



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

June 13, 2023

PED23145 - Bill 97 and Proposed Provincial Planning Statement

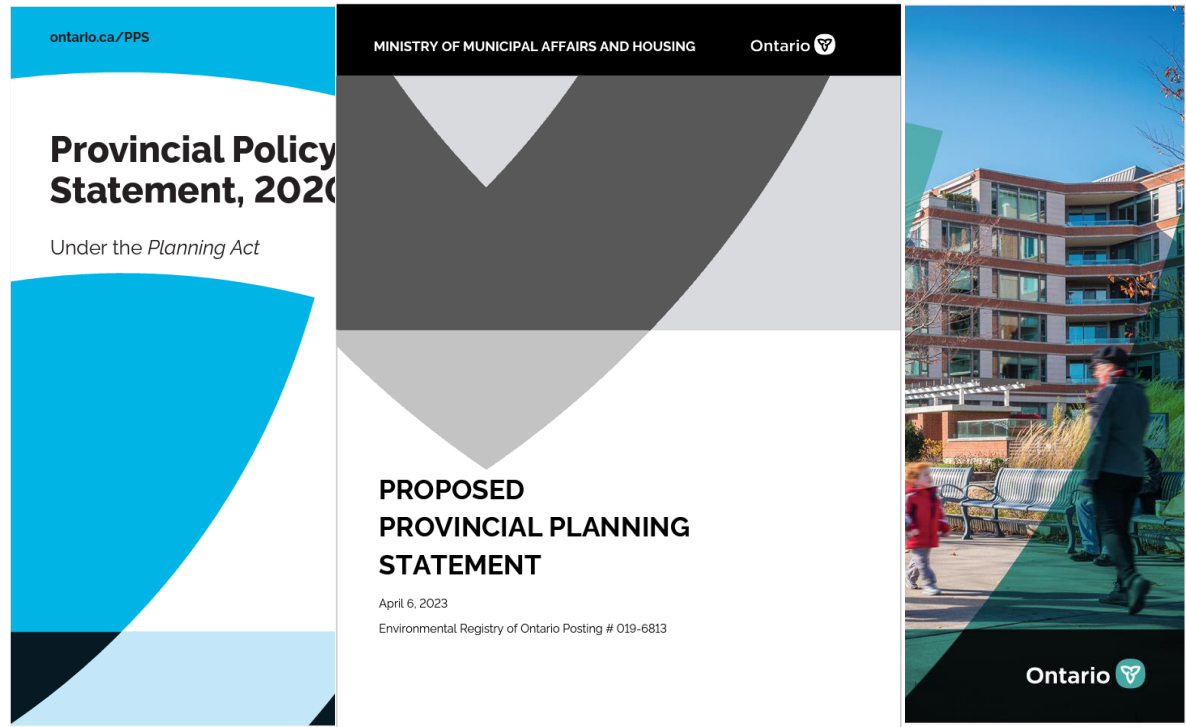
Bill 97, Proposed Helping Homebuyers, Protecting Tenants Act, 2023
Proposed Provincial Planning Statement, 2023

Presented by: Charlie Toman and Jennifer Allen

Introduction

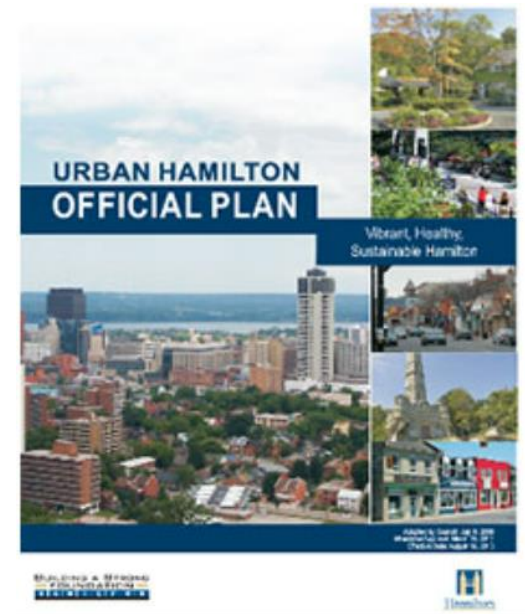
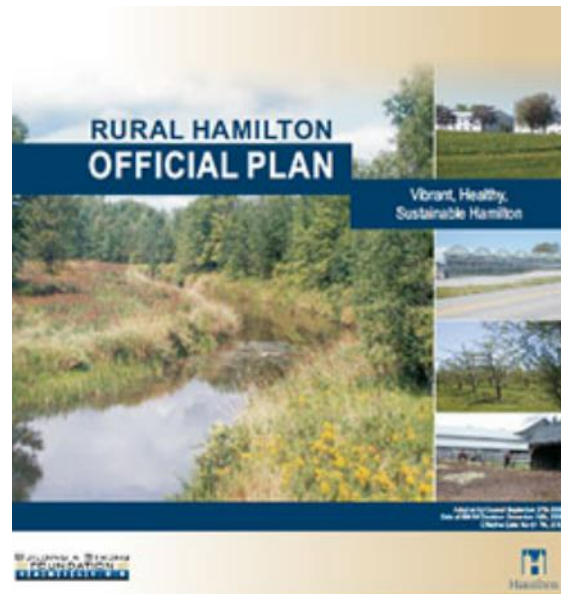
- Introduced at the Ontario Legislature on April 6, 2023.
- Intended to help address the current housing crisis through increased flexibility and facilitate a market-based response to increase housing supply.
- Represents a significant departure from the established planning framework.
- The proposed changes focus on how municipalities can plan for growth
- Commenting deadline for proposed PPS extended to August 5, 2023.

Proposed Provincial Planning Statement (PPS)



Local Decision Making

- Removes PPS, 2020 policy stating that “the official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans”
- Restricts municipalities from establishing more restrictive policies respecting permissions for sensitive lands uses within certain employment areas and residential lot creation within Prime Agricultural Areas.



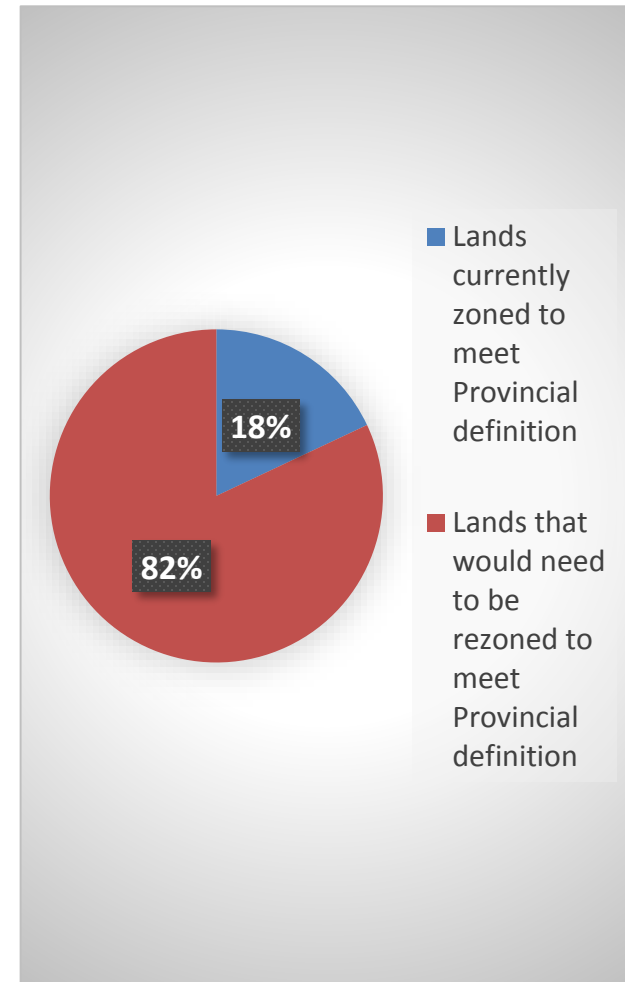
Municipal Comprehensive Reviews (MCR) and Long Range Planning

- Removes the requirement for MCR before a municipality can expand its urban boundary or convert employment lands to other uses.
- No requirement to demonstrate need and no reference to intensification.
- Removes intensification targets in the Growth Plan.



Employment Areas

- Redefines uses that are part of Employment Areas under the *Planning Act* and in the proposed new PPS.
- Office, retail and commercial uses only be permitted when associated with the employment use.
- 4,468 hectares of land are currently zoned Industrial under Zoning By-law 05-200 and designated “Employment Lands” in the Urban Hamilton Official Plan.



Land Use Compatibility

- Relaxes criteria for locating sensitive land uses in proximity to major facilities.
- Allows sensitive land uses to locate near major facilities without demonstrating whether they “should” or “need to” or demonstrating there are no alternative locations.



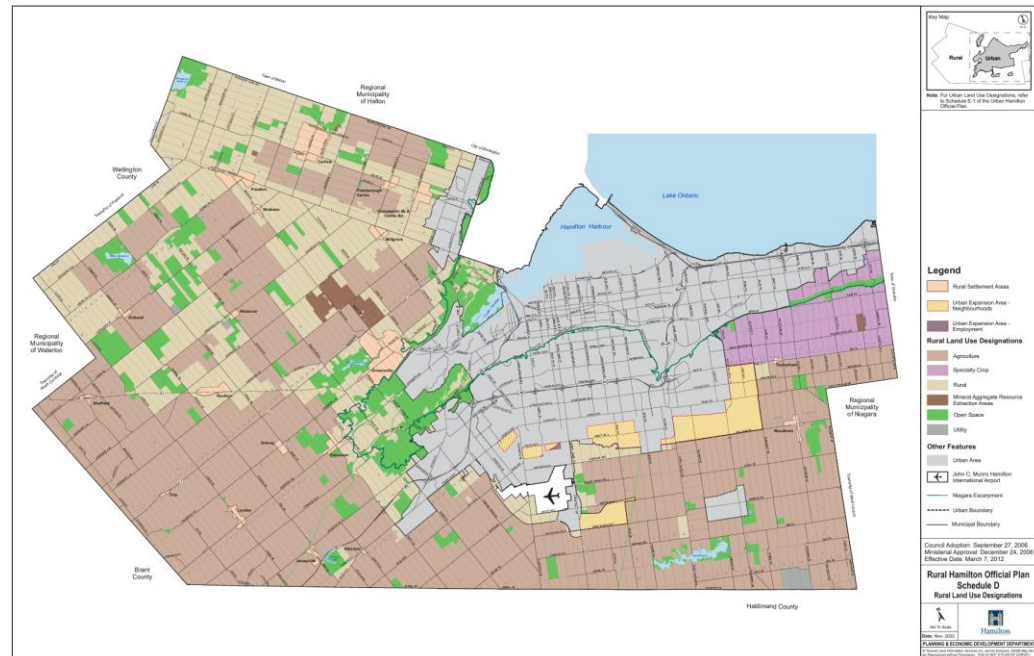
Rural Lands and Prime Agricultural Areas

Within Prime Agricultural Areas

- Allow up to two residential lots to be severed off a farm where currently only surplus farm dwellings severances are permitted.
- Allow two subordinate dwellings on each lot designated Prime Agricultural Area.

Within Rural Areas

- Allow multi-lot residential subdivisions
- Remove existing policy directing lot creation to Rural Settlement Areas; and
- Remove a policy that rural lot creation be “locally appropriate”



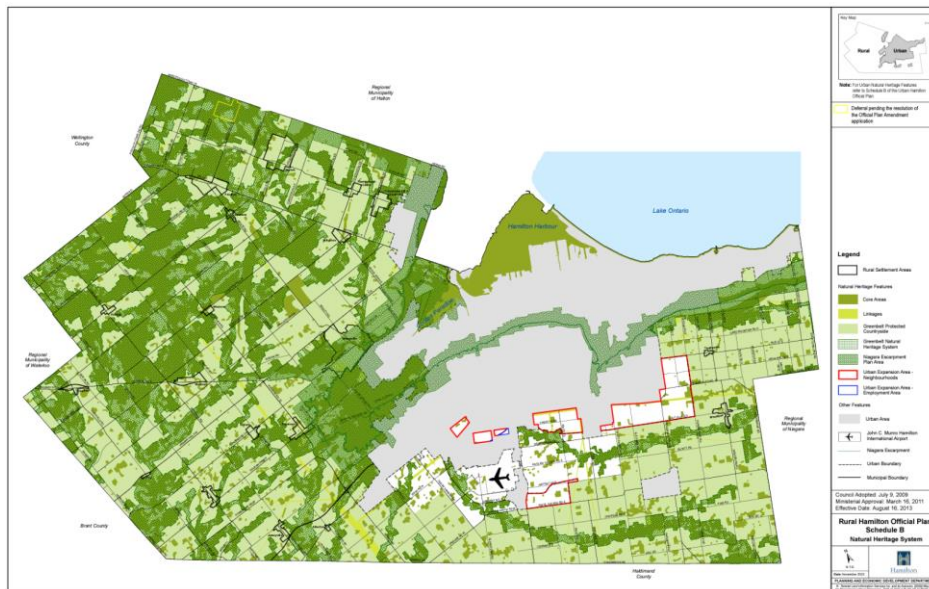
Rural Lands and Prime Agricultural Areas

- Lands within the Greenbelt Plan – Protected Countryside will maintain more restrictive lot creation policies. Without Greenbelt Plan, approximately 2,000 properties could become eligible for new residential lot creation.
- Government of Ontario advised that the Prime Agricultural Land lot creation policies will be “clarified, eliminated and resolved”



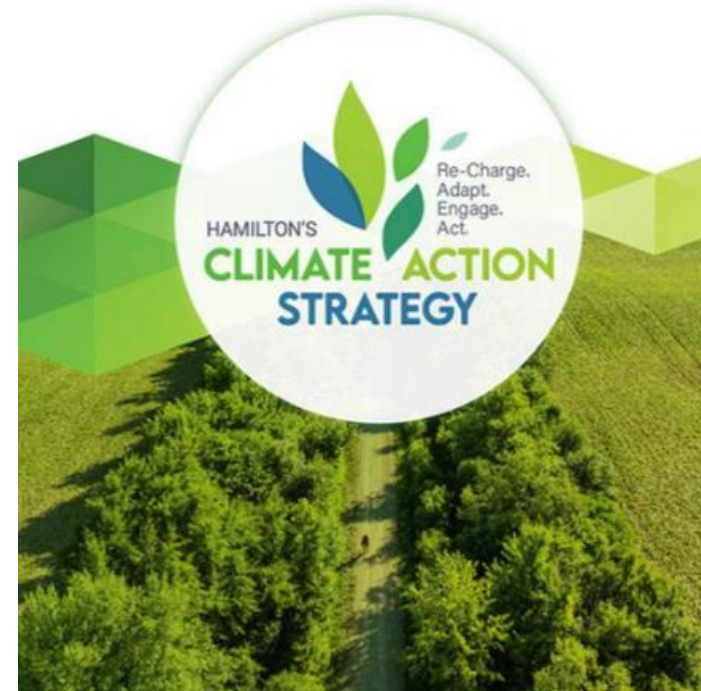
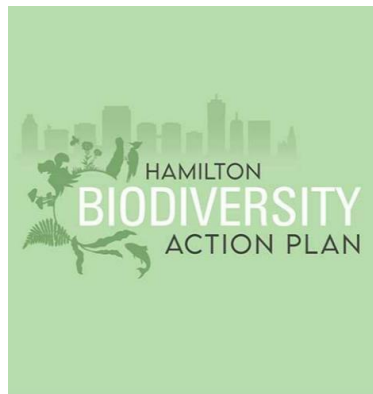
Natural Heritage Systems

- Proposes to introduce new Natural Heritage policies and definitions entirely which currently remain “under consideration”.
- Staff cannot properly evaluate the proposed PPS without understanding the proposed changes to the Natural Heritage System (NHS) policies.
- Strong NHS policies are a vital part of an integrated land use planning framework.



Planning for Climate Change

- Removes “planning for the impacts of a changing climate” from several sections of the proposed PPS.
- Threaten the City’s ability to incorporate and implement environmental initiatives.



Other Changes

- Removes the definition of affordable and minimum targets for market based and affordable housing.
- Removes policies requiring municipalities to plan for growth in locations that support transit
- Deemphasizes the importance of protecting cultural heritage resources.
- Maintains the Growth Plan policies respecting strategic growth areas and density targets for large and fast growing municipalities but softens the requirement for Major Transit Stations Areas to be transit supportive with multi-modal access.
- Strengthens policy respecting engagement with Indigenous communities.
- Encourages innovative approaches to the design of schools in consultation with school boards.

Bill 97 - Proposed Helping Homebuyers, Protecting Tenants Act, 2023

Schedule 4 - Ministry of Municipal Affairs and Housing Act

Deputy Facilitators

- Authorize the Minister to appoint the Facilitator and four Deputy Facilitators to perform specified functions at the direction of the Minister.

Schedule 5 – Municipal Act

Rental Replacement By-laws

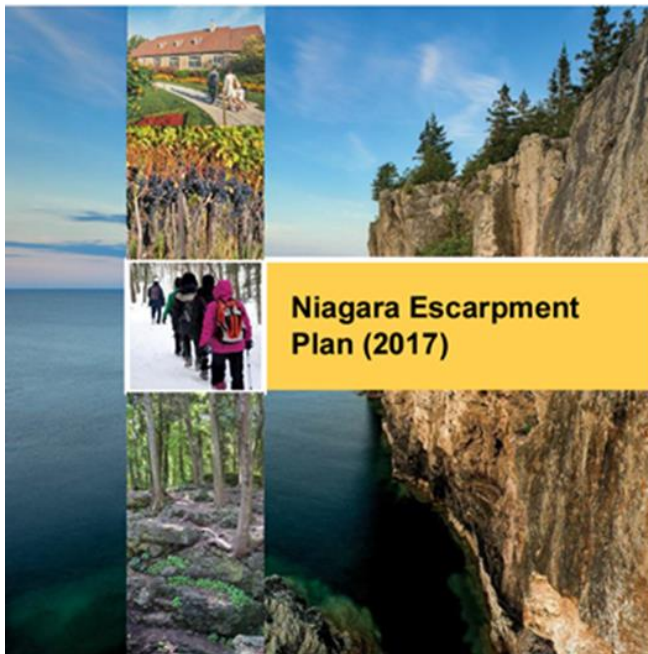
- Amends Section 99.1 of the *Municipal Act* to allow the Minister to regulate and set minimum requirements for rental replacement by-laws.
- Comments respecting the changes to the *Residential Tenancies Act* have been provided by Housing Services and will be submitted to Council under a separate communication.

RENTAL HOUSING PROTECTION POLICY REVIEW

Schedule 6 – Planning Act

Minister's Zoning Orders

- Amends the *Planning Act* to allow the Minister of Municipal Affairs and Housing (MMAH) to issue Minister's Zoning Orders (MZOs) that do not align with provincial plans or policies.



Schedule 6 – Planning Act

Site Plan Control

- Adds new regulation under the *Planning Act* to allow municipalities to require site plan control for residential developments with 10 units or fewer in:
 - Areas within 300 metres of a railway line
 - Areas within 120 metres of a shoreline

- Amends definition of development under subsection 41 (1.2) of the *Planning Act*.



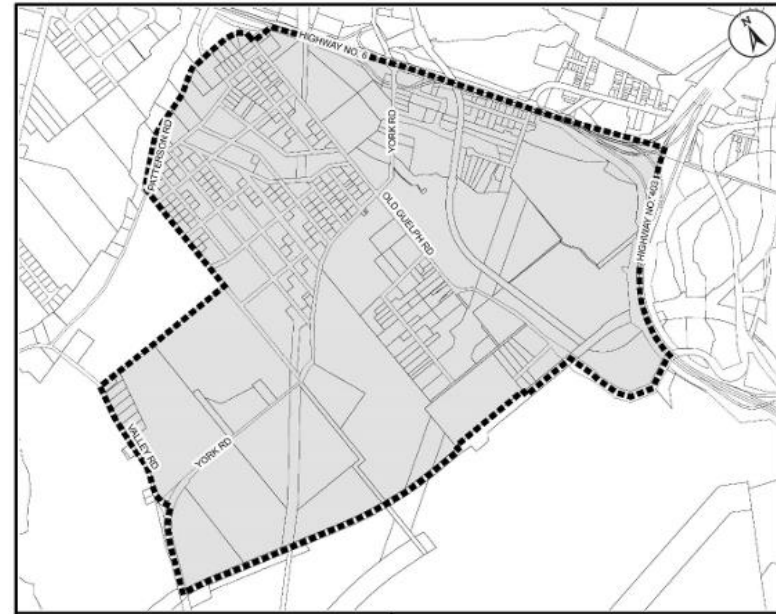
Schedule 6 – Planning Act

Interim Control By-laws (ICBL)

- Amends Section 38 of the *Planning Act* to allow any person or public body who was given notice of passing of an ICBL to appeal within 50 days.



By-law 20-102 - Waterdown Community Node (expired)



By-law 20-186 / By-law 21-169 – Pleasantview (expired)

Schedule 6 – Planning Act

Zoning By-law Amendment and Site Plan Control Application Fee Refunds

- Delays requirement for municipalities to refund applications fees under section 34 and 41.
- Amends subsection 41(12) for the start of 60 day review period.

Development Agreements

- Adds Section 49.2 authorizing the Minister to make an order to require landowners or the municipality to enter into development agreements.

Parking for Additional Dwelling Units

- Clarifies an Official Plan or Zoning By-law cannot require more than one parking spot for each residential unit other than the primary residential unit.

Areas of Employment

- Amends the definition of “areas of employment” under subsection 1(1).

Schedule 3 and 6 – Development Charges Act / Planning Act

Replacement of “parcel of urban residential land” with “parcel of land”.

- Amends sections of *Planning Act* which restrict appeals to the OLT for Official Plan policies and Zoning By-law regulations to replace “parcel of urban residential land” with “parcel of land”.
- Amends sections 2(3.2) and 2(3.3) of Development Charges Act to replace “parcel of urban residential land” with “parcel of land”.

Summary

- Contrary to balanced decision making.
- Has little regard for the protection of the natural environment and agricultural lands.
- Fails to limit urban sprawl through intensification.
- Does not enable local participation in decision making.
- Significant departure from the existing Planning framework.
- Will have significant unintended consequences and lead to uncertainty.

Recommendations

- Council adopt the submissions and recommendations as provided regarding Schedules 3, 4, 5 and 6 of proposed Bill 97 and the Proposed Provincial Planning Statement.
- Staff report back to Council on the required staffing, process, fee and By-law changes should Bill 97 and the new Provincial Planning Statement be proclaimed.
- Council authorize the Director of Planning and Chief Planner and the City Solicitor to make submissions on Bill 97 and the proposed Provincial Planning Statement, 2023 and any associated regulations consistent with the comments and concerns raised in Report PED23145.



Hamilton

THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE