

Authority: Item 7, Planning Committee Report 24-009 (PED24060)
CM: June 26, 2024 Ward: City Wide
Written approval for this by-law was given by Mayoral Decision MDE-2024-15
Dated June 26, 2024

Bill No. 115

CITY OF HAMILTON

BY-LAW NO. 24-115

To Adopt:

**Official Plan Amendment No. 40 to the
Rural Hamilton Official Plan**

Respecting:

Alignment with Parks Master Plan and Bill 23

(City Wide)

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

1. Amendment No. 40 to the Rural Hamilton Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 26th day of June, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Rural Hamilton Official Plan Amendment No. 40

The following text constitutes Official Plan Amendment No. 40 to the Rural Hamilton Official Plan.

1.0 **Purpose and Effect:**

The purpose and effect of this Amendment is to:

- Amend the Parkland Policies of Volume 1 to incorporate social equality factors into the determination of parkland amount and type and reduce the Minimum Service Radius/ Walking Distance to Neighbourhood Parks; and,
- Amend the Parkland Dedication Policies of Volume 1 by increasing the number of units for the calculation of parkland dedication for residential uses and to establish parkland dedication rates for plans of subdivision based on land area.

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:

- The Amendment implements the recommendations of the City of Hamilton Parks Master Plan (September 2023);
- The Amendment is consistent with amendments made to the *Planning Act* through Bill 23, *More Homes Built Faster Act, 2022* and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 **Actual Changes:**

4.1 **Volume 1 – Parent Plan**

Text

4.1.1 Chapter B – Communities

- a. That Policies B.3.5.3.9 and B.3.5.3.14 of Volume 1: Chapter B – Communities be amended, as outlined in Appendix “A” attached to this amendment.

4.1.2 Chapter F – Implementation

- a. That Policy F.1.18.1 of Volume 1: Chapter F – Implementation be amended, as outlined in Appendix “B” attached to this amendment.

5.0 Implementation:

An implementing amendment to the City’s Parkland Dedication By-law will give effect to the amendments to the Rural Hamilton Official Plan.

This Official Plan Amendment is Schedule “1” to By-law No. 24-115 passed on the 26th day of June, 2024.

**The
City of Hamilton**

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Appendix “A” – Volume 1, Chapter B – Communities

Proposed Change	Proposed New / Revised Policy																		
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<p>B.3.5.3.9 To ensure the provision of an adequate amount of parkland, the following standards shall be used in the determination of parkland needs:</p> <p>a) Rural Settlement Areas (as defined on Schedule D – Rural Land Use Designations, and Maps 1 to 19 in Volume 2 of this Plan)</p> <table border="1" data-bbox="203 640 802 936"> <thead> <tr> <th>Park Classification</th> <th>Per 1,000 Population (Ratios)</th> <th>Minimum Service Radius/ Walking Distance</th> </tr> </thead> <tbody> <tr> <td>Neighbourhood Parks</td> <td>0.7 ha/1000</td> <td>800 m 500 m</td> </tr> <tr> <td>Community Parks</td> <td>0.7 ha/1000</td> <td>n/a</td> </tr> </tbody> </table> <p>i) Any park with an equivalent function to a Neighbourhood Park, as described in Policy B.3.5.3.4 a) and as determined by the City, shall satisfy the 500 metre Minimum Service Radius / Walking Distance standard established in Policy B.3.5.3.9 a).</p>	Park Classification	Per 1,000 Population (Ratios)	Minimum Service Radius/ Walking Distance	Neighbourhood Parks	0.7 ha/1000	800 m 500 m	Community Parks	0.7 ha/1000	n/a	<p>B.3.5.3.9 To ensure the provision of an adequate amount of parkland, the following standards shall be used in the determination of parkland needs:</p> <p>a) Rural Settlement Areas (as defined on Schedule D – Rural Land Use Designations, and Maps 1 to 19 in Volume 2 of this Plan)</p> <table border="1" data-bbox="828 640 1430 936"> <thead> <tr> <th>Park Classification</th> <th>Per 1,000 Population (Ratios)</th> <th>Minimum Service Radius/ Walking Distance</th> </tr> </thead> <tbody> <tr> <td>Neighbourhood Parks</td> <td>0.7 ha/1000</td> <td>500 m</td> </tr> <tr> <td>Community Parks</td> <td>0.7 ha/1000</td> <td>n/a</td> </tr> </tbody> </table> <p>i) Any park with an equivalent function to a Neighbourhood Park, as described in Policy B.3.5.3.4 a) and as determined by the City, shall satisfy the 500 metre Minimum Service Radius / Walking Distance standard established in Policy B.3.5.3.9 a).</p>	Park Classification	Per 1,000 Population (Ratios)	Minimum Service Radius/ Walking Distance	Neighbourhood Parks	0.7 ha/1000	500 m	Community Parks	0.7 ha/1000	n/a
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<p>B.3.5.3.14 Through the review and preparation of Rural Settlement Area Plans, the City shall determine the amount and type of park required based on the following considerations:</p> <p>a) The parkland standards in Section B.3.5.3.9;</p> <p>b) Projected population;</p> <p>c) The location of other parks in adjacent areas;</p> <p>d) The feasibility of locating parks near schools and Natural Open Spaces; and</p> <p>e) Site characteristics (slope, natural features, frontage in a public road) as defined by the Landscape Manual for Parks, adopted by Council. (OPA 5) (OPA 23); and,</p>	<p>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:</p> <p>a) The parkland standards in Section B.3.5.3.9;</p> <p>b) Projected population;</p> <p>c) The location of other parks in adjacent areas;</p> <p>d) The feasibility of locating parks near schools and Natural Open Spaces;</p> <p>e) Site characteristics (slope, natural features, frontage in a public road) as defined by the Landscape Manual for Parks, adopted by Council. (OPA 5) (OPA 23); and,</p>																		

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f) Social equity factors such as the proportion of-potential low-income households and consideration of the availability of private amenity space.	f) Social equity factors such as the proportion of-potential low-income households and consideration of the availability of private amenity space.

Appendix “B” – Volume 1: Chapter F – Implementation

Proposed Change	Proposed New / Revised Policy
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<p>F.1.18.1 In accordance with the <i>Planning Act</i>, and in considering any <i>development/redevelopment</i> proposal, plan of subdivision or consent to sever, Council shall determine whether to require the dedication of parkland or require cash-in-lieu of such dedication.</p> <p>a) Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a rate of 1.0 hectare for each 300 600 dwelling units proposed where land is dedicated or 1.0 hectare for each 1,000 net dwelling units where cash-in-lieu of payment is provided.</p> <p>The rate to be applied will be that which yields the greater amount of either land or cash-in-lieu}, or a combination thereof for <i>developments or redevelopment</i> that contain a mix of residential densities. The maximum parkland dedication shall also include any reductions required by the <u>Planning Act</u> for affordable or attainable residential units or non-profit housing development.</p> <p>For the purposes of calculating parkland dedication on the basis of the number of units, the following rates shall apply to any dedication of parkland or cash-in-lieu as a condition of residential <i>development or redevelopment</i>:</p> <p>i) In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.4 hectare lot. This policy is not applicable to designated Rural Settlement Areas.</p>	<p>F.1.18.1 In accordance with the <i>Planning Act</i>, and in considering any <i>development/redevelopment</i> proposal, plan of subdivision or consent to sever, Council shall determine whether to require the dedication of parkland or require cash-in-lieu of such dedication.</p> <p>a) Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a rate of 1.0 hectare for each 600 dwelling units proposed where land is dedicated or 1.0 hectare for each net 1,000 dwelling units where cash-in-lieu of payment is provided.</p> <p>The rate to be applied will be that which yields the greater amount of either land or cash-in-lieu. The maximum parkland dedication shall also include any reductions required by the <u>Planning Act</u> for <i>affordable</i> or attainable residential units or non-profit housing development.</p> <p>For the purposes of calculating parkland dedication on the basis of the number of units, the following rates shall apply to any dedication of parkland or cash-in-lieu as a condition of residential <i>development or redevelopment</i>:</p> <p>i) In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.4 hectare lot. This policy is not applicable to designated Rural Settlement Areas.</p>

Proposed Change	Proposed New / Revised Policy
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<p>ii) Notwithstanding Policy F.1.18.1 a) i), Council may consider reducing the residential parkland dedication rate for: dwellings within specific geographic areas of the City; specific dwelling unit types; and, certain types of charitable, non-profit or social/<i>affordable</i> housing, as provided for in the Parkland Dedication By-law. (OPA 13)</p> <p>b) Council shall require a parkland dedication in the amount not exceeding 2% for commercial purposes except as exempted in the Parkland Dedication By-law.</p> <p>c) Council shall require a parkland dedication in an amount not exceeding 5% for institutional proposals, and all other land use proposals other than residential and commercial uses, subject to any exemption as set out in the Parkland Dedication By-law. (OPA 13)</p> <p>d) Council shall require a combination of dedication rates as defined in Policy F.1.18.1 applicable to specific use and/or density for any <i>development</i> including a subdivision containing lands proposed for a variety of land uses.</p> <p>e) Notwithstanding Policy F.1.18.1 a) and Policy F.1.18.1 a) i), the maximum alternative parkland dedication shall also be limited by any maximums required by the <i>Planning Act</i>.</p>	<p>ii) Notwithstanding Policy F.1.18.1 a) i), Council may consider reducing the residential parkland dedication rate for: dwellings within specific geographic areas of the City; specific dwelling unit types; and, certain types of charitable, non-profit or social/<i>affordable</i> housing, as provided for in the Parkland Dedication By-law. (OPA 13)</p> <p>b) Council shall require a parkland dedication in the amount not exceeding 2% for commercial purposes except as exempted in the Parkland Dedication By-law.</p> <p>c) Council shall require a parkland dedication in an amount not exceeding 5% for institutional proposals, and all other land use proposals other than residential and commercial uses, subject to any exemption as set out in the Parkland Dedication By-law. (OPA 13)</p> <p>d) Council shall require a combination of dedication rates as defined in Policy F.1.18.1 applicable to specific use and/or density for any <i>development</i> including a subdivision containing lands proposed for a variety of land uses.</p> <p>e) Notwithstanding Policy F.1.18.1 a) and Policy F.1.18.1 a) i), the maximum alternative parkland dedication shall also be limited by any maximums required by the <i>Planning Act</i>.</p>