

Authority: Item 1, Planning Committee
Report: 19-018 (PED19211)
CM: November 27, 2019
Ward: City Wide

Bill No. 301

CITY OF HAMILTON

BY-LAW NO. 19-301

To Adopt:

**Official Plan Amendment No. 23 to the
Rural Hamilton Official Plan**

Respecting:

Administrative Amendment

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

1. Amendment No. 23 to the Rural Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 11th day of December, 2019.

F. Eisenberger
Mayor

A. Holland
City Clerk

Rural Hamilton Official Plan Amendment No. 23

The following text, together with:

Appendix “A”	Volume 1: Chapter B – Communities
Appendix “B”	Volume 1: Chapter C – City Wide Systems and Designations
Appendix “C”	Volume 1: Chapter F – Implementation
Appendix “D”	Volume 1: Chapter G – Glossary
Appendix “E”	Volume 3: Chapter B – Rural Site Specific Areas

attached hereto, constitutes Official Plan Amendment No. 23 to the Rural Hamilton Official Plan.

1.0 **Purpose and Effect:**

The purpose of this Amendment is to correct administrative (e.g. numbering, typographical and grammatical) errors. The effect of this Amendment is to improve clarity and understanding and ensure correctness of the Rural Hamilton Official Plan.

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:

- Clarify policies by correcting administrative errors (i.e. formatting, numbering, typographical and grammar) in the Rural Hamilton Official Plan.
- Rural Hamilton Official Plan Volume 1, Chapter F, Section F.1.0, Policy 1.1.3 requires that a City-initiated Amendment be completed to update and streamline administration of municipal planning policies.

- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Greenbelt Plan, 2017 and the Growth Plan for the Greater Golden Horseshoe, 2019.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Text

4.1.1 Chapter B – Communities

- a. That the following policies of Volume 1: Chapter B – Communities be amended, as outlined in Appendix “A”:

- B.3.5.3.8
- B.3.5.3.13
- B.3.5.3.14 a)
- B.3.5.3.16
- B.3.6.3.5

4.1.2 Chapter C – City Wide Systems and Designations

- a. That the following policies of Volume 1: Chapter C – City Wide Systems and Designations be amended, as outlined in Appendix “B”:

- Table C.2.6.1
- Table C.2.6.2
- C.3.1.2
- C.3.1.3 a) iii)
- C.3.1.4 a)
- C.3.3.1
- C.3.3.2
- C.5.1.1
- C.5.1.1 a)
- C.5.1.1 b)

4.1.4 Chapter F – Implementation

a. That the following policy of Volume 1: Chapter F – Implementation be amended, as outlined in Appendix “C”:

- F.3.2.5.4

4.1.5 Chapter G – Glossary

a. That Volume 1: Chapter G – Glossary be amended by amending one definition, as outlined in Appendix “D”.

4.2 Volume 3 – Special Policy Areas, Area Specific Policies, and Site Specific Policies

Text

4.2.1 Chapter B – Rural Site Specific Areas

a. That Volume 3, Chapter B – Rural Site Specific Areas, Site Specific Policy R-42 be amended as outlined in Appendix “E” to this Amendment

5.0 Implementation:

An implementing Zoning By-Law will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule “1” to By-law No. 19-301 passed on the 11th day of December, 2019.

**The
City of Hamilton**

Fred Eisenberger
MAYOR

A. Holland
CITY CLERK

Appendix "A" – Volume 1: Chapter B – Communities

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
B.3.5.3.8 All Open Space and Parks shall be designated as Open Space on Schedule D – Rural Land Use Designations. The classification of parkland shall be identified or designated in Rural Settlement Area Plans. These classifications shall be used to determine parkland needs in accordance with Section B.3.5.13.9.	B.3.5.3.8 All Open Space and Parks shall be designated as Open Space on Schedule D – Rural Land Use Designations. The classification of parkland shall be identified or designated in Rural Settlement Area Plans. These classifications shall be used to determine parkland needs in accordance with Section B.3.5.3.9.
B.3.5.3.13 Notwithstanding Section B.3.5.13.9 of this plan, the City may consider a lower parkland standard, where a Neighbourhood and Community Park may be feasibly combined on the same site.	B.3.5.3.13 Notwithstanding Section B.3.5.3.9 of this plan, the City may consider a lower parkland standard, where a Neighbourhood and Community Park may be feasibly combined on the same site.
B.3.5.3.14 Through the preparation of Rural Settlement Area Plans, the City shall determine the amount and type of park required based on the following considerations: a) The parkland standards in Section B.3.5.13.9;	B.3.5.3.14 Through the preparation of Rural Settlement Area Plans, the City shall determine the amount and type of park required based on the following considerations: a) The parkland standards in Section B.3.5.3.9;
B.3.5.3.16 Where lands are deemed surplus by the City, a public agency or other land owner, the following criteria shall be used in the evaluation of parkland needs: a) The amount of parkland deficit/surplus based on the standards in Section B.3.5.13.9;	B.3.5.3.16 Where lands are deemed surplus by the City, a public agency or other land owner, the following criteria shall be used in the evaluation of parkland needs: a) The amount of parkland deficit/surplus based on the standards in Section B.3.5.3.9;
B.3.6.3.5 Where noise or vibration attenuation measures are required, these measures, for both outdoor and indoor space, may include the following: a) sound-proofing measures, construction techniques, and materials; b) layout and design of the structure or outdoor living areas; c) spatial separation from the source, including the insertion of permitted sound-insensitive uses between the source and receivers; d) building setbacks; and, e) acoustical barriers such as berms, noise walls, favourable topographic features, or other intervening structures, where appropriate and according to all other policies.	B.3.6.3.5 Where noise or vibration attenuation measures are required, these measures, for both outdoor and indoor space, may include the following: a) sound-proofing measures, construction techniques, and materials; b) layout and design of the structure or outdoor living areas; c) spatial separation from the source, including the insertion of permitted sound-insensitive uses between the source and receivers; d) building setbacks; and, e) acoustical barriers such as berms, noise walls, favourable topographic features, or other intervening structures, where appropriate and according to all other policies.

Appendix "B" – Volume 1: Chapter C – City Wide Systems and Designations

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
Table C.2.6-1 – Greenbelt Plan Key Natural Heritage and Hydrologic Features – Mineral Aggregate Operations	Table C.2.6-1 – Greenbelt Plan Key Natural Heritage and Hydrologic Features – Mineral Aggregate Operations
Table C.2.6-2 – Provincial Policy Statement Natural Features and Areas – Mineral Aggregate Operations	Table C.2.6-2 – Provincial Policy Statement Natural Features and Areas – Mineral Aggregate Operations
<p>C.3.1.2 The following uses shall be permitted in the Agriculture, Specialty Crop, Rural and Rural Settlement Area designations, provided the applicable conditions are met:</p> <p>c) A <i>small scale</i> residential care facility shall be permitted as of right in any single detached dwelling, provided it complies with Section C.5.1, Sustainable Private Water and Wastewater Services policies of this Plan and the Zoning By-law.</p>	<p>C.3.1.2 The following uses shall be permitted in the Agriculture, Specialty Crop, Rural and Rural Settlement Area designations, provided the applicable conditions are met:</p> <p>c) A <i>small scale</i> residential care facility shall be permitted as of right in any single detached dwelling, provided it complies with Section C.5.1, Sustainable Private Water and Wastewater Services policies of this Plan and the Zoning By-law.</p>
<p>C.3.1.3 The following uses shall be permitted in the Agriculture, Specialty Crop, Rural, Open Space and Utilities designations, provided the applicable conditions are met: (OPA 5)</p> <p>a) Exploration and extraction of <i>petroleum resources</i>, including compressor and regulator stations associated with natural gas pipelines and underground natural gas storage shall be permitted in all land use designations within <i>Rural Hamilton</i> and outside the designated Rural Settlement Areas provided all the following criteria are met:</p> <p>iii) Notwithstanding ba a) above,</p>	<p>C.3.1.3 The following uses shall be permitted in the Agriculture, Specialty Crop, Rural, Open Space and Utilities designations, provided the applicable conditions are met: (OPA 5)</p> <p>a) Exploration and extraction of <i>petroleum resources</i>, including compressor and regulator stations associated with natural gas pipelines and underground natural gas storage shall be permitted in all land use designations within <i>Rural Hamilton</i> and outside the designated Rural Settlement Areas provided all the following criteria are met:</p> <p>iii) Notwithstanding a) above,</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>a) Except as permitted in Sections D.2.1.1.46 and C.3.1.4 b) and c) of this Plan, a maximum of one dwelling per lot shall be permitted in designations where residential uses are permitted. The Zoning By-law shall limit permitted dwellings to a maximum of one residence per lot in designations where residential uses are permitted;</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>a) Except as permitted in Sections D.2.1.1.6 and C.3.1.4 b) and c) of this Plan, a maximum of one dwelling per lot shall be permitted in designations where residential uses are permitted. The Zoning By-law shall limit permitted dwellings to a maximum of one residence per lot in designations where residential uses are permitted;</p>

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
<p>C.3.3.1 Lands designated as Open Space on Schedule D – Rural Land Use Designations are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses. ... Ancillary commercial uses may be permitted as defined by Section B.3.5.13, Parkland Policies and Section C.2, Natural Heritage System policies of this Plan.</p>	<p>C.3.3.1 Lands designated as Open Space on Schedule D – Rural Land Use Designations are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses. ... Ancillary commercial uses may be permitted as defined by Section B.3.5.3, Parkland Policies and Section C.2, Natural Heritage System policies of this Plan.</p>
<p>C.3.3.2 Open Space designations shall be further refined in Secondary Plans and Rural Settlement Area Plans or identified in an Appendix to this Plan in accordance with Section B.3.5.13, Parkland Policies of this Plan.</p>	<p>C.3.3.2 Open Space designations shall be further refined in Secondary Plans and Rural Settlement Area Plans or identified in an Appendix to this Plan in accordance with Section B.3.5.3, Parkland Policies of this Plan.</p>
<p>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 <i>rural area</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 the all of the following:</p> <p>a) Prior to or at the time of application ... the proponent shall be required to submit a hydrogeological study report completed in accordance with Section F.3.2.25 – Hydrogeological Studies of this Plan and Hydrogeological Study Guidelines as may be approved or amended from time to time.</p> <p>b) Any information submitted or study required in Policy C.5.1.1 a) shall be completed to the satisfaction of the City in accordance with Section F.3.2.25 of this Plan and Hydrogeological Study Guidelines as may be amended from time to time. ...</p>	<p>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 <i>rural area</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:</p> <p>a) Prior to or at the time of application ... the proponent shall be required to submit a hydrogeological study report completed in accordance with Section F.3.2.5 – Hydrogeological Studies of this Plan and Hydrogeological Study Guidelines as may be approved or amended from time to time.</p> <p>b) Any information submitted or study required in Policy C.5.1.1 a) shall be completed to the satisfaction of the City in accordance with Section F.3.2.5 of this Plan and Hydrogeological Study Guidelines as may be amended from time to time. ...</p>

Appendix "C" – 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
F.3.2.5.4 Provided a proposed use on a proposed site can be sustainably serviced in accordance with F.3.2.25.3 , the required Hydrogeological Study shall, in the case of a permitted severance in the <i>rural area</i> , or of the lots within a multi unit site plan development in a Rural Settlement Area: ...	F.3.2.5.4 Provided a proposed use on a proposed site can be sustainably serviced in accordance with F.3.2.5.3 , the required Hydrogeological Study shall, in the case of a permitted severance in the <i>rural area</i> , or of the lots within a multi unit site plan development in a Rural Settlement Area: ...

Appendix "D" – Volume 1, Chapter G – Glossary

Proposed Change	Proposed New Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>Transportation Corridor: A transportation corridor includes any or all of the following:</p> <ul style="list-style-type: none"> a) major roads, arterial roads, and highways for moving people and goods; ab) rail lines/railways for moving people and goods; bc) transit rights-of-way/transitways including buses and light rail for moving people. 	<p>Transportation Corridor: A transportation corridor includes any or all of the following:</p> <ul style="list-style-type: none"> a) major roads, arterial roads, and highways for moving people and goods; b) rail lines/railways for moving people and goods; c) transit rights-of-way/transitways including buses and light rail for moving people.

Appendix "E" – Volume 3: Chapter B – Rural Site Specific Areas

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted Bolded text = text to be added</p>	
<p>R-42 Lands known municipally as 1633 and 1649 Highway No. 6 North, former Town of Flamborough</p> <p>1.0 For the lands known municipally as 1633 and 1649 Highway No. 6 North, designated Rural on Schedule "D" – Rural Land Use Designations and identified as Areas A and A-1 in Site Specific Area R-42, a <i>cannabis growing and harvesting facility</i> shall be permitted, subject to the following policies:</p>	<p>R-42 Lands known municipally as 1633 and 1649 Highway No. 6 North, former Town of Flamborough</p> <p>1.0 For the lands known municipally as 1633 and 1649 Highway No. 6 North, designated Rural on Schedule "D" – Rural Land Use Designations and identified as Areas A and A-1 in Site Specific Area R-42, a <i>cannabis growing and harvesting facility</i> shall be permitted, subject to the following policy:</p>