

Authority: Item 8, Planning Committee Report 24-003 (PED22002(b))
CM: February 28, 2024 Ward: 9, 10, 11, 12, 13, 15
Written approval for this by-law was given by Mayoral Decision MDE-2024 07
dated March 27, 2024
Bill No. 038

CITY OF HAMILTON

BY-LAW NO. 24-038

To Adopt:

**Official Plan Amendment No. 39 to the
Rural Hamilton Official Plan**

Respecting:

Hamilton Rural Area

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

1. Amendment No. 39 to the Rural Hamilton Official Plan consisting Appendix "A", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 27th day of March, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Rural Hamilton Official Plan Amendment No. 39

The following text, together with Appendix “A” attached hereto, constitutes Official Plan Amendment No. 39 to the Rural Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the permissions for Secondary Dwelling Unit – Detached and farm labour residences within 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 as follows:

- The Amendment provides consistency between the Rural Hamilton Official Plan and Zoning By-law No. 05-200 respecting Additional Dwelling Unit – Detached and Farm Labour Residences.
- The Amendment allows for on farm diversification in support of evolving year round farming operations.
- 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 2 – Secondary Plans

Text

4.1.1 Chapter C – City Wide Systems and Designations

- a. That Volume 1: Chapter C – City Wide Systems and Designations, Section 3.0 General Land Use Provisions and Designations, Policy C.3.1.2 e) be deleted and replaced with the following:

“e) An additional dwelling unit – detached shall be permitted in *Rural Hamilton* subject to the following:

- i) One *additional dwelling unit – detached* may be permitted on a lot with a minimum lot area of 1.5 hectares.
- ii) The primary dwelling and the *additional dwelling unit – detached* can achieve the minimum servicing requirements of Policy C.5.1 of this Plan.
- iii) The minimum lot area established in e) i) above may be reduced where it can be demonstrated that the minimum servicing requirements of Policy C.5.1 of this Plan can be achieved.”

4.1.2 Chapter D – Rural Systems, Designations and Resources

- a. That Volume 1: Chapter D – Rural Systems, Designations and Resources, Section D.2.0 – Agriculture Designation, Policy D.2.1.1.6 b) be amended by:
- i) Deleting the “maximum of one” before “farm labour residence”;
 - ii) Deleting the word “temporary” between “accessory detached” and “dwelling”;
 - iii) Deleting Policy D.2.1.1.6 b) i); and, iv) Renumbering Policy D.2.1.1.6 b) ii) as D.2.1.1.6 b) i).
 - iv) Renumbering Policy D.2.1.1.6 b) ii) as D.2.1.1.6 b) i).

4.1.3 Chapter F – Implementation

- a. That Volume 1: Chapter F – Implementation, Section F.1.0 – Planning Act Implementation Tools, Policy F.1.14.2.1 a) i) 1) be amended by adding the words “, provided the dwelling is not a *farm labour residence*,” between the words “consolidation” and “;and,” so the policy reads as follows:

“a) Severances that create a new lot for the following purposes shall be prohibited:

i) Residential uses except in accordance with:

1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation, provided the dwelling is not a farm labour residence; and,”

4.1.4 Chapter G – Glossary

a. That Volume 1: Chapter G – Glossary, be amended by deleting and replacing the definition of Farm Labour Residence as follows:

“Farm Labour Residence: means accommodation provided for full-time farm labour where the size and nature of the farm operation requires additional employment.”

5.0 Implementation:

An implementing Zoning By-law Amendment will give effect to the amended policies.

This Official Plan Amendment is Schedule “1” to By-law No. 24-038 passed on the 27th day of March, 2024.

The City of Hamilton

A. Horwath
Mayor

J. Pilon
Acting City Clerk