



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	March 31, 2015
<b>SUBJECT / REPORT NO:</b>	Proposed Official Plan Amendment (OPA) and Draft Rural Zoning By-law (PED13167(b)) (Wards 9, 11, 12, 13, 14 and 15)
<b>WARD(S) AFFECTED:</b>	Wards 9, 11, 12, 13, 14 and 15
<b>PREPARED BY:</b>	Diana Yakhni Senior Planner (905) 546-2424 Ext. 7582  Steve Robichaud Director of Planning and Chief Planner Planning Division
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That approval be given to Official Plan Amendment (OPA) No. [redacted] to the Rural Hamilton Official Plan (CI 15-B) to amend policies, schedules and maps, to implement up to date mapping and policies for the Rural Settlement Areas, to introduce source water protection policies, to add new site specific provisions, to redesignate one parcel of land to Rural from Open Space, and to update the Agricultural and Rural policies for specific agriculturally related uses, on the following basis:
- (i) That the draft Official Plan Amendment (OPA), attached as Appendix “A” to Report PED13167(b), be adopted by Council; and,
  - (ii) That the proposed Official Plan Amendment (OPA) is consistent with the Provincial Policy Statement (PPS) 2014, and conforms to the Greenbelt Plan.
- (b) That approval be given to City Initiative 15-B for the Rural Area of the City, to add 11 new zones to Zoning By-law No. 05-200, to add special exceptions, holding provisions, temporary uses and special figures, to amend the General Open Space (P4) Zone, to add parking provisions for some rural uses, to add and amend

definitions associated with the new zones, and to amend the general provisions and other administrative sections of the By-law to implement the new zones, on the following basis:

- (i) That the Draft By-law, attached as Appendix “B” to Report PED13167(b), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
- (ii) That the proposed changes in zoning will be in conformity with the Rural Hamilton Official Plan upon approval of Official Plan Amendment (OPA) No.       .

**Note: Due to the bulk of the text and mapping associated with this initiative, the Official Plan Amendment (OPA) and the Zoning By-law Amendment (text and mapping) have not been included as part of this staff Report (PED13167(b)). Appendices “A” and “B” will be available for viewing in the Office of the City Clerk at 71 Main Street West (City Hall) 1<sup>st</sup> floor, Planning Division on the 4<sup>th</sup> floor, or on-line at [www.hamilton.ca/ruralzoning](http://www.hamilton.ca/ruralzoning).**

**The Report and Appendices “A1”, and “C” to “G”, will be available on the City’s Website at [www.hamilton.ca](http://www.hamilton.ca).**

- (c) That approval be given to a Site Plan Control By-law to consolidate Site Plan Control By-law Nos.03-294, 08-298 and 14-323, to add specific uses and to require Site Plan Control for lands adjacent to Core Areas, on the following basis:
  - (i) That the Draft By-law, attached as Appendix “C” to Report PED13167(b), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

## **EXECUTIVE SUMMARY**

To implement the policies of the City’s Rural Hamilton Official Plan (RHOP), staff have prepared Draft Zones for the Rural area (see Appendix “D”) to be incorporated in Zoning By-law No. 05-200. In preparing the attached zones, staff have undertaken extensive public consultation and have created Rural Zones that achieve the goals of the RHOP respecting the protection of agricultural lands and natural features in Rural Hamilton. At the same time, the intent of the attached zones is also to allow for flexibility and innovation in agricultural practice to accommodate the introduction of value-added uses to support and enhance the agricultural community. The zones aim to achieve a balance between these two goals.

***Alternatives for Consideration – See Page 37***

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** N/A

**Staffing:** N/A

**Legal:** The *Planning Act* requires that a statutory open house be held at least seven days prior to Council considering the comprehensive Zoning By-law for the rural area. The meetings held in January 2014, November 25 and 27, 2014, constitute the statutory open houses.

## **HISTORICAL BACKGROUND**

### **1.0 Zoning By-law 05-200**

The City of Hamilton's new Comprehensive Zoning By-law No. 05-200 came into effect on May 25, 2005, and is being implemented in stages. The first stage represented the Downtown Zones. The second stage brought forward the Open Space and Parks Zones, and the third stage brought forward the Institutional Zones. New Industrial (Employment) Zones were brought forward in 2010. The next phase being brought forward and to be incorporated into Zoning By-law No. 05-200 is the new Rural Zones, which will be followed by Commercial / Mixed Use Zoning in 2016 and Residential in 2017.

### **2.0 Public Consultation and Communication Process**

#### *2.1 Rural Zones in 2010*

Previous work on the Rural Zones had been completed in 2010. Draft Rural Zones were presented to Planning Committee for information prior to commencing public consultation. Six Public Information Centres (PICs) were held in 2010 to present Draft Zones and mapping to the public. In addition, the draft Rural Zones and mapping were also circulated for review and comment internally to City Departments, and externally to outside agencies. Comments were received from both internal staff and members of the public as part of this consultation process. However, the Draft Zones could not be brought forward to a Public Meeting at that time because the Rural Hamilton Official Plan (RHOP) was not in effect.

#### *2.2 Rural Zones in 2013*

With the majority of the RHOP coming into full force and effect on March 7, 2012, with the issuance of an Ontario Municipal Board (OMB) approval, staff resumed work on finalizing the new Rural Zoning. The Draft Rural Zones and mapping were reviewed against the comments received both internally and externally as part of the previous consultation, as well as to ensure conformity with the approved RHOP policies. Based

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on this review, revisions were made to the proposed Zones, the zone regulations, and the zone mapping. The review resulted in seven Draft Rural Zones being presented at Planning Committee on October 15, 2013, as part of PED13167, and staff were authorized to commence public consultation.

To present the Draft Rural Zones to members of the public, seven statutory Open Houses were held in November and December 2013. Two Open Houses were held in the afternoon and evening in Binbrook, Ancaster, and Rockton, and one was held in the evening in Carlisle. These Open Houses were advertised in local community newspapers and the Hamilton Spectator. The November and December 2013 Open Houses were poorly attended (approximately 80 attendees in total between all seven sessions). As a result, four additional Open Houses (two in Binbrook and two in Flamborough) were held in January 2014. These Open Houses were advertised in local newspapers and a postcard was mailed to every property owner in the rural area. The attendance at this second round of Open Houses was exceptional, with approximately 700 attendees in total between the four sessions. A comment form was available at the Open Houses which could be provided to staff at the meeting or sent in at a later date.

In addition to the Open Houses, a dedicated website for the Rural Zoning project was created and the Draft Rural Zones and zone mapping were made available for public review on the website. An online comment form was also available.

The response to the Draft Zones was significant, and as a result of what staff heard during and following the November / December 2013 and January 2014 Open Houses, staff made revisions to the Draft Zones. The primary issues that staff heard are included and are discussed in further detail within Section 4.0 Issues Arising from Public Consultation. Proposed responses by staff and revisions to the Draft Zones were included within the June 17, 2014, Information Report to Planning Committee (Report PED13167(a)).

To present the revised zones and zone mapping, Drop-in Information Sessions were held in the afternoon and evening of November 25, 2014 and November 27, 2014, in Rockton and Binbrook respectively. The revisions to the Site Plan Control By-law, as well as regulations for Medical Marijuana Growing and Harvesting Facility were also presented at these sessions. These sessions were advertised in local newspapers and a postcard was mailed to every property owner in the rural area. The sessions were very well attended, with approximately 600 people in total attending over the four sessions. A comment form was also available at the Drop-in Session, which could be provided to staff during the session or sent in at a later date. The comment form was also available on the Rural Zoning webpage and staff requested that comments were submitted by December 12, 2014.

Throughout the consultation process, staff met with individual property owners to discuss the proposed Rural Zones.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **1.0 Provincial Policy**

#### **1.1 Greenbelt Plan**

In Hamilton, the strongest planning framework for the rural area is the Greenbelt Plan. The vision of the Greenbelt Plan is protect the agricultural lands base and to support agriculture as the predominant land use; to protect the natural heritage system and to provide for range of economic and social opportunities for rural communities, in particular agriculture, resources based uses, tourism and recreation.

In 2006, the City of Hamilton adopted the RHOP which conforms to and implements the policies of the Greenbelt Plan. The RHOP was approved by the Ministry of Municipal Affairs and Housing in December 2008 and by the OMB in March 2012. In turn, the zoning implements the approved RHOP. On this basis, the new zoning conforms to the Greenbelt Plan.

#### **1.2 Provincial Policy Statement (PPS)**

In terms of agriculture, the entire Rural area is based on the policies of the Greenbelt Plan, with the exception of Natural Heritage and other policies not addressed in the Greenbelt Plan (e.g. aggregates, cultural heritage, transportation, etc). The RHOP conformed to the PPS 2005.

The changes to the PPS in 2014 do not change the intent of the policies of the RHOP, as it applies to aggregates and the Natural Heritage System. Other PPS matters are not affected by the zoning By-law. On this basis, the proposed zoning is consistent with the PPS (2014).

#### **1.3 Niagara Escarpment Plan (NEP)**

The NEP applies to a specific geographic area within the City. The majority of the lands that are designated Escarpment Natural, Protection or Rural are under Development Control; therefore, zoning does not apply to these lands. A General Provision to By-law 05-200 is proposed in this regard. However, the City has identified zoning for these areas for information purposes only. The zoning would be used as background information when staff comment on development permits.

There are lands in lower Stoney Creek which are within the NEP area but are not under Development Control and are proposed to be zoned Agriculture (A1) Zone. A Special Figure is proposed to identify the extent of these lands, as a medical marihuana growing and harvesting facility is not permitted on these lands in recognition of the prohibition of this use within the NEP.

**2.0 Rural Hamilton Official Plan**

The Rural Zoning implements the policies and designations of the RHOP. The following designations are implemented by the specific zones noted below:

<b>Designation (Rural Hamilton Official Plan )</b>	<b>Zone (Zoning By-law No. 05-200)</b>
<i>Schedule "D"</i>	
Agriculture	Agriculture (A1)
Rural	Rural (A2)
Agriculture and Rural	Existing Rural Commercial (E1)
Agriculture and Rural	Existing Rural Industrial (E2)
Open Space	Neighbourhood Park (P1) Community Park (P2) City Wide Park (P3) General Open Space (P4)
Agriculture, Rural and Open Space	Conservation Hazard Lands – Rural (P6, P7, P8)
Mineral Aggregate Extraction	Mineral Aggregate Extraction (M-12) – only for those lands that were zoned in the former zoning by-laws
Utility	Rural (A2) with a site specific zone
<i>Rural Settlement Area Plans</i>	
Settlement Residential	Settlement Residential (S1)
Settlement Commercial	Settlement Commercial (S2)
Settlement Institutional	Settlement Institutional (S3)
Neighbourhood Park	Neighbourhood Park (P1)
Community Park	Community Park (P2)
City Wide Park	City Wide Park (P3)
Natural Open Space	Conservation Hazard Lands – Rural (P6, P7, P8)

The Existing Rural Commercial (E1) and Existing Rural Industrial (E2) Zones recognize commercial and industrial uses existing at the date of the passing of the By-law. The E1 and E2 Zones were developed in response to public consultation and implement the Greenbelt Plan policy direction on existing uses.

As a result of the zoning work, amendments to the RHOP have been identified to clarify and update existing policies that are more reflective of current agricultural practices, to correct a land use designation, to refine the environmentally significant natural heritage feature mapping, and to update the mapping and policies within the Rural Settlement Areas.

## Volume 1

Amendments to Volume 1 are required to:

- Introduce Source Protection Plan policies for vulnerable areas in the Carlisle, Freelon, Greensville and Lynden areas (mapping and text);
- Permit additional uses within the agricultural designation (e.g. Veterinarian clinic, winery / cidery / brewery as a secondary use to agriculture) (text);
- Add policies pertaining to Medical Marihuana Growing and Harvesting facilities and aquaponics facilities (text);
- Amend policies pertaining to farm labour residence;
- Change two land uses designations (mapping) to reflect existing land uses;
- Amend Schedule “B” – Natural Heritage System and “B-6” to reflect more accurate mapping for Environmentally Significant Areas (ESAs); and,
- Amend Schedule “B” – Natural Heritage System and “B-4” to delete a wetland at 618 Miles Road.

The amendments to Volume 1 conform to the Greenbelt Plan and are consistent with the PPS (2014).

The Official Plan Amendment (OPA) is attached as Appendix “A” and Appendix “A1” provides the detailed rationale for the specific amendment.

## Volume 2 – Rural Settlement Area (RSA) Plans

Amendments are required to the designations and policies for the 19 RSA Plans.

When the RHOP was adopted in 2006, the mapping for the Conservation Authority generic regulation area was underway; as a result, changes to the RSA maps to reflect the new conservation hazard lands designations were not undertaken. It was determined the RSA mapping would be updated as part of the rural zoning project. Changes to all 19 RSA plans to designate the appropriate lands for natural open space (previously referred to as hazard lands in the RSA plans) is required. The changes to the RSA plans included lands that were either removed or added to the natural opens space. For lands that were removed from natural open space, an appropriate designation has been established. Further, the text of the RSA’s has been updated to reflect the updated planning requirements for lands within a Conservation Authority regulated area.

In addition to the natural open space changes, amendments are required to:

- Establish and map Source Protection Plan policies for vulnerable areas in the Carlisle, Freelon, Greensville RSA’s;
- Change the designation on 13 sites from Settlement Residential to Settlement Institutional to recognize existing institutional uses; and,
- Change multiple sites from one designation to another to reflect current information and zoning.

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The amendments to Volume 2 conform to the Greenbelt Plan and are consistent with the PPS (2014).

**3.0 Zoning By-law No. 05-200**

As the City of Hamilton's new Comprehensive Zoning By-law No. 05-200 is being implemented in stages, the next phase being brought forward to be incorporated into Zoning By-law No. 05-200 is the new Rural Zones.

The amending By-law includes: 11 draft Rural Zones and associated definitions; general provisions; parking provisions; special exceptions; holding provisions; temporary use provisions; special figures; and, administrative edits as well as associated zoning maps. However, due to the size of the document it has been included as a separate item to this Report. The Draft Rural Zones and associated definitions, general provisions and parking regulations are included as Appendix "D" to this Report.

**4.0 Site Plan Control By-law**

A consolidated and amended Site Plan Control By-law is being proposed and will replace the following Site Plan Control By-laws: 03-294, 08-298 and 14-323.

In addition, the proposed consolidated By-law will require Site Plan approval for certain types of developments (i.e. mushroom operations) and will also work hand in hand with the Rural Zones, particularly the Conservation / Hazard Land – Rural Zones (P6, P7 and P8) and may allow for limited development subject to Site Plan Approval.

Further discussion pertaining to the Site Plan Control By-law is included Section 6.0 – Site Plan Control By-law of the Analysis and Rationale Section below.

**RELEVANT CONSULTATION**

Appendix "E" provides a summary of the public consultation and communication that took place as part of the Rural Zoning project. A synopsis of what staff heard from Advisory Committees, Agencies and Stakeholder Groups is provided below.

**Agricultural and Rural Affairs Advisory Committee**

As part of the previous work on the Rural Zoning By-law in 2010, staff have attended meetings of the Agricultural and Rural Affairs Advisory Committee (ARAAC) to gain input on Rural Zoning issues. Prior to and following the October 15, 2013 report to Planning Committee (PED13167), staff have continuously worked with the ARAAC by attending multiple meetings of the Committee to present and discuss the Draft Rural Zones and revisions thereto. At the January 15, 2015 ARAAC meeting, the following resolution was passed:

“That the following comments be referred to staff:

- (a) That the Medical Marihuana uses be allowed in existing buildings in the rural areas;
- (b) That any new Medical Marihuana buildings be limited to 2,000 square metres and 11.5 metres in height;
- (c) The Agriculture and Rural Affairs Committee supports the proposed new zones for the rural areas and representatives will attend the March 31, 2015 meeting as a delegation.”

### Chambers of Commerce

Staff have attended Flamborough Chamber of Commerce (FCC) meetings throughout the Rural Zoning project and most recently attended a FCC meeting on November 12, 2014, to provide an overview of the revisions to the Draft Rural Zones and answer any questions. In addition, staff were recently invited to attend a Glanbrook Chamber of Commerce meeting on January 15, 2015, to provide a presentation and answer any questions on the Draft Rural Zones as well as how rural businesses are being addressed in the Draft Rural Zones.

### Conservation Authorities

Four conservation authorities with watershed boundaries within the City of Hamilton, being Conservation Halton, the Hamilton Conservation Authority, the Grand River Conservation Authority and the Niagara Peninsula Conservation Authority, have been consulted throughout the Rural Zoning project. Most recently, with the revised P6, P7 and P8 Zones, as will be discussed in the Analysis / Rationale for Recommendation Section below, staff met with the four Conservation Authorities to share and discuss the revised zones. The Conservation Authorities are comfortable with the approach utilized in the creation of the revised P6, P7 and P8 Zones (i.e. the zones corresponding to various natural features as well as the regulations included within the zones). In addition and for information purposes, the regulated areas of the Conservation Authorities are reflected within the Draft Rural Zoning maps. Further, as the regulated areas of the Conservation Authorities are applicable law, any development proposed within these areas would be subject to permit approval by the respective Conservation Authority. Written comments were submitted by the Niagara Peninsula Conservation Authority indicating support for the removal of the buffer area from the P6, P7 and P8 Zones, subject to the amended Site Plan Control By-law being in place. The amendments to the Site Plan Control By-law are discussed in further detail in the Analysis / Rationale for Recommendation Section, Subsection 6.0 Site Plan Control By-law.

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Representatives from each of the four conservation authorities were in attendance during the November / December 2013 and January 2014 Open Houses as well as the November 2014 Drop-in Information Sessions.

Internal Staff

Staff from Development Planning, Heritage and Design, Building, Municipal Law Enforcement, and Economic Development have been consulted throughout the Rural Zoning project. Meetings were held with the aforementioned Divisions and the feedback received indicates that the proposed definitions and regulations associated with the Draft Rural Zones provide clarity and remove barriers to small businesses and agricultural activities.

Ward Councillors

Staff have met with the Ward Councillors in the affected wards throughout the Rural Zoning project to discuss the Draft Zones, and any issues brought forward by the Councillors and / or property owners.

Ward Councillors were in attendance during the November / December 2013 and January 2014 Open Houses as well as the November 2014 Drop-in Information Sessions.

Comments Received from Other Agencies

*Niagara Escarpment Commission (NEC)*

The comments received from the NEC indicate amongst other matters, support for the addition of proposed General Provision 4.30 which clarifies that the Zoning By-law has no effect in area of NEC Development Control.

*Infrastructure Ontario (IO)*

The comments received from IO were regarding terminology and permitted uses as they pertain to hydro corridors and associated electricity infrastructure. Staff note that General Provision 4.4 – Public Uses Permitted Within All Zones, already forms part of Zoning By-law 05-200 and would apply to hydro corridor and associated electricity infrastructure. Further, staff are of the opinion that the “secondary uses” permitted on hydro corridor lands are best defined through the Zone within which they are located. This would allow for secondary uses (e.g. agriculture) to be permitted as-of-right.

*TransCanada Pipelines*

Comments received from TransCanada Pipelines pertained to suggest wording to be included within the Zoning By-law to notify TransCanada Pipelines of new development

in proximity to a pipeline right-of-way as well as minimum setback requirements for buildings and structures from a pipeline right-of-way.

Staff note that it is standard practice to circulate TransCanada Pipelines with development applications in proximity to pipeline right-of-ways and that minimum building and structure setback requirements are already included for TransCanada Pipelines under General Provision 4.23 – Special Setbacks of Zoning By-law 05-200.

Summaries of the comments received from the NEC, Infrastructure Ontario and TransCanada Pipelines are included within Appendix “G8” of this Report.

In addition, further details pertaining to the extent of various meetings attended by staff as well as presentations made to advisory committees, agencies and stakeholder groups are included within Appendix “E” of this Report.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

### **1.0 Purpose**

With the RHOP coming into force and effect on March 7, 2012, work on the Rural Zoning project was reinitiated in the months that followed. The purpose was to implement the policy direction of the RHOP and in turn provide for consistent zoning throughout the Rural area, which is currently subject to five different zoning by-laws.

### **2.0 Highlights of Rural Zoning**

The Rural Zones are able to offer a number of benefits that currently do not exist under the zoning by-laws of the former municipalities.

First, by virtue of the proposed definition of Agriculture, its associated regulations as well as the addition of Secondary Use permissions to Agriculture, additional opportunities for on-farm diversification are provided. For example, small-sale retailing of agricultural products as well as the processing of agricultural products will be permitted. For the most part, opportunities for this type of on-farm diversification do not exist under current zoning by-laws.

Second, the protection of natural heritage features can be realized through the proposed P6, P7 and P8 Zones and associated amendment to the Site Plan Control By-law. An explanation of these Zones is detailed in the Analysis / Rationale for Recommendation Section below.

Third, and in keeping with the structure of Zones that have already been established through Zoning By-law 05-200, the Rural Zones are user friendly in that they provide a certain amount of flexibility, while providing clear and consistent regulations and definitions. For example, limited regulations have been applied to Agriculture as a

whole, while additional regulations have been applied to specific agricultural uses that have potential impacts.

Finally, the Rural Zones provide one consistent set of zoning regulations that will be applied across the Rural area, replacing the multiple by-laws and varying regulations currently in place. As such, the Rural Zones will introduce consistency and certainty for the Rural community.

### **3.0 Structure of Rural Zones**

The proposed Rural Zones are attached as Appendix “D”. There are a total of 11 proposed zones, described as follows:

#### **3.1 Agriculture (A1) Zone**

With regards to the range of permitted uses, the proposed Agriculture (A1) Zone is the more restrictive of the two “A” Zones (A1 and A2). The A1 Zone has been applied to all lands that are designated “Agriculture” or “Specialty Crop” on Schedule “D” to the RHOP. The proposed A1 Zone can be found in Appendix “D1”. The uses permitted in this zone are restricted to Agriculture, Secondary Uses to Agriculture, Residential Care Facility, Secondary Uses to Agriculture, Single Detached Dwelling, and Veterinary Service – Farm Animal. Uses permitted as Secondary to Agriculture (must be on the same lot as an agricultural operation) are: Agricultural Brewery / Cidery / Winery, Agricultural Processing - Secondary, Agricultural Research Operation, Agritourism, Home Industry, Kennel and Landscape Contracting Establishment – Secondary.

Regulations have been included in the zone to address lot area, setbacks, lot coverage, retailing, outdoor storage and special regulations for Farm Labour Residences, Mushroom Operations, Nurseries, and Medical Marihuana Growing and Harvesting Facility. Special regulations for Secondary Uses to Agriculture have also been included, related to maximum gross floor area for the use, special setbacks, outdoor storage, and accessory retail permissions, depending on the specific Secondary use. Regulations have also been included for stand-alone, single detached dwellings.

#### **3.2 Rural (A2) Zone**

The Rural (A2) Zone has been applied to all lands designated “Rural” on Schedule “D” to the RHOP. The proposed A2 Zone can be found in Appendix “D2”. The uses permitted in this Zone include all uses permitted in the A1 Zone, as well as the following additional uses: Abattoir; Agricultural Processing Establishment – Stand Alone; Agricultural Storage Establishment; Farm Product Supply Dealer; Kennel (stand alone) and Livestock Assembly Point. The primary difference between the A1 and A2 Zones is that the A2 Zone also permits a range of Agricultural-related Commercial and Industrial uses, as listed above. These Agricultural-related uses may be permitted on-farm as

part of a farm operation, or as stand alone uses that serve one or more farms in the area.

Similar to the A1 Zone, special regulations have been included for Farm Labour Residences, Mushroom Operations, Nurseries, Medical Marihuana Growing and Harvesting Facilities and Secondary Uses to Agriculture. In addition, regulations for the additional permitted uses within the A2 Zone have also been included, with special attention paid to Agricultural Processing Establishments, Abattoirs, and Kennels in terms of setback from adjacent sensitive uses.

### 3.3 Settlement Residential (S1) Zone

This zone has been applied to all lands designated as “Settlement Residential” within the Rural Settlement Area Plans in Volume 2 of the RHOP. The proposed S1 Zone can be found in Appendix “D3”. Within the Settlement Residential (S1) Zone, the permitted uses are a Single Detached Dwelling and a Residential Care Facility. Regulations have been included for lot area, lot width, and setbacks.

### 3.4 Settlement Commercial (S2) Zone

This zone will be applied to all lands designated as “Settlement Commercial” within the Rural Settlement Area Plans in Volume 2 of the RHOP. The proposed S2 Zone can be found in Appendix “D4”. Within the Settlement Commercial (S2) Zone, the permitted uses are: Catering Service, Commercial Recreation, Craftsperson Shop, Day Nursery, Farm Product Supply Establishment, Financial Establishment, Medical Clinic, Motor Vehicle Service Station, Office, Personal Services, Private Club or Lodge, Repair Service, Restaurant, Retail, Studio, and Veterinary Service (standard or Farm Animal). Regulations have been included for lot area, setbacks abutting sensitive uses, outdoor storage, and special requirements for Motor Vehicle Service Stations.

### 3.5 Settlement Institutional (S3) Zone

This zone has been applied to all lands designated as “Settlement Institutional” within the Rural Settlement Area Plans in Volume 2 of the RHOP. The proposed S3 Zone can be found in Appendix “D5”. Within the Settlement Institutional (S3) Zone, permitted uses are restricted to a Day Nursery, Educational Establishment, Library, and Place of Worship. Special regulations related to Place of Worship and Educational Establishments have been included.

### 3.6 Existing Rural Commercial (E1) Zone

This zone has been applied to properties that are currently zoned commercial under the zoning by-laws of the former municipalities, contain existing commercial uses and are generally located outside of the Rural Settlement Areas. The proposed E1 Zone can be found in Appendix “D6”. The uses permitted within the Existing Rural Commercial (E1)

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Zone are restricted to the following: Agricultural Processing Establishment – Stand Alone, Agricultural Storage Establishment, Farm Product Supply Dealer, Kennel and Uses Existing at the date of passing of the By-law.

Regulations have been included to address lot coverage, setbacks, building height, landscaping and outdoor storage.

### 3.7 Existing Rural Industrial (E2) Zone

This zone has been applied to properties that are currently zoned industrial under the zoning by-laws of the former municipalities and contain existing industrial uses. The proposed E2 Zone can be found in Appendix “D7”. The uses permitted in this Zone include all uses permitted in the E1 Zone, as well as an Abbatoir.

Regulations have been included to address lot coverage, setbacks, building height, landscaping, outdoor storage and maximum accessory retail gross floor area.

### 3.8 Extractive Industrial (M12) Zone

The Extractive Industrial (M12) Zone applies to all lands designated as “Mineral Aggregate Resource Extraction Areas” on Schedule “D” to the RHOP. The proposed M12 Zone can be found in Appendix “D11”. It is important to note that only existing licensed aggregate operations are identified on Schedule “D” and zoned ME within the Zoning By-law. Any future applications for a new or expanding aggregate operation would require an Official Plan and a Zoning By-law Amendment. Permitted uses within this designation include a Mineral Aggregate Operation, Agriculture (and related Secondary uses), Conservation, and Recreation. The definition of a Mineral Aggregate Operation includes those lands licensed as a pit or quarry under the *Aggregate Resources Act*, as well as associated facilities related to extraction, transport, processing, or recycling of Mineral Aggregate Resources, including a concrete batch plant. An asphalt plant and the production of secondary related products are not permitted under the definition of a concrete batch plant.

### 3.9 Conservation / Hazard Land – Rural (P6) Zone

The Conservation / Hazard Land – Rural (P6) Zone applies to all lands identified as an ESA or Earth Science Areas of Natural and Scientific Interest (ANSI), and to all lands identified as a Key Natural Heritage Feature located outside of the Greenbelt Natural Heritage System within the RHOP. New development within this Zone may require the submission of a Site Plan Control application and Environmental Impact Statement (EIS). The proposed P6 Zone can be found in Appendix “D8”. The uses permitted within the Conservation / Hazard Land – Rural (P6) Zone are restricted to the following: Agriculture, Conservation, Existing Single Detached Dwelling, Flood and Erosion Control Facilities, Recreation, Passive and Secondary Uses to Agriculture.

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Regulations have been included in the zone to prohibit development on currently vacant land. New Agricultural buildings and accessory buildings and structures to an Existing Single Detached Dwelling and expansions to existing buildings in accordance with the regulations of the A1 Zone, are permitted.

3.10 Conservation / Hazard Land – Rural (P7) Zone

The Conservation / Hazard Land – Rural (P7) Zone applies to all lands identified as a Key Hydrologic Feature (with the exception of Provincially Significant Wetlands (PSWs)) and to all lands identified as a Key Natural Heritage Feature within the Greenbelt Natural Heritage System as identified within the RHOP. New development within this Zone may require the submission of a Site Plan Control application and EIS. The proposed P7 Zone can be found in Appendix “D9”. The uses permitted within the Conservation / Hazard Land – Rural (P7) Zone are the same as the Conservation / Hazard Land – Rural (P7) Zone, with the exception of Secondary Uses to Agriculture.

Regulations have been included in the Zone to prohibit any new Agricultural buildings and / or structures, and Single Detached Dwellings and accessory buildings and structures, and to limit the expansion of existing Agricultural buildings and structures and Existing Single Detached Dwellings and accessory structures. The replacement of existing buildings is also permitted provided existing setbacks are maintained or limited.

3.11 Conservation / Hazard Land – Rural (P8) Zone

The Conservation / Hazard Land – Rural (P8) Zone applies to all lands identified as a PSW within the RHOP. New development within this Zone may require the submission of a Site Plan Control Application and EIS. The proposed P8 Zone can be found in Appendix “D10”. The uses permitted within the Conservation / Hazard Land – Rural (P8) Zone are the same as the Conservation / Hazard Land – Rural (P8) Zone.

Regulations have been included in the Zone to prohibit any new Agricultural buildings and / or structures and Single Detached Dwellings and accessory buildings as well as prohibit the expansion of existing Agricultural buildings and structures, and Existing Single Detached Dwellings and accessory structures. Only the replacement of existing buildings is permitted provided existing setbacks are maintained or limited.

3.12 Existing Zones, Definitions, General Provisions Applicable to the Rural Area

Zoning By-law 05-200 includes four Parks and Open Space Zones that will be applied to lands within the rural area that contain uses such as recreation, cemeteries, golf courses, seasonal campgrounds and conservation. The four Parks and Open Spaces Zones are: Neighbourhood Park (P1) Zone, Community Park (P2) Zone, City Wide Park (P3) Zone and General Open Space (P4) Zone.

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In addition, Zoning By-law 05-200 contains definitions and general provisions that applicable to and appropriate for the rural area.

3.13 Special Exceptions

There are 194 special exceptions proposed for properties within the Rural Area. The exceptions pertain to uses, regulations and / or special conditions for a specific site(s).

3.14 Temporary Use and Holding Provisions

There is one temporary use provision proposed within the Rural Area and it pertains to temporary Garden Suites.

There are ten site specific holding provisions in the rural area based on existing site specific zoning requirements from previous planning approvals. A holding provision is applied to ensure a special requirement(s) is fulfilled prior to the development of the land in accordance with the applicable Zone.

**4.0 Issues Arising from the Public Consultation**

As a result of the November / December 2013 and January 2014 Public Meetings and the November 2014 Drop-in Information Sessions, a few primary concerns were raised and the response and revisions resulting from those concerns are summarized herein. Appendix “F” contains a summary of the written comments received resulting from the November / December 2013 and January 2014 meetings, while Appendix “G” contains a summary of the written comments received since the June 2014 Information Report to Planning Committee.

4.1 Natural Features Zones (P6, P7 and P8 Zones)

*4.1.1 Comments from November / December 2013 and January 2014*

Staff received 38 comments from property owners related to the original proposed Conservation / Hazard Land – Rural (P6) Zone. The P6 Zone was applied to all lands which are identified as a Core Area including a 30 m buffer zone, in the RHOP. The concerns raised by the public were twofold. First, there was a concern over the extent of the lands which were captured within the P6 Zone. Many inquiries were received from property owners who questioned the application of the P6 Zone on their lands as they were not aware of, nor could they distinguish any natural features on their property. Further, with the inclusion of the 30 m buffer within the P6 Zone, the zone boundary included portions of lots which were already fully developed, thereby creating further confusion and concern for property owners.

Second, there was concern over the proposed regulations contained within the draft P6 Zone. The proposed regulations prohibited any new development within lands zoned

P6. New buildings or structures were not permitted, nor were expansions to existing buildings or structures. The zone did recognize and permit existing development (single detached dwellings and agricultural uses). Further, Agriculture was also recognized as a permitted use (for instance, crop and pasture land) provided that no new buildings or structures were erected. Concerns were raised that the regulations in the P6 Zone were too restrictive and would negatively impact property owners. The agricultural community expressed concern that the restriction on new development would be an impediment to farmers. Further, property owners were concerned over the ability to sell their lands in the future with such restrictions in place, and over the ability to rebuild their house should it be torn down or removed for any reason.

#### *4.1.2 Changes Made to Draft Zones and Mapping (June 2014)*

Staff undertook a further review of the P6 Zone, and in particular, the policies of the Greenbelt Plan and the RHOP related to Core Areas. Staff have also consulted with the four local Conservation Authorities for their input on this issue. Staff are proposing the following changes to address the concerns raised above.

First, the 30 m buffer will be removed from the P6 Zone. This buffer area will instead be zoned with the appropriate zone depending on the location of the property (for example, A1 or A2). Staff are supportive of removing the buffer from the P6 Zone provided that future development within this area can be evaluated through a Site Plan Control Application (see discussion below) to demonstrate no negative impact on the adjacent natural features. The removal of the 30 m buffer from the P6 Zone will address many of the concerns staff heard from local residents, particularly on smaller lots where the inclusion of the buffer resulted in the majority of the lot being zoned P6. Removing the 30 m buffer from the P6 Zone resulted in a 23% reduction in lands zoned P6.

Second, the lands identified as Core Areas within the RHOP, which had previously all been zoned P6, have been broken down into the following three zones based on feature type, location, and the required level of protection:

- P6 Zone: applies to all lands identified as an ESA or Earth Science ANSI, and to all lands identified as a Key Natural Heritage Feature located outside of the Greenbelt Natural Heritage System. The policies of the Greenbelt Plan and the RHOP allow for development within these features (in the form of new buildings and structures or expansions to existing buildings), however, it must be demonstrated that there will be no negative impact on the feature. As such, the submission of an EIS through a Site Plan Control application may be required.
- P7 Zone: applies to all lands identified as a Key Hydrologic Feature (with the exception of PSWs) and to all lands identified as a Key Natural Heritage Feature within the Greenbelt Natural Heritage System. The policies of the Greenbelt Plan and the RHOP permit the expansion of existing buildings and structures within these defined features, provided it is demonstrated that there will be no negative

impacts on the Core Area. The demonstration of no negative impacts would be evaluated through the submission of a Site Plan Control application, and may require the submission of an EIS. New development (in the form of new buildings or structures) would not be permitted in the P7 Zone.

- P8 Zone: applies to all lands identified as a PSW within the RHOP. This Zone will maintain the restrictions that had previously been applied to the P6 Zone. No new development or expansions will be permitted within the P8 Zone, in accordance with the PPS (2014), the Greenbelt Plan and the RHOP. However, a regulation has been included to allow, as-of-right, the rebuilding of a dwelling or structure that has been demolished, on the same footprint.

An explanatory note has been included at the beginning of each of the P6, P7 and P8 Zones, which provides an explanation of the features that have been included in each zone.

#### *4.1.3 Comments from November 2014*

As a result of the removal of the 30 m buffer and the introduction of three new Zones corresponding to natural feature types as discussed in Subsection 4.1.2 above, the public had fewer concerns with the proposed open space zoning regulations at the November 2014 Drop-in Information Centres. In total, 14 written comments were received pertaining to the revised P6, P7 and P8 Zones and the majority of the concerns were property specific. A number of concerns pertained to an already developed portion of a property being included within a P6, P7 or P8 Zone. In addition, six requests were received during the Drop-in Information Session to further review of the proposed P6, P7 and P8 boundaries on a property specific basis and staff followed up on these requests making minor refinements where warranted.

#### *4.1.4 Further Changes to Draft Zones and Mapping (March 2015)*

As a result of the concerns noted above, staff undertook a further review of specific properties and where warranted (i.e. manicured or developed portions of a property were included in a P6, P7 or P8 Zone), minor refinements were made to include these manicured / developed portions of a property within a more appropriate Zone. Property owners were notified of any minor refinements that could be made and provided with corresponding revised draft zoning mapping.

The proposed P6, P7 and P8 Zones are attached as Appendices “D8”, “D9”, and “D10” to this Report.

## 4.2 Existing Rural Industrial and Commercial Zones

### *4.2.1 Comments from November / December 2013 and January 2014*

Some of the Zoning By-laws of the former municipalities, currently in force and effect, include zones which allow a wide spectrum of permitted uses. These Zones include Rural Industrial Zones which permit a range of industrial uses including manufacturing, auto and transportation related uses, storage, and other rural industrial uses, and Highway Commercial Zones which permit a range of retail, service, auto-related and other commercial uses. The proposed new Rural Zoning By-law does not include these types of zones because the Greenbelt Plan and the RHOP only allow the recognition of uses existing at the date of the passing of the Greenbelt Plan.

Staff received several letters of concern from local residents and business owners who currently have more permissive rural industrial or commercial zoning on their properties. The new zoning will recognize all legally established existing uses currently on the lands, but will not recognize the other permitted uses identified in current zoning by-laws which are not presently in existence, nor will illegal uses be recognized in the proposed zoning. The property owners are concerned over the loss of this wide range of uses, and are concerned about future loss of property value and / or difficulty in selling their properties in the future.

### *4.2.2 Changes Made to Draft Zones and Mapping (June 2014)*

The policies of the Greenbelt Plan and the RHOP do not allow for the recognition of all uses which are currently permitted, but not built, on a property to be carried forward. The Greenbelt Plan policies do allow for all uses that legally exist on a property to be carried forward and recognized in the new zoning by-law. All legally established existing uses which do not conform to the new zoning by-law will either be recognized in the new by-law with a special exception, or will become legal non-conforming. Staff have met with five property owners who have concerns about the change from industrial or commercial zoning on their lands to the new rural zones. Staff are working with these property owners to draft site specific zoning permissions (special exceptions) for these properties which will recognize all uses currently permitted and existing on the lands and allow for maximum flexibility for their continued operation in the future. Other property owners provided comments expressing concern over the change on their lands. Staff offered to meet with all of these property owners.

### *4.2.3 Comments from November 2014*

Staff received a total of 13 written comments as a result of the November 2014 Drop-in Information Sessions, pertaining to Existing Rural Industrial zoned properties and of those, seven were from business owners within the Ofield Road Industrial Area. The comments received centred on the need to maintain the existing Rural Industrial (M3) Zone permissions of the Flamborough Zoning By-law for developed properties with

established business as these properties were seen as never reverting back to agricultural use. Further, the comments received expressed concern over the use of an agricultural zone with a special exception to recognize the established uses on a property as it was perceived this would hinder further business growth and impact property value. Similar concerns were also expressed to staff during the Drop-in Information Sessions.

As a result, a meeting inviting all business owners of all properties currently zoned M3 was hosted by Councillors Pasuta and Partridge in conjunction with the Flamborough Chamber of Commerce on January 8, 2015. Staff were in attendance during this meeting to hear the concerns of business owners as well as to answer any questions. There were approximately 54 business owners in attendance during this meeting and the concerns raised were similar to those previously received in writing by staff.

#### *4.2.4 Further Changes to Draft Zones and Mapping (March 2015)*

As a result of the concerns raised and further consideration by staff, staff are proposing the introduction of the following two new zones:

- Existing Rural Commercial (E1) Zone
- Existing Rural Industrial (E2) Zone

The aforementioned zones have been applied to properties that are currently zoned commercial or industrial under the zoning by-laws of the former municipalities and contain existing commercial or industrial uses. In addition to the existing uses, agricultural related uses will also be permitted.

The uses permitted in the E1 Zone are:

- Agricultural Processing Establishment – Stand Alone
- Agricultural Storage Establishment
- Farm Product Supply Dealer
- Kennel
- Uses Existing at the date of passing of the by-law

The uses permitted in the E2 Zone are:

- Abattoir
- Agricultural Processing Establishment – Stand Alone
- Agricultural Storage Establishment
- Farm Product Supply Dealer
- Uses Existing at the date of passing of the by-law

Beyond existing uses, the uses permitted in the E1 and E2 Zones, as noted above, are those agriculturally related commercial and industrial uses that are also permitted under

the Rural (A2) Zone. In addition, the majority of E1 and E2 Zoned properties have also had a Special Exception applied to the property to clearly identify the existing use(s) permitted on that property.

To provide for flexibility for future development on lots zoned E1 and E2, the regulations that have been included as part of the E1 and E2 Zones are reflective of the existing Highway Commercial (HC) Zone and Rural Industrial (M3) Zone under the Township of Flamborough Zoning By-law 90-145-Z. The existing regulations within the HC and M3 Zones were found to be the most permissive and have been applied to the proposed E1 and E2 Zones respectively.

Staff are of the opinion the introduction of the E1 and E2 Zones strikes a balance between the concerns that have been raised by business / property owners and ensuring conformity with the Provincial Policy framework and the RHOP.

#### 4.3 Landscape Contracting Establishments

##### *4.3.1 Comments from November / December 2013 and January 2014*

A number of comments were received regarding landscape contractors within the Rural area. The previous Draft Rural Zones proposed and released for public comment in November 2013, allowed a Landscape Contracting Establishment as a Secondary use to an Agricultural operation, on all lands zoned A1 or A2, in the same manner that a Home Industry would be permitted. Regulations had been included to limit the size of such operations through limitations on gross floor area, number of employees and restrictions on the parking of vehicles and outdoor storage. However, concerns were raised by members of the rural community with respect to the following issues:

- Nuisance impacts experienced from existing landscape contracting establishments (i.e. noise, traffic, outdoor burning);
- Concern over the operations not remaining 'secondary';
- Concern that the proposed regulations will not be effective in limiting the size of such operations; and,
- Opinion that the use is not appropriate in the rural area.

One landowner response was also received which was supportive of the inclusion of landscape contracting establishments in the rural area, provided that regulations were included to control the size and scale of such operations.

##### *4.3.2 Changes Made to Draft Zones (June 2014)*

Staff reviewed the comments received on this issue and also met with residents who were concerned over the inclusion of this use within the rural zones. Further, staff undertook additional research on this issue through comparisons with other municipal zoning by-laws. The research indicates that the landscape contracting use has not

been included as a permitted secondary use to agriculture within an agricultural zone in any other municipal zoning documents. The only exceptions to this is a report and draft guidelines from Halton Region which recommend the inclusion of a landscape contracting establishment as a permitted secondary use to a commercial farm operation, provided regulations including, but not limited to, minimum lot size and minimum portion of the lot area used for the growing of horticultural plants are met. In addition, a landscape contracting use may be permitted within the Rural designation of the Niagara Escarpment Plan, provided the use is in a non-agricultural area, is small scale and serves the rural community.

Staff recognize the concerns of rural residents regarding this use, while at the same time recognize that there may be appropriate locations for this use in the rural area. As such, staff made the following revisions to the A1, A2 and M12 Zones as related to Landscape Contracting Establishments, attached as Appendices “B1”, “B2” and “B9”:

- Establish a minimum lot size for all Secondary Uses to Agriculture of 5 ha. This regulation would restrict a Landscape Contracting Establishment to a lot with a minimum lot area of 5 ha;
- Separate the regulations for Landscape Contractors from the regulations for Home Industries, in recognition of the increased potential for nuisance issues associated with this use;
- Only permit a Landscape Contracting Establishment as a Secondary Use to a Nursery operation, with a minimum of 65% of the land in nursery production;
- Restrict the number of employees to three overall, whereas the previous regulations had restricted the number of employees to three on-site; and,
- Tighten the restrictions on motor vehicles associated with the use. The previous draft had restricted the number of Commercial Motor Vehicles (CMVs), as defined, to three CMVs. CMVs are defined as vehicles over 4 tonnes. Other types of vehicles were not addressed. The new regulations will apply to all types of motor vehicles associated with the use, including CMVs, and will restrict the overall number of vehicles which may be parked unenclosed to three.

The above noted revisions will require that Landscape Contracting Establishments be restricted to large lots as part of a Nursery operation, with additional restrictions in place to reduce nuisance impacts.

#### *4.3.3 Comments from November 2014*

The comments received pertaining to Landscape Contracting Establishments were split between opinions that Landscape Contracting Establishments should be permitted outright throughout the Rural area and needing to limit this use as a result of nuisance impacts.

It is important to note that by virtue of the Rural Zoning By-law, staff cannot legalize currently illegal uses. Existing Landscape Contracting Establishments that are currently

legal have either been recognized through the use of a Special Exception or they will stay or become a legal non-conforming use.

#### *4.3.4 Further Changes to Draft Zones (March 2015)*

Staff continue to recognize the concerns of rural residents regarding this use, while recognizing that there may be appropriate parameters for the location of this use in the Rural Area. Accordingly, staff reviewed the comments received on this issue, had discussions with other departments and also met with residents who were concerned over the inclusion of this use within the rural zones.

As such, staff made the following revisions to the A1, A2, P6 and M12 Zones as related to Landscape Contracting Establishments, attached as Appendices “D1”, “D2” and “D11”:

- Maintained the requirement that only a Landscape Contracting Establishment as a Secondary Use to a Nursery operation may be permitted, however the proposed zoning regulations have specified that a minimum of 65% of the lot area zoned A1, A2 and / or P6 shall either be used for nursery or other agricultural production and in no case can the Nursery and Agricultural growing area be less than 3 ha in size;
- Removed the requirement that only existing buildings may be used as part of a Landscape Contracting Establishment and reduced the minimum setback requirement for buildings and structures from 30 m to 15 m;
- Restricted outdoor storage of goods, materials and equipment associated with the use to 30 m from any lot line and require that the storage area be screened by a visual barrier;
- Removed the regulation pertaining to the maximum number of employees permitted;
- Amended the regulation pertaining to parking to clearly indicate that the maximum number of motor vehicles that may be parked unenclosed excludes employee motor vehicles

The revision to the minimum lot area to require a certain percentage of the land in agricultural production be used for the growing of nursery and agricultural crops was made to provide clarification as to what would be included as part of the lot area for growing and what would lands be excluded (i.e. any P7 and P8 Zoned portions). The purpose of this regulation is to ensure that a nursery operation is in place and in turn, that a Landscape Contracting Establishment that is secondary to that operation would then be permitted. In addition, the regulation indicating the minimum 3 ha required growing area was to ensure that lots that were within the 5 ha range, but had significant P7 and P8 portions were legitimately being used for growing in relation to a Nursery operation.

The requirement that only existing buildings may be used as part of a Landscape Contracting Establishment was removed as it was overly restrictive to the establishment of a Landscape Contracting Establishment as a Secondary use to a nursery. The intent of the regulation was to limit the scale of this use which is achieved, in part, through the maximum 250 sq. m. GFA permission. In addition, the minimum setback requirement for buildings and structures associated with the Landscape Contracting Establishment use was reduced from 30 m to 15 m. The 15 m setback requirement is in keeping with the regulations for agricultural buildings and structures and was also reduced for Home Industry given that it is also a Secondary use to agriculture.

The revised minimum 30 m setback requirement for outdoor storage areas associated the Landscape Contracting Establishment, has been added to address concerns related to nuisance impacts and visual impact of outdoor storage areas. Further, an additional requirement for a visual barrier to screen outdoor storage areas has been included.

Municipal Law Enforcement staff have advised that it may be difficult to enforce the maximum number of employees given that Landscape Contracting Establishment employees may only be present on the property for limited amounts of time. Further, the nursery operation would also have employees which make it difficult to determine which employee works for what part of the business. As such, the limitation on number of employees has now been removed. The limitation on employees had been included in the original draft in order to enforce that the Landscape Contracting Establishment was to be a Secondary use, and small in scale. However, staff are satisfied that the other regulations associated with this use (restriction on gross floor area, outdoor storage area, and number of vehicles associated with the use) will ensure that the use remains small scale.

The parking regulation associated with a Landscape Contracting Establishment was amended to clarify that the maximum number of vehicles that may be parked unenclosed excludes employee motor vehicles.

#### 4.4 Wineries / Cideries and Breweries

##### *4.4.1 Comments from November / December 2013 and January 2014*

A number of comments were received regarding wineries and breweries in the rural area. The Draft Zones had permitted a Winery as a Secondary Use to an Agricultural operation, but the use had been permitted only within the lands identified as Specialty Crop in the RHOP. This restriction is in keeping with RHOP policies. However, comments were received from both members of the public and Planning Committee identifying a need to expand the area for wineries to encompass the entire rural area, as such operations can be viable throughout the rural area. Further, a concern was expressed that “cideries” should also be permitted and regulated in the same manner as wineries. Finally, comments were received regarding “micro-breweries” as a secondary use to agriculture, and a need to allow this use within the proposed Rural Zoning By-law.

#### *4.4.2 Changes Made to Draft Zones (June 2014)*

Staff considered the comments received regarding wineries, cideries and breweries, and also conducted additional research on how these uses are treated in other municipal zoning by-laws. Accordingly, the following revisions were made:

- Removed the restriction on the location of wineries. Wineries permitted as a Secondary Use to Agriculture throughout the Rural Area;
- Amended the definition of winery to Agricultural Cider / Winery, and clarified that cideries are permitted within the definition; and,
- Added a definition of an Agricultural Brewery, which would be considered an Agricultural Processing Establishment and, in turn, permitted as a Secondary use to Agriculture.

An amendment to the RHOP will be required to implement this change to allow wineries throughout the area. Staff are of the opinion this amendment can be supported, as the opportunity to establish an Agricultural Cider / Winery as a Secondary use provides a value added opportunity for the rural community, and promotes economic development and tourism options in the rural area.

#### *4.4.3 Comments from November 2014*

Comments were received indicating that Agricultural Cideries, Wineries and Breweries should all be grouped together as a Secondary use to Agriculture. Further, that there should not be differentiating regulations for a winery / cidery or brewery, as long as the products being used in the making of the wine, cider or beer were being grown as part of the farm operation that the winery, cidery or brewery was located on.

#### *4.4.4 Further Changes to Draft Zones (March 2015)*

Staff considered the comments received and feel that it is appropriate to group these Secondary Uses to Agriculture together as they are similar in nature. Accordingly, the following revisions were made:

- Amended the definition of Agricultural Cider / Winery to Agricultural Brewery / Cider / Winery, and clarified that breweries are permitted within the definition; and,
- Removed the definition of an Agricultural Brewery as it would now form part of Agricultural Brewery / Cider / Winery definition and amended the Agricultural Processing Establishment – Secondary as it previously included an Agricultural Brewery.

#### 4.5 Abattoirs

##### *4.5.1 Comments from November / December 2013 and January 2014*

Several letters were received from residents concerned about the inclusion of an Abattoir as a permitted use in the A2 Zone. The concern centred around the potential for an abattoir to locate in proximity to residential uses, and required setback distances for such a use. The Draft A2 Zone allowed an abattoir as a permitted use, however, a setback of 100 m was required from any lot line.

##### *4.5.2 Changes Made to Draft Zones (June 2014)*

Staff reviewed the comments received and conducted additional research on the subject. There is not a lot of comparable data available on other municipal zoning regulations for abattoirs. These are often dealt with on a site specific basis, with zoning regulations crafted for the use through part of the zoning application. The regulations that were reviewed confirm that the proposed 100 m setback is in keeping with other municipal documents. To provide an additional level of comfort for rural residents and to ensure setback requirements can be achieved, the minimum lot size for an abattoir has been increased to 5 ha.

The research to date that staff have undertaken indicates the establishment of new abattoirs in the rural area is not likely as the regulatory approvals from other levels of government required for this use, particularly in terms of food safety and inspections, are significant. However, as this is a use that is critical to support the farming community, staff are of the opinion that it is important to allow the use, with the appropriate restrictions.

##### *4.5.3 Comments from November 2014*

The only comment received pertaining to an abattoir resulting from the November 2014 Drop-in Sessions, was a question with regards what restrictions there were related to this use so as to not affect residents.

##### *4.5.4 Further Changes to Draft Zones (March 2015)*

As discussed in subsection 4.5.2 above, the previous changes made in terms of required minimum lot size, provide an additional level of comfort to rural residents beyond the minimum setback requirements already provided. No further changes have been made to the draft regulations for abattoirs.

#### 4.6 Places of Worship

##### *4.6.1 Comments from November 2014*

One comment was received requesting that provision be made for places of worship in the rural area.

##### *4.6.2 Changes to Draft Zones (March 2015)*

The RHOP only allows institutional uses within RSAs or on lands designated Rural, subject to conditions. A Zoning By-law Amendment is required to ensure that the place of worship serves the rural community, there is adequate servicing, parking, and as little land as possible is used for the place of worship.

Based on the above, should a place of worship wish to locate in the rural area, a Zoning Amendment will be required to add a site specific permission to the appropriate zone. No changes are contemplated to the proposed Rural Zones to permit this use as-of-right.

#### 4.7 Extractive Industrial Zone

##### *4.7.1 Comments from Lafarge Canada and Dufferin Aggregates (September and December 2014)*

Comments were received from both Lafarge Canada and Dufferin Aggregates regarding the Extractive Industrial (M12) Zone. The comments from the aggregate companies focused on three main areas, those being: information on zoning maps; special exceptions; and proposed regulations (setbacks and screening) of mineral aggregate operations.

With regard to information on zoning maps, the request was made to remove the Conservation Authority Regulated Area, streams, and waterbodies, which are shown for information purposes on the zoning schedules, from the lands comprising the licensed boundaries of the Lafarge North and South Quarries, and the Dufferin Flamborough Quarry. In consultation with the Hamilton Conservation Authority, it was determined that the Regulated Authority could be removed from the zoning maps for the licensed quarry operations, as these lands are subject to requirements of the *Aggregate Resources Act*. Further, staff agreed that the streams and waterbodies indicated on the zoning maps for the licensed quarry lands were not shown accurately, and were therefore removed. Further, the Conservation Authority Regulated Area was also removed from the lands of the proposed Lafarge South Quarry Extension, as previous field work completed by the Hamilton Conservation Authority for these lands had confirmed that the lands were not subject to Conservation Authority Regulation.

With regards to Special Exceptions, Lafarge requested clarity on Special Exception 218 which applies to the Lafarge Processing Area south of Highway 5, and whether or not accessory uses including aggregate storage, berms, recycling, crushing, screening and other activities would be permitted as part of this exception. In response, staff amended Special Exception 218 to list the accessory uses as part of the exception for added clarity. Dufferin requested clarity regarding Special Exception 219, which allows for concrete and asphalt mix manufacturing in line with Dufferin's *Aggregate Resources Act* licenses, to confirm that the exception would apply to all of their licensed lands. Staff amended the zoning maps to apply Special Exception 219 to all of the Dufferin licensed lands.

With regards to the proposed regulations of the Extractive Industrial (M12) Zone, Lafarge and Dufferin provided the same comments. Staff response to these comments is noted in Section 4.7.2 below. The comments are as follows:

- The regulation for a 90 m setback for buildings and structures from a street line should be reduced to 30 m, which would be in keeping with the requirements of the *Aggregate Resources Act* Provincial Standards;
- The requirement for a landscaped berm with a minimum height of 3.0 m to be provided and maintained around the licensed boundary of a Mineral Aggregate Operation would be impractical and unproductive. Further, such requirement may result in the removal of an existing tree screen which would not be desired or productive. It was also noted that berming requirements would be determined through noise and other technical studies; and,
- Clarification should be included in the zoning regulations to indicate that certain setback and screening requirements would not be applicable if the lands are adjacent to another Mineral Aggregate Operation.

#### *4.7.2 Changes Made to Draft Zone*

In response to the above noted comments on the regulations of the M12 Zone, staff made the following changes to the M12 Zone regulations:

- Regarding the setback requirement for buildings and structures from a street line, staff reviewed this regulation, and determined that both the *Aggregate Resources Act* Standards as well as the existing Town of Flamborough Zoning By-law require only a 30 m setback from a street line. Thus, the required setback for buildings and structures from a street line has been reduced to 30 m.
- Regarding the requirement for berming and screening of an aggregate operation, staff recognize that requiring a berm around the entire perimeter of an operation may not be practical or desired. However, staff also recognize the importance of screening and reducing the visual impact of aggregate operations. The

requirement for such screening is identified in Policy D.6.18 of the RHOP. Further, the existing Town of Flamborough Extractive Industrial (EI) Zone requires screening in the form of a 15 m wide planting strip, to be bermed throughout to a minimum height of 1 m, along the frontage and flankage of an aggregate operation and along any lot line abutting a residential zone or use. As such, the requirement for screening is not new. However, staff have revised the regulation to require: “*A Planting Strip, which may include native plantings, of a minimum width of 6.0 m, shall be provided and maintained adjacent to a street line and to any lot line abutting a Residential Zone or containing a residential use, and may include a berm or fence*”. This regulation will ensure that screening is provided, but provides flexibility in the form of such screening. Therefore, if an existing tree screen is already present, it could form part of the required Planting Strip.

Staff also note that modifications to the requirements of the M12 Zone could be considered on a site specific basis at the time of a future Official Plan and Zoning By-law Amendment application to permit a new aggregate operation, if different screening requirements are deemed desirable in review of the application.

- Regarding the requirement for setback and screening requirements where Mineral Aggregate Operations are adjacent to one another, Staff have added regulations to the M12 Zone to clarify that setback and screening requirements are not applicable in this situation.

#### 4.8 Other Comments

##### *4.8.1 Comments from November / December 2013 and January 2014*

Other comments previously received have been addressed on a site specific basis. In addition, summaries of and responses to those comments are included within Appendix “F8” of this Report. Comprehensive comments were provided by the Hamilton-Wentworth Federation of Agriculture (HWFA) and a summary of those comments is included within Appendix “F9” of this Report.

##### *4.8.2 Changes Made to Draft Zones*

The following provides a highlight of some of the changes previously made to regulations as a result of comments from the HWFA:

- The maximum lot coverage for greenhouses has been increased to 70% from 60%;
- The regulations for outdoor storage have been modified to clarify that outdoor storage is not permitted in a minimum front yard or flankage yard, whereas the Draft Zones had restricted it in any front yard or flankage yard. Further, the

minimum setback for outdoor storage has been reduced to 10 m, whereas the Draft Zones had required a setback of 20 m;

- Regulations have been added to allow for a Farm Produce / Product Stand, and to clarify that it may be located in a front yard;
- Regulations have been added to clarify the maximum size for a Farm Labour Residence attached to a dwelling, and to remove the requirement for shared services;
- The size requirements for maximum gross floor area for various uses have been made consistent between the A1 and A2 Zones;
- The maximum area devoted to retail for the following uses has been removed: Agricultural Processing Establishment, Agri-tourism, and Home Industry. Instead, the maximum allowance for retail uses of 200 sq m will apply to these uses; and,
- The regulations regarding accessory buildings have been modified to state that accessory buildings are not permitted in a minimum front yard, whereas the previous draft had prohibited such buildings in any front yard, and to allow for a maximum height of 6 m;

In addition, the following additional changes to the proposed Rural Zones have been made:

- The minimum lot size for a stand alone Agricultural Processing Establishment has been increased from 0.4 ha to 0.6 ha, and the minimum lot size for a stand-alone Kennel has been increased from 0.4 ha to 2.0 ha, in order to allow for appropriate setbacks;
- Removed the allowance to operate a Tradesperson's Shop as a Home Industry on rural lots over 0.8 ha in size to address concerns over potential nuisance impacts;
- Regulations related to the parking of Commercial Motor Vehicles and recreational equipment, which were not previously included, have been added; and,
- The definition and regulations for a medical marihuana growing and harvesting facility that have been proposed in Report PED14037(b), were incorporated into the A1 and A2 Zones.

#### *4.8.3 Comments from November 2014*

Other comments received on the Draft Rural Zones have been predominantly on a property specific basis or unrelated to Zoning. A summary of those comments are included within Appendices "G6" and "G7" to this Report.

#### *4.8.4 Further Changes to Draft Zones (March 2015)*

Where possible, property specific comments were addressed through the Rural Zoning By-law and are noted within Appendices "G6" and "G7" of this Report.

#### 4.9 Additional Amendments

In addition, based on further review of the Draft Zoning Regulations, the following amendments have also been made to the Draft Rural Zones:

- Removed the reference to Home Business as a permitted use within A1, A2 and S1 Zones as by virtue of a Single Detached Dwelling being a permitted use within these Zones, a Home Business would also be permitted in accordance with General Provision 4.21 of By-law 05-200;
- Added Secondary uses to Agriculture as permitted uses within the P6 Zone, provided it is not on a vacant lot. This use was included for clarification purposes based on feedback we heard from residents; and,
- Clarified the parking requirements for uses within the A1 and A2 Zones based on feedback received. The specific uses within these Zones that have a minimum parking requirement are limited to the following: Farm Product Supply Dealer, Kennel, Residential Care Facility and a Single Detached Dwelling.

#### 5.0 Other Issues

##### 5.1 Medical Marihuana Growing and Harvesting Facility

At the June 17, 2014 Planning Committee staff presented a definition and a series of Zoning By-law Regulations (e.g. building size, setbacks, retail sales and outside storage prohibitions) for medical marihuana growing and harvesting facilities in the urban and rural area. Committee requested staff further investigate regulations for the rural area with a focus on building size.

At the September 19, 2014 Planning Committee meeting, staff presented revised regulations that proposed to restrict new buildings in the rural area to 2,000 sq m and 11.5 m in height and to allow the use within buildings existing at the date of the passing of the by-law. Committee requested that staff consult the public on the proposed zoning regulations. However, Committee approved the use, along with an aquaponics facility, be added to the Site Plan Control By-law. City Council, at its meeting of December 2014, passed By-law 14-323 which require any building or structure for a medical marihuana growing and harvesting facility or an aquaponics facility be subject to site plan control.

The November 2014 Drop-in Information Centres included a hand out and an individual display board on Medical Marihuana Growing and Harvesting Facility.

*5.1.1 Comments from November 2014*

Two written comments and verbal comments at the information centres were received. Those owners who are pursuing a licence from Health Canada were satisfied with the proposed regulations.

With respect to Medical Marihuana Growing and Harvesting Facility, the issue was discussed at the January Agriculture and Rural Affairs Committee meeting, as previously noted on page 8 of this Report. The Committee passed the following resolution:

“That the following comments be referred to staff:

- (a) That the Medical Marihuana uses be allowed in existing buildings in the rural areas;
- (b) That any new Medical Marihuana buildings be limited to 2,000 sq m and 11.5 m in height;
- (c) The Agriculture and Rural Affairs Committee supports the proposed new zones for the rural areas and representatives will attend the March 31, 2015 meeting as a delegation.”

*5.1.2 Definition and Regulations for a Medical Marihuana Growing and Harvesting Facility*

Based on the input received and as presented at the September 2014 Planning Committee Meeting, the proposed regulations are:

- restrict the use to buildings existing at the date of the passing of the By-law;
- restrict new building size of 2,000 sq m and a height of 11.5 m;
- prohibit retail sales and outdoor storage; and,
- require a 20 m setback from all property lines.

One additional sentence is proposed to be added to the end of the definition that was previously presented to Planning Committee on June 17, 2014, to ensure that destroying, testing, packaging and shipping of the dried marihuana is only permitted accessory to growing and harvesting. The proposed new text is bolded.

Medical Marihuana Growing and Harvesting Facility shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of marihuana, for medical purposes as permitted under the Marihuana for Medical Purposes Regulations (MMPR) SOR / 2013-119 made under the Controlled Substances Act as the MMPR read on March 31, 2014. **The testing, packaging,**

**and shipping shall be accessory to the growing and harvesting of the marihuana for medical purposes.**

As previously noted, a medical marihuana growing and harvesting facility is also prohibited in the lower Stoney Creek area for lands that within the NEP but have municipal zoning. The NEP prohibits a medical marihuana growing and harvesting facility within several of the NEP designations.

## 5.2 Source Water Protection

The Sourcewater Protection Plan (SPP) for Halton and Hamilton was submitted to the Ministry of the Environment (MOE) in August 2012, and Grand River's Plan was submitted in February 2013. Both Plans are still pending MOE approval. Municipalities are required to implement the SPP. Several policies within the SPP deal with prohibited uses within specific vulnerable areas in well head protection areas A, B, and E. Staff are proposing the inclusion of Special Figures 5.0, 5.1, 5.2 and 5.3 in Zoning By-law 05-200, to identify the properties / areas. The special figures affect portions of Carlisle, Freelon, Greensville, and the lands around the Lynden wells. Further, the prohibited uses within these areas are specified within the various Rural Zones. A corresponding Official Plan Amendment will also be required. There has been extensive public consultation on the SPP.

## 5.3 Servicing

A Holding Provision (H5) was previously proposed for all existing vacant lots of record within the Rural Area that are less than 1.25 ac (0.5 ha) in size to ensure that a servicing study was reviewed and approved by Public Works, Sustainable Initiatives staff in order to determine if the lot size can accommodate sustainable private services. The main criteria considered by Sustainable Initiatives staff is the capability of the site to dilute nitrates coming from the septic system effluent flows. By applying the Ministry of the Environment and Climate Change (MOECC) guidelines and the prescribed infiltration rates depending on the soil type, a vacant lot would have to be of at least 1.56 ac (0.63 ha) in size in order to accommodate a traditional Class 4 septic system. Based on the methodology described above a smaller lot such as 1.25 ac or less would not be considered sustainable without the installation of an advance treatment system capable to reduce nitrates in the septic effluent. However, as the Ontario Building Code (OBC) does not regulate the nitrate reduction capabilities for this type of systems, Sustainable Initiatives staff are not in a position to recommend the installation of this type of system. Accordingly and due to the disconnect between the MOECC and the OBC regarding nitrate reductions, the Holding Provision pertaining to the requirement for a servicing study for existing vacant lots less than 1.25 ac (0.5 ha) in size is not implementable. Therefore this Holding Provision (H5) has been removed.

Planning Staff proposed approach to address the MOE and OBC disconnect is discussed in further detail within Section 9.0 – Provincial Plan Review below.

## **6.0 Site Plan Control By-law**

As noted above, the creation of the new P6, P7 and P8 Zones are closely tied to the proposed revisions to the Site Plan Control By-law. A report was presented to Planning Committee in January, 2014 which proposed changes to the existing Site Plan Control By-law. The proposed changes would clarify that approval of a Site Plan Control application is required for all development proposed within or adjacent (defined as within 120 m) to a Core Area, whereas currently this does not apply to agricultural uses. This Report was tabled at Planning Committee on January 14, 2014, with an instruction for staff to undertake public consultation on the issue prior to coming back to Committee.

However, the only mechanism for staff to ensure that there will be no negative impact on Core Area features as a result of a proposed development within or adjacent to a Core Area (as required through Greenbelt and RHOP policies), would be through the submission of a Site Plan Control Application, and if necessary, an EIS. If this mechanism is available for staff to ensure that Core Area features will not be impacted, the P6, P7 and P8 Zones can be brought forward as explained in Section 4.1.2 on pages 17 and 18 of this Report. However, if the Site Plan Control By-law is not amended to include development within 120 m of a Core Area, the P6 Zone would need to stay as indicated in the previous draft included as Appendix "A" to the October 15, 2013 report to Planning Committee (PED13167), which restricts development altogether in any Core Area. Without Site Plan Control, the only mechanism for staff to review a proposed development within or adjacent to one of these features would be through the submission of a Zoning By-law Amendment Application, or an application to the Committee of Adjustment for approval of a minor variance, to permit development within the P6 Zone. This process is more onerous than a Site Plan Control Application, and would not be the preferred approach.

It is important to note that the revisions to the Site Plan Control By-law provide the authority for staff to require approval of a Site Plan Control Application prior to development occurring within or adjacent to a Core Area. However, when reviewing a proposed development within or adjacent to a Core Area, as is current best practice, staff will continue to have the option to determine that a proposal will not be subject to Site Plan Control, if the proposed works are located within an area that is already significantly disturbed, or located a substantial distance from the Core feature. Furthermore, training in this regard will be provided to staff to ensure consistency and fairness in identifying the requirement for approval of a Site Plan Control application.

As part of the November 2014 Drop-in Information Sessions, staff consulted on the proposed amendments to the Site Plan Control By-law and only one written comment was received in opposition to the proposed amendments. However, it should be noted that the comment received was opposed to the use of Site Plan Control in conjunction with the proposed P6, P7 and P8 Zones and preferred the P6 Zone as originally

proposed. As discussed in Section 4.1.3 above, there has been a more overall acceptance new P6, P7 and P8 Zones as opposed to the previous P6 Zone.

Currently there are three separate by-laws, being 03-294, 08-298 and 14-323, that address Site Plan Control within the City of Hamilton, with 08-298 and 14-323 being amendments to the original Site Plan Control By-law 03-294. While the proposed Site Plan Control By-law attached as Appendix “C” to this Report implements the necessary changes discussed above, it also combines the contents of the aforementioned by-laws into one overall consolidated Site Plan Control By-law. The consolidated Site Plan Control By-law attached as Appendix “C”, will allow for clarity and ease of use when determining if a development would be subject to Site Plan Control.

## **7.0 Areas to be left out of Zoning By-law 05-200**

Upon further review and consultation with City departments and outside agencies, it has been determined that the following specific geographic areas will not be included in the new Rural Zoning By-law at this time:

### *7.1 Pleasantview Area of Dundas*

The Pleasantview area of Dundas, which was identified in the RHOP as Special Policy Area A, was amended into the NEP on October 28, 2013. The lands will be brought into the Development Control area of the NEP in the future, but to date this change has not occurred. As such, it is prudent to maintain the existing zoning of the Dundas Zoning By-law for these lands. Once the Niagara Escarpment Commission (NEC) has completed its review of these lands and brought them into Development Control.

### *7.2 Portions of the Greensville Rural Settlement Area*

The Greensville Subwatershed Study is currently ongoing. This study will provide a basis for the protection, maintenance and enhancement of surface water and groundwater quality and quantity through environmentally sound and responsive policy development within the RSA. The resulting plan will provide recommendations as to where and how future development activity can occur so as to minimize flood risks and degradation of water quality. Until such time as this study is complete, undeveloped portions of the Greensville RSA will not be zoned in the new zoning by-law. The existing zoning of the Flamborough Zoning By-law will continue to apply. The study will make recommendations regarding potential development areas, constraint areas, and lot sizes, so it is prudent to wait for the outcomes of the study prior to assigning zoning.

The lands that remain in the rural area will be included within Zoning By-law 05-200 through a future amendment to the zoning by-law.

### *7.3 Swayze Road Business Park*

The lands located at the southeast corner of Swayze Road and Regional Road 20 are known as the Swayze Road Business Park. It is the City's long term intent to bring these lands into the urban boundary as part of a future Official Plan Amendment. As such, and until this occurs, the existing zoning of the Glanbrook Zoning By-law will continue to apply to these lands.

### *7.4 Lower Stoney Creek, West of Fifty Road*

As part of the upcoming Provincial Greenbelt Plan review in 2015, City staff will be recommending that the lands located between the existing urban boundary and Fifty Road, and north of Highway 8, should be removed from the Greenbelt Plan and included within the urban boundary. As such, any decisions related to zoning of these lands will be deferred until after the Greenbelt Plan review, and in the interim, the existing zoning of the Stoney Creek Zoning By-law will continue to apply to these lands. Deferring the zoning decision on these lands does not adversely affect the land owners or preclude any future decision of Council on recommended changes to the Greenbelt Plan.

### *7.5 Lands within the Airport Employment Growth District (AEGD) Study Area*

To date the lands with the AEGD study area were excluded from the Rural Zoning until such time as AEGD Secondary Plan boundary was approved by the OMB. The lands are bounded by Garner Road East, Glancaster Road, West of, Twenty Road West, Upper James Street, White Church Road, Carluke Road and Fiddlers Green Road. At the time of writing this Report, the OMB hearing has been held and an oral decision approving the OPA and Zoning By-law Amendment for the AEGD was issued; however, no written decision has been received.

The lands that remain in the rural area will be included within Zoning By-law 05-200 through a future amendment to the zoning by-law.

### *7.6 Lands subject to Official Plan and Zoning By-law Amendment Application for proposed Lafarge South Quarry Extension*

The lands located at the south east corner of Concession 4 West and Brock Road, to the east and west of Moxley Road, are subject of a current Official Plan and Zoning By-law Amendment application to permit the extension of the Lafarge South Quarry. The application is currently under review by staff. The lands subject to the South Quarry extension application will be brought into the new Rural Zoning By-law at a later date after a decision has been made on the *Planning Act* applications.

## **8.0 Development Applications Currently in Process**

Development applications for specific properties in the Rural area, such as OPAs and Zoning By-law Amendments that are currently in process are subject to their own public review process. As such, these applications cannot be addressed through the Rural Zoning, unless the applications are approved by Council and the by-law(s) are final and binding. Once by-law(s) come into force and effect, staff can recognize the by-law(s) permissions through the Rural Zoning process.

## **9.0 Provincial Plan Review**

In 2015, the Province will be undertaking a review of the Greenbelt Plan, Growth Plan for the Greater Golden Horseshoe and the Niagara Escarpment Plan. There have been suggestions from the public to hold the zoning by-law amendments in abeyance until the Provincial Plan Review is completed. Other inquiries have requested an explanation as to how the Greenbelt Plan will impact the new zones.

### *Timing:*

Under section 26(9) of the *Planning Act*, a municipality has three years to bring the zoning by-law into conformity with the approved Official Plan. The RHOP came into effect in March 2012.

The Provincial Plan review is expected to be undertaken in 2015. Once the reviews are completed, the next step would be to update the Official Plans to bring them into conformity with the Provincial Plans. Following that exercise, any changes to the zoning would be undertaken. Even if the review of the Plans were completed in 2015 / 2016, the next five years of the RHOP would start in 2016 / 2017. Completion of that project would be 2018 (pending no OMB appeals), followed by a review of the zoning by-law.

### *Request for Changes:*

As part of the Rural Zoning public consultation, two major issues have arisen that are affected by the policies in the Greenbelt Plan. One, the Greenbelt Plan only allows for the recognition of existing uses. In certain parts of the rural area, there are active dry industrial parks, which will never revert to agriculture. However, the zoning can only recognize the uses that are operational at the time the new zoning is to take effect. Two, the requirement for a buffer (vegetation protection zone) for certain natural heritage features without the ability to vary the width of the can impact the location of future agricultural buildings. Staff recognize the concerns of residents, particularly with these two issues. City staff will recommend, through the City's submission, for the Provincial Plan review, that the Greenbelt Plan address these two matters above.

*New Tools for Implementation:*

City staff would like to have a greater number of tools that could assist in the implementation of the RHOP, which cannot be dealt through zoning or Site Plan Control. Conditional zoning is a tool which allows the municipality to apply conditions to zoning, without the need for a holding zone removal. As part of the City's submission (February 2014) on the Provisional Review of the Land Use Planning and Appeals System City Council approved the following recommendation: "The Province is encouraged to develop a Regulation for Section 34(16) of the *Planning Act*." This regulation would allow for conditional zoning.

In a separate Report that will be forwarded to Planning Committee and Council for their consideration will be a request to the Ministry of Municipal Affairs and Housing to reintroduce and expand upon the previous proposed amendment to the 2006 OBC. This amendment, which was to be introduced into the new 2012 OBC, was to allow for treatment units (tertiary systems for septic tanks) that were capable of reducing phosphorus and nitrogen.

## **ALTERNATIVES FOR CONSIDERATION**

City Council not adopt the OPA and the zoning by-law amendments. The existing RHOP policies will remain in effect. The Ancaster, Dundas, Flamborough, Glanbrook and Stoney Creek Zoning By-laws will remain in effect. This option is not preferred because the *Planning Act* requires that a municipality pass a comprehensive zoning by-law to bring zoning into conformity with the Official Plan within three years of the Official Plan coming into effect. The RHOP came into effect in March 2012.

## **ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN**

### **Strategic Priority #1**

A Prosperous & Healthy Community

*WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.*

### **Strategic Objective**

- 1.1 Continue to grow the non-residential tax base.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix A – Official Plan Amendment (Available under separate cover; not attached to this Report)

**SUBJECT: Proposed Official Plan Amendment (OPA) and Draft Rural Zoning By-law (PED13167(b)) (Wards 9, 11, 12, 13, 14 and 15) - Page 39 of 40**

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- Appendix “A1” – Explanation of Official Plan Amendment Changes

Appendix B – Amending By-law to 05-200 (Available under separate cover; not attached to this Report)

Appendix C – Site Plan Control By-law

Appendix D – Draft Rural Zones

- Appendix “D1” – Agriculture (A1) Zone
- Appendix “D2” – Rural (A2) Zone
- Appendix “D3” – Settlement Residential (S1) Zone
- Appendix “D4” – Settlement Commercial (S2) Zone
- Appendix “D5” – Settlement Institutional (S3) Zone
- Appendix “D6” – Existing Rural Commercial (E1) Zone
- Appendix “D7” – Existing Rural Industrial (E2) Zone
- Appendix “D8” – Conservation / Hazard Land Rural (P6) Zone
- Appendix “D9” – Conservation / Hazard Land Rural (P7) Zone
- Appendix “D10” – Conservation / Hazard Land Rural (P8) Zone
- Appendix “D11” – Extractive Industrial (M12) Zone
- Appendix “D12” – Definitions
- Appendix “D13” – General Provisions
- Appendix “D14” – Parking

Appendix E – Public Consultation and Communication Summary

- Appendix “E1” – Building in Rural Hamilton with the Environment in Mind

Appendix F – Comment Summaries from November / December 2013 and January 2014 Public Meetings

- Appendix “F1” – Comment Summary – A1 Zone
- Appendix “F2” – Comment Summary – P6 Zone
- Appendix “F3” – Comment Summary – Landscape Contracting Establishments
- Appendix “F4” – Comment Summary – Wineries / Breweries
- Appendix “F5” – Comment Summary – Abattoirs
- Appendix “F6” – Comment Summary – Existing Rural Industrial Zoning
- Appendix “F7” – Comment Summary – Special Exceptions
- Appendix “F8” – Comment Summary – Other Comments
- Appendix “F9” – Comment Summary – HWFA Comments

Appendix G – Comment Summaries since June 2014 Information Report to Planning Committee

- Appendix “G1” – Comment Summary – A1 and A2 Zone
- Appendix “G2” – Comment Summary – P6, P7 and P8 Zone
- Appendix “G3” – Comment Summary – Landscape Contracting Establishments
- Appendix “G4” – Comment Summary – Wineries / Breweries

**SUBJECT: Proposed Official Plan Amendment (OPA) and Draft Rural Zoning By-law (PED13167(b)) (Wards 9, 11, 12, 13, 14 and 15) - Page 40 of 40**

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- Appendix “G5” – Comment Summary – Existing Rural Industrial Zoning
- Appendix “G6” – Comment Summary – Special Exceptions
- Appendix “G7” – Comment Summary – Other Comments
- Appendix “G8” – Comment Summary – Medical Marihuana Growing and Harvesting Facility

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