

**Summary of Written Comments Received Following Rural Zoning PICs  
in November & December 2013 and January 2014**

**LANDSCAPE CONTRACTING ESTABLISHMENTS**

<b>Submitted by</b>	<b>Written Comments</b>	<b>Response, as per Revised Zones dated May, 2014</b>
John Bennett and Elizabeth Bluemke Lynden, ON	<ul style="list-style-type: none"> <li>• Main concern has to do with "Secondary use" of smaller parcels of Agriculturally-zoned land, located near Settlement Residential areas: Specifically, the ability of Landscape Contracting Establishments to operate on lots where a bona-fide farming operation is effectively untenable.</li> <li>• While we fully support the ability of farm families to supplement their income by engaging in compatible secondary use in rural zones, we have seen and experienced incidents of larger, fully independent landscaping companies relocating to small parcels of Agriculturally-zoned land to take advantage of lower tax rates and lax regulation. Formalizing this use in the RHOP will increase the flight of what are clearly commercial operations from commercial property to inadequately-regulated rural locations. Minimal or no farming is taking place on such properties, irrespective of whether or not the landowners hold a Farm Registration number.</li> <li>• We have seen significant disruption of our rural environment, with such operations beginning as early as 6:00 AM in the morning, seven days a week, continuing late at night, with the associated noise, traffic, dumping / burning of waste, and other nuisances. Minimal or no farming is taking place on such properties, irrespective of whether or not the owners hold a Farm Registration number. Carving out an exemption for such use will exacerbate these problems.</li> <li>• The mechanisms contained in the proposed zoning regulations for limiting the size of secondary use do not adequately address these issues, and have no method for ensuring that the "secondary" use is truly secondary to the primary agricultural use of the land.</li> <li>• We have seen examples of landscaping firms with existing commercial property in Hamilton,</li> </ul>	Revisions made to regulations pertaining to Landscape Contracting Establishment – Secondary within the A1 and A2 Zones.

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	<p>multiple employees, a half-dozen trucks, trailers, dump trucks, snow removal machines and Bobcats, operating full-time from a smaller, A-zoned property, which directly abuts Settlement Residential land. Even if the bare minimum of farming income were to be produced on the property, it would be eclipsed by the six-figure income generated by the business. This is an ongoing concern with multiple residents of the settlement area, with a significant disruption of daily life occurring on an ongoing basis.</p> <ul style="list-style-type: none"> <li>• We believe that Hamilton can use the experience of other local communities in dealing with these types of issues, and that there is little justification for including the special category of "Landscape Contracting Establishments" as a secondary use.</li> <li>• The establishment of the dominant use of a property for a Landscape Contracting Establishment that does not primarily involve growing would not conform to the Greenbelt Plan.</li> <li>• Halton restricts secondary uses to "Commercial Farms", defined as "a farm which is deemed to be a viable farm operation and which normally produces sufficient income to support a farm family." This confirms and strengthens the secondary use requirement.</li> <li>• Municipality of Clarington, in Durham Region, has adopted an official plan that more tightly regulates secondary uses on Agricultural land that abuts rural settlement areas. Their official plan only allows secondary farm-related industrial/commercial uses provided that such uses do not abut any designated rural settlement areas.</li> <li>• The Rural Hamilton Official Plan specifies that "On-farm secondary uses are secondary to the primary agricultural use of the land... [and]... The use shall be clearly secondary to the primary agricultural use".</li> </ul>	
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	<p>The terms "primary", "secondary" and "principle" listed above are key, and it is incumbent upon the city to ensure that the primary use of the land remains agricultural. Currently, however, the provisions in the RHOP do not provide adequate mechanisms for doing so.</p> <ul style="list-style-type: none"> <li>• The addition "Landscape Contracting Establishment" as a recognized secondary use for Agricultural land was recently added and this type of commercial operation on a non bona-fide farm operation has significant potential to disrupt rural life, and will likely result in the loss commercial tax revenues for the City of Hamilton as businesses discover the advantages of moving their operations to small-scale rural parcels.</li> <li>• We believe that Zoning should:             <ol style="list-style-type: none"> <li>1) Provide stronger mechanisms for ensuring that "Secondary" use for Agriculturally-zoned land is clearly secondary. Other municipalities, such as Halton, restrict secondary uses to "Commercial Farms", which are defined as "a farm which is deemed to be a viable farm operation and which normally produces sufficient income to support a farm family."</li> </ol> <p>These mechanisms can include:</p> <ul style="list-style-type: none"> <li>- A definition of "Secondary use" based on relative income compared to farm income</li> <li>- A larger farm size requirement to ensure a viable operation. We believe that the current requirement of four hectares is too small to ensure that a farm is a bona-fide agricultural enterprise</li> <li>- Require a larger percentage of land to be actively farmed</li> <li>- Require that more than 50% of commodity and service sales be of farm products and services</li> <li>- Restrict operating hours of secondary usages</li> <li>- Provide larger setbacks and screening</li> </ul> </li> </ul>	
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	<p>requirements that limit the abuse of smaller properties</p> <p>2) Provide greater protection for Settlement Residential-zoned properties in rural areas. A large concentration of rural residents are located in Settlement Residential zones, and encroaching commercial operations can therefore affect a large number of families. One approach used in other jurisdictions is to limit secondary uses on any land abutting Rural Settlement zones. For example, in Durham Region, the Municipality of Clarington allows secondary farm-related industrial/commercial uses provided that such uses do not abut any designated rural settlement areas.</p> <p>3) Remove "Landscape Contracting Establishment" as a defined "Secondary" Use category for Agriculturally-zoned lands. The Official Plans in other Greenbelt-regulated municipalities do not provide special dispensation for Landscape Contracting Establishments: Hamilton should follow suit, and not carve out a special exemption for these quasi-agricultural/commercial operations that will significantly affect the rural environment.</p> <ul style="list-style-type: none"> <li>• Our family has lived in rural Hamilton for a number of years, and we have seen the ongoing abuse of the existing zoning regulations by large and small commercial operations.</li> <li>• We believe that formally allowing Landscape Contracting Establishments as a secondary agricultural use with ineffective provisions for enforcement is the wrong approach, and urge council and staff to revisit this policy.</li> </ul>	
<p>Jim and Tanya</p>	<ul style="list-style-type: none"> <li>• As rural residential home owners we are concerned that the zoning will officially allow</li> </ul>	<ul style="list-style-type: none"> <li>• Revisions made to regulations pertaining</li> </ul>

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	<p>commercial businesses to operate in our residential neighborhoods. We have already experienced the negative effects of illegal, commercial businesses in our rural environment including early morning and late evening operations, 7 days a week, numerous employees plus their personal vehicles, increased traffic, obnoxious noises, foul smells and unsightly views. Plus, most of these illegal businesses have nothing to do with agricultural farming. For instance, landscape construction and maintenance are in no way related to farming and therefore should not be considered secondary to the primary agricultural use of the land. By legitimately allowing commercial businesses to operate in the rural community the zoning will only exacerbate these problems.</p> <ul style="list-style-type: none"> <li>• New rural zoning does not have adequate requirements and restrictions to ensure that these commercial businesses/secondary uses are truly secondary to the primary agricultural use of the land. For instance, when the revenue generated from the commercial business far exceeds the revenue generated from the farm this can no longer be considered secondary use. Also, the current minimum land requirement is much too small of an area to not interfere with the quality of life and resale value of surrounding residential properties. The zoning does not have an adequate means of differentiating and enforcing farm use vs. secondary use in terms of number of employees, equipment, out buildings, hours of operation and so forth.</li> <li>• The changes to home industry in the RHOP will also negatively impact the rural environment. For instance, under this proposed zoning it will now be plausible for trades persons (eg. cabinet makers, welders, etc) to run their businesses adjacent to rural, residential properties. Similar to the secondary use of agricultural land, these home industries will result in a disruption to the rural way of life. Commercial businesses should remain in commercial/industrial areas.</li> <li>• Formally allowing commercial businesses to</li> </ul>	<p>to Landscape Contracting Establishment – Secondary within the A1 and A2 Zones.</p>
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	<p>operate in rural, residential neighborhoods is not only detrimental to the rural environment but also to the quality of life of its residents. We strongly request that city staff and council consider these issues and make appropriate amendments to the zoning.</p> <ul style="list-style-type: none"> <li>• Also the P6 zoning of our property. There is now a possibility of the bylaw limiting/denying us the ability to modify or expand on our property.</li> </ul>	<ul style="list-style-type: none"> <li>• Former P6 zoned portion now zoned new P7 and new P8</li> <li>• Developed portion of property would be zoned new P7, which permits expansions to existing buildings</li> </ul>
<p>Marc Schutten Granite Park Inc. 1285 Brock Road</p>	<p>General Considerations:</p> <ul style="list-style-type: none"> <li>• Good that the Landscape/Horticultural Industry is finally given its proper place under the heading of 'Agriculture' since it really does fall under its umbrella.</li> <li>• It is also fitting that this new zoning includes Landscaping as permissible use.</li> <li>• By its very nature, and the equipment needed to sustain this industry, it has always been unsuitable for any urban inclusion.</li> <li>• I have been in this industry for 30 years and can assure you that is the case. Urbanites will complain long and hard about noise, business, traffic etc. It really does not work there. And so the shift was, and continues to be to rural destinations.</li> <li>• The reality is (at least in Flamborough) that there are so many landscape companies operating in our rural areas that it would be impossible to not acknowledge their existence. This does not mean that we could not restrict it.</li> <li>• Have spoken to Councillor Pasuta who lives in our area and one of the concerns we share is not that there are landscape companies running their businesses from rural areas, but rather that there seems to be few restrictions on where and to what degree these businesses can operate. You can see where some are trying to cram their</li> </ul>	<p>Revisions made to regulations pertaining to Landscape Contracting Establishment – Secondary within the A1 and A2 Zones.</p>

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	<p>landscape business on a 1 acre parcel. These are the ones this zoning needs to restrict and/or prevent from happening.</p> <p>Specific Considerations and Guidelines for Landscape use:</p> <ul style="list-style-type: none"> <li>• The parcel of land on which a landscape company operates must be 4 acres or more.</li> <li>• It must be of a size to meet all proper set back requirements and possibilities for setbacks. From property lines, street lines, neighbours etc.</li> <li>• Out buildings should be erected for purposes of adequate storage. These outbuildings will have to be sized according to the requirements and needs of an operator. This will naturally fall under Building Department requirements. The purpose of these structures would be to allow for storage of vehicles, equipment and the like as per new proposed guide lines.</li> <li>• There ought to be basic landscape requirements for the premises to ensure the property is visually appealing. (ie: not slabs of concrete and asphalt over the entire area with little landscape arrangements to make it look appealing).</li> <li>• There ought to be "visual City audits" to ensure compliance. This ought to be a desirable and reasonable arrangement for any operator who is also a rural dweller as they have a financial interest in seeing it this way.</li> <li>• If you keep the above in mind, we will eliminate the eyesores from our rural community. Operators will need to invest in their operation to ensure compliance as well as an environment that is in keeping with the intent of this new zoning.</li> </ul>	
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