is requested although staff feel a full year will not be necessary. Upon Council's decision on the land use study and potential

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changes to the RHOP and zoning bylaw, Staff will bring forward a by-law to Council to repeal the ICBL (By-law No. 20-186).

ALTERNATIVES FOR CONSIDERATION

Council could choose not to extend the ICBL. This alternative is not recommended as staff feel the additional time needed for the draft Land Use Study and associated RHOPA and zoning by-law amendment to proceed to Council is short. Should the ICBL be allowed to expire, the existing policy framework and former Town of Dundas Zoning By-law would be reinstated in the Pleasantview area.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21157– City of Hamilton By-law 20-186

Appendix “B” to Report PED21157 – DRAFT Interim Control By-law Extension

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