

**Summary of Written Comments Received Since Rural Zoning June 2014
Information Report to Planning Committee**

LANDSCAPE CONTRACTING ESTABLISHMENTS

Submitted by	Written Comments	Response
<p>Clare Riepma, Riepman Consultants Inc. On behalf of Jeff Ronhaar, Jeff's Landscaping 3552 Highway 56, Glanbrook</p>	<ul style="list-style-type: none"> • Mr. Ronhaar attended public meeting for new rural by-law on November 27, 2014 • Mr. Ronhaar operates his landscape business at 3552 Highway 56 in Glanbrook • My client objects to proposed by-law in its entirety as it does not recognize the fact that there are over 180 small businesses in the rural area in the vicinity of his business • While a few of these business have received zoning approval over the years, many have not • We cannot believe it is City Council's priority to eliminate all these business and throw several thousand people out of work • Current proposed by-law is based on mistaken and romanticized notion of what rural area is • Many small industries that arise out of this significant business including tradesmen and many others • To eliminate all but smallest of these businesses from rural area is unnecessary and destructive to existing rural community • By-law should include established business that are larger than the minimums which would permit Mr. Ronhaar's business and others like him to remain and contribute to economy of rural area of Hamilton 	<ul style="list-style-type: none"> • As a result of he draft rural zoning by-law, existing uses that have been legally established in the rural area will either stay or become legal non-conformity uses or will be recognized thorough a Special Exception • The draft rural zoning by-law does not make any currently legal and existing uses illegal • We cannot recognize currently illegal uses through this process
<p>Susan Page Ancaster</p>	<ul style="list-style-type: none"> • Still concerned that the proposed changes to the rural zoning by-law do not adequately protect the rural residential home owner from being forced to live beside a commercial enterprise • P6, P7 and P8 Zones significantly limit what I can do with my private property • I am only able to expand any existing structures by 10%, yet neighbour that is zoned agricultural can still run their landscape business with all the associated noise and equipment • New zoning appears to be punishing rural homeowners and benefiting agricultural businesses • With this new zoning and all the limitations associated with it, we will be potentially facing lower property values (because who will want to 	<ul style="list-style-type: none"> • Draft revised zoning permits a landscape contracting establishment only if it is secondary to a nursery operation on 5 hectare minimum lot size of as well as additional limitations pertaining to the scale of the use in order to limit any potential nuisance impacts • Asked to provide address in order to look into proposed P7

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	<p>buy home next to commercial business) and decreased quality of life (loading and unloading of equipment early in the morning, late in evening and weekends and commercial vehicle up and down residential roads).</p> <ul style="list-style-type: none"> • Reassess how this new zoning will negatively impact residential homeowners while prospering commercial businesses 	<p>on property and provide additional information</p>
<p>Jim & Tanya</p>	<ul style="list-style-type: none"> • Our concerns have to do with the secondary use designation of Agricultural properties, allowing large-scale landscaping companies to run a commercial operation from a "farm-in-name-only" property • As rural residents, we have seen, larger, fully independent landscaping companies relocating to smaller parcels of Agriculturally-zoned land to take advantage of lower tax rates and lax regulation • Formalizing this use will increase the flight of clearly commercial operations from industrial 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 • The draft regulations, contained restrictions on the number of employees of the landscaping operation, lot size restrictions, requirements to be a bona-fide nursery, and more • I believe these restrictions need to be maintained and tightened. Specifically: • Lot size - I believe the proposed five-hectare lot size is too small, and will result in a non-viable nursery operation being overshadowed by a larger landscaping operation • Lot size should be sufficient to allow a bona-fide nursery to be self-supporting, with secondary landscaping uses clearly being secondary (and smaller) to the agricultural use of the land • Lot percentage for agricultural/nursery - specified a 65% lot-coverage requirement for nursery plants. However, my understanding is that this is being watered down to be a smaller percentage of "arable" land – lands zoned A and P6 	<ul style="list-style-type: none"> • Draft revised zoning permits a landscape contracting establishment only if it is secondary to a nursery operation on 5 hectare minimum lot size of as well as additional limitations pertaining portion of lands within A1, A2 and P6 Zone, the scale of the use and additional regulations in order to limit any potential nuisance impacts

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	<ul style="list-style-type: none"> • This will result in the scenario where a rural property that has large P6/P7/P8 conservation restrictions, and only a small true "A" designation, will be able use the "percentage space" requirement as a loophole to run the landscaping business. For example, a 15-acre lot, with only 1 acre designated "A" zoning, and the rest P7/P8, could easily plant 65% of that one acre as a "nursery", and run a full-size landscaping operation from the other 14 acres • This does not fit the spirit of the plan, and therefore I urge you to consider the full lot size, not just arable land, when making percentage coverage calculations • Abutment to Settlement residential - Other Greenbelt counties (for example, Clarington) have stronger restrictions on secondary use for properties abutting settlement residential areas. This ensures that any non-farm industrial activities take place away from settlement areas • Recommendations and Conclusions - "Landscape Contracting Establishments" are commercial operations, and should be located on commercially-taxed property, not on rural farmland, unless they are clearly secondary to the primary agricultural use of the land • 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 • Lobbyists and representatives of landscaping business will argue that they should qualify for agricultural-land use, but this is basically a demand to pay fewer taxes, and imposing considerable costs on their neighbours • There is no good reason to give a carte-blanche tax reduction to these commercial operations. • We believe that the Rural Zoning should: <ol style="list-style-type: none"> 1) Provide stronger mechanisms for ensuring that "Secondary" use for Agriculturally-zoned land is clearly secondary. These mechanisms can include: 	
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	<p>a. A definition of "Secondary use" based on relative income compared to farm income</p> <p>b. A larger farm size requirement to ensure a viable operation. We believe that the current requirement of five hectares is too small to ensure that a farm is a bona-fide agricultural enterprise</p> <p>c. Require a larger percentage of the entire lot – not arable land -- to be actively farmed as a bona-fide nursery</p> <p>d. Require that significant of commodity and service sales be of true farm products and services</p> <p>e. Restrict operating hours of secondary usages</p> <p>f. Provide larger setbacks and screening 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 disallow secondary uses on any land abutting Rural Settlement zones.</p> <p>3) Remove "Landscape Contracting Establishment" as a defined "Secondary" Use category for Agriculturally-zoned lands from the RHOP. 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"> • We have seen the ongoing abuse of the existing zoning regulations by large and small commercial operations. 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. 	
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<p>John Bennett & Elizabeth Bluemke Lynden, Ontario</p>	<ul style="list-style-type: none"> • Our concerns have to do with the secondary use designation of Agricultural properties, allowing large-scale landscaping companies to run a commercial operation from a “farm-in-name-only” property • As rural residents, we have seen, larger, fully independent landscaping companies relocating to smaller parcels of Agriculturally-zoned land to take advantage of lower tax rates and lax regulation • Formalizing this use will increase the flight of clearly commercial operations from industrial 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 • The draft regulations, contained restrictions on the number of employees of the landscaping operation, lot size restrictions, requirements to be a bona-fide nursery, and more • I believe these restrictions need to be maintained and tightened. Specifically: • Lot size - I believe the proposed five-hectare lot size is too small, and will result in a non-viable nursery operation being overshadowed by a larger landscaping operation • Lot size should be sufficient to allow a bona-fide nursery to be self-supporting, with secondary landscaping uses clearly being secondary (and smaller) to the agricultural use of the land • Lot percentage for agricultural/nursery - specified a 65% lot-coverage requirement for nursery plants. However, my understanding is that this is being watered down to be a smaller percentage of “arable” land – lands zoned A and P6 • This will result in the scenario where a rural property that has large P6/P7/P8 conservation restrictions, and only a small true “A” designation, will be able use the “percentage space” requirement as a loophole to run the landscaping business. For example, a 15-acre lot, with only 1 acre designated “A” zoning, and the rest P7/P8, could easily plant 65% of that 	<ul style="list-style-type: none"> • Draft revised zoning permits a landscape contracting establishment only if it is secondary to a nursery operation on 5 hectare minimum lot size of as well as additional limitations pertaining portion of lands within A1, A2 and P6 Zone, the scale of the use and additional regulations in order to limit any potential nuisance impacts
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	<p>one acre as a “nursery”, and run a full-size landscaping operation from the other 14 acres</p> <ul style="list-style-type: none"> • This does not fit the spirit of the plan, and therefore I urge you to consider the full lot size, not just arable land, when making percentage coverage calculations • Abutment to Settlement residential - Other Greenbelt counties (for example, Clarington) have stronger restrictions on secondary use for properties abutting settlement residential areas. This ensures that any non-farm industrial activities take place away from settlement areas • Recommendations and Conclusions - “Landscape Contracting Establishments” are commercial operations, and should be located on commercially-taxed property, not on rural farmland, unless they are clearly secondary to the primary agricultural use of the land • 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 • Lobbyists and representatives of landscaping business will argue that they should qualify for agricultural-land use, but this is basically a demand to pay fewer taxes, and imposing considerable costs on their neighbours • There is no good reason to give a carte-blanche tax reduction to these commercial operations. • We believe that the Rural Zoning should: <ol style="list-style-type: none"> 1) Provide stronger mechanisms for ensuring that “Secondary” use for Agriculturally-zoned land is clearly secondary. These mechanisms can include: <ol style="list-style-type: none"> a. A definition of “Secondary use” based on relative income compared to farm income b. A larger farm size requirement to ensure a viable operation. We believe that the current requirement of five hectares is too small to ensure that a farm is a bona-fide agricultural enterprise c. Require a larger percentage of the entire lot – 	
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	<p>not arable land -- to be actively farmed as a bona-fide nursery</p> <p>d. Require that significant of commodity and service sales be of true farm products and services</p> <p>e. Restrict operating hours of secondary usages</p> <p>f. Provide larger setbacks and screening 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 disallow secondary uses on any land abutting Rural Settlement zones.</p> <p>3) Remove "Landscape Contracting Establishment" as a defined "Secondary" Use category for Agriculturally-zoned lands from the RHOP. 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"> • We have seen the ongoing abuse of the existing zoning regulations by large and small commercial operations. 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. 	
<p>Kathy Thomas KelKerSha Investments Regarding 1147 Centre Road, Flamborough</p>	<ul style="list-style-type: none"> • KelKersha Investments owns 5.0 acres (2.02 ha) of land on the west side of Centre Road, north of Concession 7, East Flamborough • the lands are designated Agriculture in the Rural Official Plan and proposed as A1 in the draft Rural Zoning By-law (November, 2014) • Our lot is an existing lot that was created by consent several years ago. The lands are 	

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	<p>currently used for agricultural purposes. The lot does not contain any dwellings.</p> <ul style="list-style-type: none"> • Our concerns with the proposed A1 zoning by-law are: • Minimum lot area requirements for certain permitted uses – The by-law sets out a minimum lot area requirement of 0.4 ha for single detached dwellings, 5.0 ha for secondary uses to agriculture and 40.4 ha for agriculture uses. If these regulations are approved our agricultural use would become “legal no-conforming”. We believe the by-law should be amended to allow all permitted uses on existing lots of record, regardless of the size of the existing lot • Home Industry Regulations – The by-law proposes to limit “home industries” to a maximum floor area of 250 sq. m. We request the floor area limit be increased to a minimum of 500 sq. m. to provide more flexibility to home industry operators. • Landscape Contracting Establishment-Secondary – The by-law proposes regulations that are impractical for landscape contractors to fulfill. Our key concerns involve the requirement that: <ul style="list-style-type: none"> – the landscape contractors be located on a lot with a minimum lot area of 5.0 ha. – The landscape contractor be a secondary use to a nursery – the nursery occupy 65% of the lot area – the landscape contractor occupy a building with a maximum floor area of 250 sq.m. – the landscape contractor operate with no more than 3 non-resident employees – outdoor storage be limited to only 100 sq. m. – only 3 additional motor vehicles may be parked unenclosed • We believe that landscape contractors should be permitted as a principal use and not as a secondary use to an agricultural use or nursery use, nor should be limited to a home industry. Regulations for landscape contractors should provide for a maximum building area of 500 	<ul style="list-style-type: none"> • The proposed vacuum clause recognizes and permits lot sizes as existing at the time of passing of the by-law • Maximum floor area size limit pertaining to home industries is to minimize the scale of this use as it is only permitted if secondary to an agricultural use on the property • Permitting a landscape contracting establishment as a principle use is not in conformity with the direction of the Rural Official Plan and the Greenbelt Plan • Maximum building size and outdoor storage areas is to minimize the scale of this use as it is only permitted if secondary to an nursery use on the property • The regulation pertaining to maximum number of employees has been removed as it is hard to enforce
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	<p>sq.m., and outdoor storage of up to 200 sq.m.</p> <ul style="list-style-type: none"> • As I also own Green Thumb Landscaping in Burlington (44 years), I am extremely aware of what it takes to run a landscape business. I also believe that there should not be a restriction on the number of non-resident employees. A landscape company is unlikely to be successful with 3 outside employees. 	
<p>Jason Small Flamborough Chamber of Commerce</p>	<ul style="list-style-type: none"> • Our firm belief that Hamilton facing very significant fiscal challenges • We urge extremely disciplined fiscal restraint and renewed efficiencies at all levels of government • Our firm belief that residential taxpayers maxed out and even further threats on horizon with fragile local and global economy • We believe that major part of answer to Hamilton's fiscal challenges is increased commercial/industrial taxes • Concept of Planning summit emerged when Jason Thorne met with Flamborough Chamber of Commerce (FCC) • Planning Summit entails the FCC organizing and hosting private meeting where local business owners than endured 'red tape horrors' could share their experiences • Mr. Thorne saw merit in concept and agreed to participate along with FCC members and Councilors Pasuta and Partridge • 'red tape horror stories' shared included: several participants complained that they promised building permits in 6-8 weeks but spent 2 years before got final approval, farm equipment dealership wanted to build new 'pole barn' storage shed and told 70 parking spots required, small rural restaurant wanted to add few new seats and has spent \$100,000 on application and because of cost of serving requirements has decided to abandon expansion dream, long established rural nursery required expansion and thanks to direct involvement of Councillor Pasuta application process took 6 months however permit required that he pave first 10 metres of rural gravel driveway 	<p>See comments above</p>

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	<ul style="list-style-type: none">• After Planning Summit, Mr. Thorne suggested another where Rural Zoning By-law could be presented and discussed and the meeting that took place left attendees incredulous• Most negative reaction was to proposal that landscapers in rural area must be ancillary to a nursery and have no more than three employees• Such proposal ludicrous as dozens and dozens of landscapers in rural areas of new Hamilton that are not ancillary to nursery and have more than three employees• These rural landscape businesses, along with their commercial taxes and employees will probably move to more business friendly environment in neighboring jurisdictions• Hamilton's Economic Development Department would confirm that over 80% of new employment opportunities are created by exiting businesses and that makes business retention so important• They would also confirm that even higher percentage of new jobs created by small and medium sized enterprises• Much progress has been made regarding "Open For Business", but we urge Council to create a more business friendly environment at City Hall• One size does not fit every situation and what may work in downtown Hamilton may not necessarily work in Hamilton's rural areas• FCC intends to fully participate when Rural Zoning By-law comes to Planning Committee and Council• We hope you will give our concerns and constructive suggestions every consideration	
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