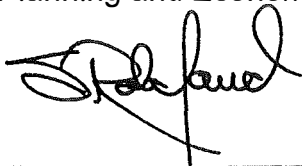




Hamilton

COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	March 18, 2021
SUBJECT:	Pleasantview Area Land Use Study (Ward 13)
WARD(S) AFFECTED:	Ward 13
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

The purpose of this Communication Update is to update City Council on the Pleasantview Area Land Use Study in the former Town of Dundas.

Background

The Pleasantview area of Dundas is approximately ±413.5 hectares (1021.78 acres) in size and is situated below the brow of the Niagara Escarpment west of Highway No. 6 and north of Highway 403. The lands are bounded to the east by Highway No. 6, to the north by Patterson Road, to the west by York Road and to the south by Canadian National Rail Line and Old Guelph Road. Please refer to Appendix A for a map of the Study Area. The lands contain a variety of land uses and are in public, private, institutional and corporate ownership. The Area has important natural heritage significance including several Environmentally Sensitive Areas (ESAs) that form an important link between Cootes Paradise and the Niagara Escarpment.

The Pleasantview area has had more than 45 years of layered Provincial and local-level planning policy and regulations directing development. The area remains subject to the provisions of the Official Plan of the former Town of Dundas as set out by the Ontario Municipal Board Decision for OMB File No. 0930179 (dated June 28, 1995), and is still regulated by the former Town of Dundas Zoning By-law 3581-86, as amended by By-law 4066-93.

In 2013, through Niagara Escarpment Plan Amendment (“NEPA”) No. 179 the NEC included the Pleasantview area within the Niagara Escarpment Plan and designated the

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various lands as Escarpment Rural, Natural and Protection. In addition, NEPA 179 included a Special Policy Area (Policy 2.2.21) which reflects the planning framework from the 1995 OMB Decision.

The lands continue to be under the jurisdiction of the Niagara Escarpment Plan, the Parkway Belt West Plan and the Former Town of Dundas Official Plan. The Rural Hamilton Official Plan contains a Special Policy Area for the Pleasantview area, which largely serves to identify the lands as still being subject to the provisions of the Town of Dundas Official Plan and the OMB Decision from 1995.

Notwithstanding the addition of the lands to the NEP through NEPA 179, as the lands are not within the NEC's Area of Development Control, the lands continue to be regulated by the Town of Dundas Zoning By-law No. 3581-86, as amended by By-law No. 4066-93.

Niagara Escarpment Commission Development Control

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 met with NEC and MNR staff in November 2020 to understand MNR's process and ongoing project to review lands within Development Control and consider additional lands. City staff committed to working with the NEC and MNR to assist the MNR in its review of the Pleasantview lands and additional meetings are planned.

Pleasantview Area Interim Control By-law

Hamilton City Council, at its meeting of September 10, 2020 passed By-law 20-186, an Interim Control By-law (ICBL) for the Pleasantview Lands in the former Town of Dundas. The Interim Control By-law was passed to give time to complete a land use study and bring forward the necessary policy and regulatory amendments 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.

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The Interim Control by-law temporarily halts development in the Study Area until the by-law expires or is rescinded. However, some development is permitted to occur as follows:

- expansions of existing buildings to a maximum of 20% of the gross floor area;
- changes to facades or interiors of existing structures;
- reconstruction or replacement should a fire, accident or natural disaster occur; and,
- construction of new accessory buildings or structures.

In addition, building permits may be issued in accordance with minor variances, consents, site specific zoning and site plans approved after October 28, 2013 (the date of Ministerial approval of the Niagara Escarpment Plan Amendment No. 179).

The Interim Control By-law is in effect until September 10, 2021. City Council may extend the duration of the by-law beyond this date should additional time be required to complete the Land Use Study. Staff notes however, that any extension of the ICBL is subject to appeal to the LPAT.

Pleasantview Land Use Study

In January of 2021, a land use planning consultant (The Planning Partnership) was retained through the City's Roster system to undertake a land use study for the Pleasantview Area. The cost of the consulting contract is \$39,934. The scope of the Land Use Study includes:

- review and analysis of the local and provincial policy framework, including past LPAT (OMB) Decisions;
- recommendations for modifications to the Rural Hamilton Official Plan to ensure the local framework is brought into conformity with the applicable Provincial Plans;
- review of existing zoning and consideration of appropriate zones and regulations for inclusion in the City of Hamilton Zoning By-law 05-200; and,
- public consultation with the community.

The background review and analysis will assist the NEC and MNRF in their consideration of the Pleasantview lands for inclusion in Development Control.

Public Engagement and Consultation

A notice of study commencement mail-out will be sent to properties within 120 metres of the Study Area. This mail-out will provide information on how residents can access more information on the Study. A link to a project webpage (currently under development) will be included in the notice. A virtual public engagement webinar will be

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held to review the findings and recommendations of the Study, to answer questions and receive feedback.

Timeline

The final Study Report is anticipated in May, 2021 with public engagement following in June, 2021. Staff anticipate bringing the final Study Report and recommendations for changes to the Official Plan to Planning Committee in September, 2021. If the Study Report is delayed, it may be necessary to extend the ICBL until such time as the study is presented to Council.

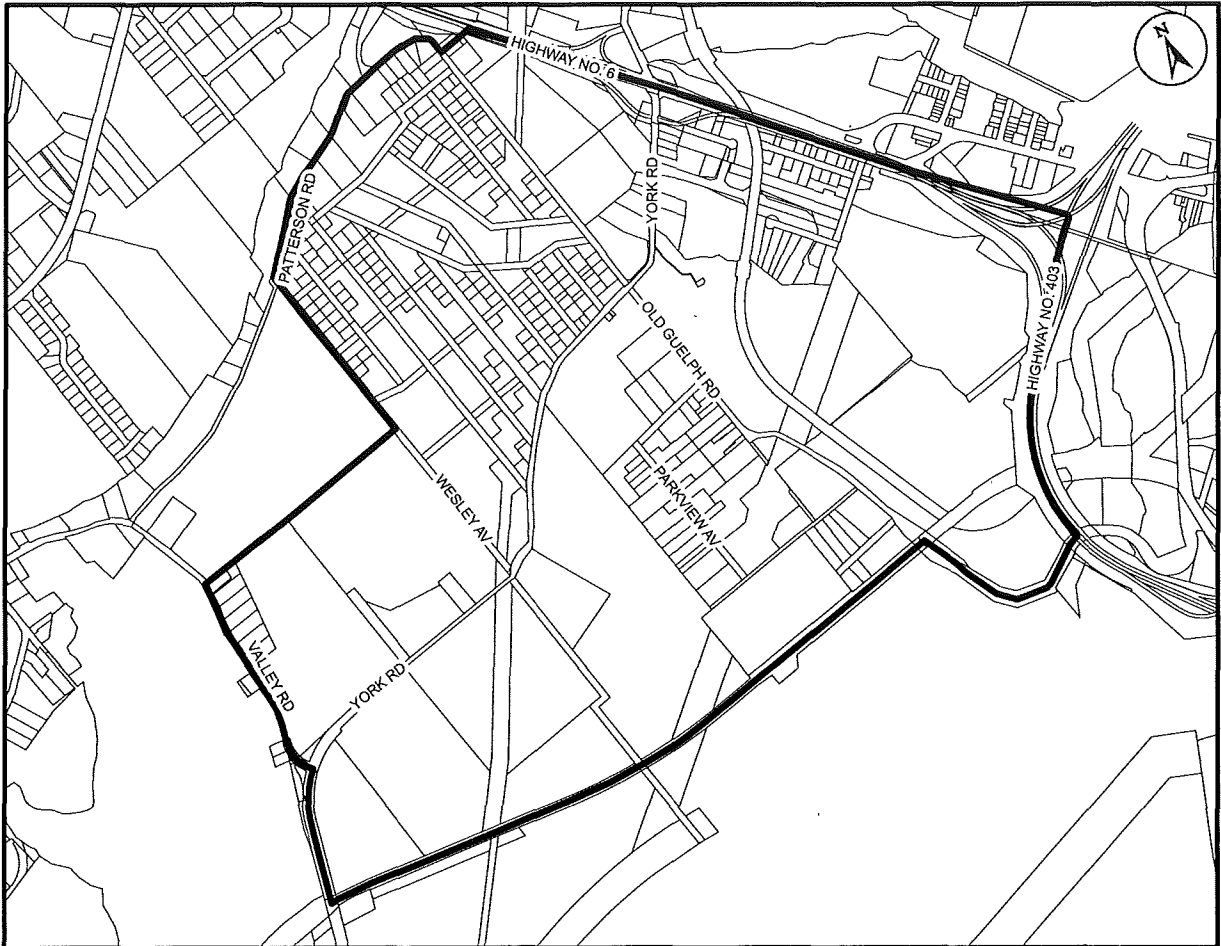
For more information and questions, please contact:

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● Site Location

Location Map



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PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

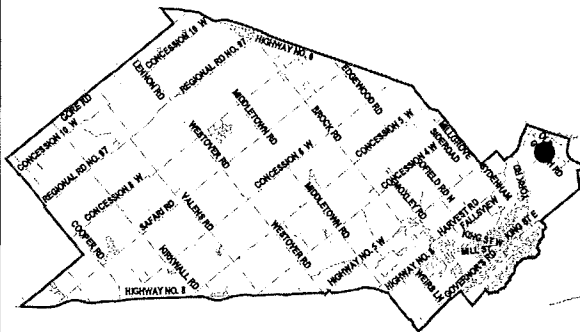
File Name/Number:
Pleasant View Area Land Use Study

Date:
March 5, 2021

Appendix "A"

Scale:
N.T.S

Planner/Technician:
SS/NB



Study Area

— Pleasant View Area Land Use Study, Dundas (Ward 13)

Key Map - Ward 13

