

Authority: Item 4, Planning Committee
Report 16-015 (PED16040a)
CM: September 14, 2016

Bill No. 254

CITY OF HAMILTON

BY-LAW NO. 16-254

To Adopt:

**Official Plan Amendment No. 49 to the
Urban Hamilton Official Plan**

Respecting:

Road Widening and Complete Application Policies

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

1. Amendment No. 49 to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 28th day of September, 2016.

F. Eisenberger
Mayor

R. Caterini
City Clerk

Urban Hamilton Official Plan Amendment No. 49

The following text constitutes Official Plan Amendment 49 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to:

- a) Clarify the circumstances where the City is permitted to waive or accept less than the maximum road widening and/or daylighting triangle requirements established in the Urban Hamilton Official Plan;
- b) Identify additional information and materials required to deem *Planning Act* applications for official plan amendment, zoning by-law amendment, draft plan of subdivision and other planning applications complete;
- c) Identify implementation requirements for a Public Consultation Strategy and Right of Way Impact Assessments; and,
- d) Make administrative changes to correct errors to policy references and policy numbering.

2.0 Basis:

The basis for permitting this Amendment is as follows:

- The proposed amendment is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe.
- Sections C.4.5.6 and C.4.5.7 of Volume 1 of the Urban Hamilton Official Plan permit the City to require, as a condition of approval of a site plan, subdivision, condominium and land severance consent, sufficient lands to be conveyed to provide for a road right of way or daylighting triangles, for roads abutting the application satisfactory to the City.
- The proposed amendment will establish similar policies in effect in the Rural Hamilton Official Plan which permit conveyances of land for road widenings or daylight triangles to be waived for certain minor developments, ensuring consistency between both Official Plans.
- The proposed amendment will permit the City to take into account circumstances where it is not feasible or desirable to obtain the maximum

road widening or daylight triangle, and to use detailed studies, reports and assessments that have been completed by the City as part of the determination of appropriate road widenings and daylight triangles, which is desirable and consistent with good planning.

- The proposed amendment will grant the City the authority to require an easement to ensure that appropriate infrastructure can still be provided where the maximum road widening or daylight triangle is not taken, which is desirable and consistent with good planning.
- The *Planning Act* permits municipalities to require any other information and material that it considers necessary to evaluate an application for Official Plan Amendment, Zoning By-Law Amendment, Draft Plan of Subdivision or Site Plan, provided the Official Plan contains policies describing the information and material.
- The addition of “Public Consultation Strategy” and “Right of Way Impact Assessment” materials to the Complete Application requirements in the Urban Hamilton Official Plan will assist the City in completing a comprehensive evaluation of an application.
- The addition of implementation details for “Public Consultation Strategy” and “Right of Way Impact Assessment” materials to the implementation policies of the Urban Hamilton Official Plan will provide clarity in understanding the requirements and expectations for these studies.

3.0 Actual Changes:

3.1 Text Changes:

Volume 1 – Roads Network, Complete Application Requirements and Formal Consultation

3.1.1 Volume 1 – Chapter C – CITY WIDE SYSTEMS AND DESIGNATIONS – Section 4.5 – Roads Network is amended by:

- 1) Amending Policy 4.5.6.1 to remove the first sentence and relocate it as a separate Policy 4.5.6.8
- 2) Amending Policy 4.5.6.3c) to delete the words “to C.4.5.6.3 inclusive” in the first sentence, and replace them with “, C.4.5.6.3a) and C.4.5.6.3b)”
- 3) Renumbering Policy 4.5.6.5 to Policy 4.5.6.7

4) Deleting Policy 4.5.6.4 in its entirety and replacing it with the following three new Policies:

“C.4.5.6.4 Notwithstanding Policies C.4.5.6, C.4.5.6.1, C.4.5.6.3 and C.4.5.7:

- a) Where site plan approval is required primarily for the purposes of natural heritage protection and site plan approval is the only Planning Act application, a conveyance of lands for a future road widening or daylight triangle shall not be taken.
- b) Where site plan approval is required for a minor *development* and the site plan approval is the only Planning Act application, a conveyance of lands for a future road widening or daylight triangle may not be taken at the discretion of the City.

C.4.5.6.5 Notwithstanding Policies C.4.5.6, C.4.5.6.1, C.4.5.6.3 and C.4.5.7, and in addition to Policy C.4.5.3, the City may waive or accept less lands to be dedicated than the maximum road widening and/or daylighting triangle requirements where, in the opinion of the City:

- a) It is determined through a development planning approval process that due to significant adverse impacts on:
 - i) existing built form,
 - ii) natural heritage features,
 - iii) an existing streetscape; or
 - iv) a known *cultural heritage resource*;

it is not feasible or desirable to widen an existing road allowance to the maximum road widening or provide the full daylight triangle as set out in Section C.4.5.2, Schedule C-2 – Future Road Widenings or Section C.4.5.7, and that the City’s objectives for sustainable *infrastructure*, complete streets and mobility can be achieved, or,

- b) An alternative road width or daylight triangle size has been deemed appropriate through a City

initiated environmental assessment, streetscape master plan, area master plan, secondary planning study, or other transportation or planning study approved by Council, and provided it does not affect the safe and planned operation of the roadway.

C.4.5.6.6 Where a right-of-way width less than the maximum road allowance or a reduced daylight triangle is established in accordance with Policy C.4.5.6.5, the City may require the establishment of an easement for the installation and maintenance of municipal *infrastructure.*”

3.1.2 Volume 1 – Chapter F – IMPLEMENTATION – Section 1.19 – Complete Application Requirements and Formal Consultation is amended by modifying Policy 1.19.6 to add text to Table F.1.19.1 Other Information and Materials as follows:

1) In Part 1 – Background Information, adding:

“c) Public Consultation Strategy”

2) In Part 2 – Planning, adding:

“g) Right of Way Impact Assessment”

3.1.3 Volume 1 – Chapter F – IMPLEMENTATION – Section 3.2 – Council Adopted Guidelines and Technical Studies is amended by:

1) Renumbering Section 3.2.10 to 3.2.12 and Policy 3.2.10.1 to Policy 3.2.12.1

2) Adding a new Subsection 3.2.10 “Public Consultation Strategy”

3) Adding the following new Policy as Policy 3.2.10.1:

“F.3.2.10.1 Council has adopted Public Consultation Strategy Guidelines which shall be used by proponents when preparing a strategy that is required as part of a complete application. The City may revise the Public Consultation Strategy Guidelines from time to time.”

4) Adding a new Subsection 3.2.11 “Right of Way Impact Assessment”

5) Adding the following two new Policies:

- “F.3.2.11.1 Where a request is made by a proponent of a *development* application to reduce or waive requirements for conveyance of lands for road widenings or daylight triangles as set out in Section C.4.5.2, Schedule C-2 – Future Road Widenings or Section C.4.5.7, proponents may be required to prepare a Right of Way Impact Assessment to review potential impacts and provide a rationale for the alternative requirement, in accordance with the criteria outlined in Policy C.4.5.6.5a).
- F.3.2.11.2 The City may develop guidelines for a Right of Way Impact Assessment which may be revised from time to time.”

4.0 Implementation:

Road widening policies will be implemented by the existing review and approval procedures for site plan, subdivision, condominium, and land severance consent applications, under the authority of the *Planning Act*, the *Condominium Act* and Site Plan Control By-law 15-176, as amended.

Complete Application policies will be implemented by the existing formal consultation procedures under the authority of the *Planning Act* and Formal Consultation By-law No. 08-297.

This is Schedule “1” to By-law No. 16-254 passed on the 28th day of September, 2016.

**The
City of Hamilton**

F. Eisenberger
MAYOR

R. Caterini
CITY CLERK