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1.0 Introduction

1.1 Purpose

1.1.1 Respond to the Interim Control By-Law

Hamilton City Council, at its meeting on September 10, 2020 passed By-law 20-186 (see Appendix A), an Interim Control By-law for Pleasantview in the former Town of Dundas. The Interim Control By-law was passed to give the City time to complete this Study and bring forward necessary amendments to the Rural Hamilton Official Plan and Hamilton Zoning By-law 05-200 that will clarify policy direction for Pleasantview, and to ensure conformity with the Niagara Escarpment Plan (NEP) policies and designations. It is the purpose of this Study to fulfill the requirements for a land use study as articulated in the Interim Control By-law (By-law 20-186) for the Pleasantview Lands (see Map 1) and to:

> Prepare recommendations for necessary amendments to bring the Rural Hamilton Official Plan into conformity with the applicable Provincial Plans, including the Niagara Escarpment Plan (2017); and,

> Prepare recommendations for zones and regulations to be included in City of Hamilton Zoning By-law 05-200 to implement the recommendations of the above Rural Hamilton Official Plan Amendments

1.1.2 Consider the Existing Policy Framework

The existing land use policy framework that is applicable to Pleasantview is complex - multi layered and multi-jurisdictional. Pleasantview is affected by an array of Provincial policies, including:

> Provincial Policy Statement (2020);

> Parkway Belt West Plan (1978);

> Niagara Escarpment Plan (2017);

> Greenbelt Plan (2017); and,

> Growth Plan for the Greater Golden Horseshoe (2019, as amended)

The framework also comprises local policies and regulations, as follows:

> Rural Hamilton Official Plan – “Special Policy Area A – Pleasantview”;

> Dundas Official Plan, including Official Plan Amendment 23 (OPA 23), adopted by Dundas Council (1993) - including an Ontario Municipal Board Order making modifications to OPA 23 (1995); and,

1.2 Approach

The approach to the required Land Use Study has followed the following work program:

> Review the history, past decisions and actions by the Town of Dundas, City of Hamilton, Province and OMB;

> Review the current local and Provincial policy framework and zoning and prepare the preliminary policy analysis;

> Review the existing zoning from the Town of Dundas Zoning By-law, including amendments and site-specific modifications and prepare the preliminary zoning analysis; and,

> Prepare recommendations for bringing the local Official Plan and Zoning By-law framework into conformity with the applicable Provincial Plans, including the Niagara Escarpment Plan (2017).

1.3 Background

1.3.1 Context

Pleasantview is an area of the former Town of Dundas situated below the brow of the Niagara Escarpment, west of Highway 6 and generally north of the 403 and including some of the lands of the Royal Botanical Gardens, as identified on Map 1.

Map 1 - General Location and Context
The development of Pleasantview dates back to 1914. Today Pleasantview consists of approximately 415 hectares of land and includes a variety of natural areas as well as several businesses, places of worship, and about 250 private dwellings. Existing land uses are characterized by dispersed rural residential dwellings, farmland, natural areas and institutional uses. Approximately 750 people live in Pleasantview. Pleasantview has a number of unique physical attributes, including that it:

> Is within the Niagara Escarpment Plan Area, an internationally significant ecosystem designated as a world biosphere reserve by the United Nations;

> Includes the Royal Botanical Gardens Berry Tract South, that forms the headwaters of Cootes Paradise;

> Includes Hickory Brook, a re-naturalized stream connecting Cootes Paradise to the Berry Tract;

> Includes the Cartwright Nature Sanctuary, a nature preserve that is a key part of one of the primary ecological corridors linking the Niagara Escarpment and Cootes Paradise Marsh; and

> Includes deeply carved valleys and tablelands along the edge of the escarpment.

Institutional uses within Pleasantview include a missionary, monastery and former convent operating as a temporary student residence. Agricultural uses are located in the lands north of the Royal Botanical Gardens south of York Road.

Figure 1: Hopkins Tract Tributary (photo credit - Conservation Halton)
1.3.2 Surrounding Land Use

The Royal Botanical Gardens including Coote’s Paradise and the arboretum comprise the lands south of Pleasantview extending to Burlington Bay. The Borer’s Falls Conservation Area is located East of Pleasantview separated by York and Valley Road. To the north the Royal Botanical Gardens Berry Tract contains the headwaters of Hickory Brook which extends southward into Berry Tract South in Pleasantview. The Cartwright Nature Sanctuary and Nicholson Resource Management Area form a continuous natural area in Pleasantview bordering the Berry Tracts. Near the intersection of Highway 6 and York Road the Valley Community Centre Park provides outdoor amenities to local residents. The Valley Community Centre Park is planned to be updated by the City of Hamilton in the near future. The lands north of Pleasantview, near the intersection of Highway 6 and Dundas Street East, contain an industrial area.

1.3.3 Current Initiatives and Development Interests in the Pleasantview Area

The Royal Botanical Gardens maintains 900 hectares of nature sanctuaries enveloping the western end of Lake Ontario within the Niagara Escarpment World Heritage Biosphere Reserve (UNESCO) and Cootes to Escarpment Ecopark System. The natural areas surrounding Pleasantview are connected by a series of trails extending from the Berry Tract through the Borer’s Creek Conservation Area to Cootes Paradise.

Initiated in 2007, the Cootes to Escarpment EcoPark System (the EcoPark) is a voluntary collaboration of a group of nine partner agencies (City of Hamilton, Halton Region, City of Burlington, Conservation Halton, Hamilton Conservation Authority, Bruce Trail Conservancy, Hamilton Naturalist Club, McMaster University and Royal Botanical Gardens). The partner agencies own, manage and protect nearly 2,000 hectares of open space and natural lands between Cootes Paradise Marsh, Hamilton Harbour and the Niagara Escarpment. These lands are recognized for their significant biodiversity and long cultural history. The partner agencies own and manage lands within Pleasantview. EcoPark management plans contain voluntary guidelines that partner agencies, and adjacent land owners, can voluntarily adopt in their land management efforts to protect and enhance biodiversity. Management plans do not supersede or direct local land use plans or zoning.

In 2015 Conservation Halton began naturalizing the Hopkins Tract in Pleasantview, which has since been incorporated into the Cootes to Escarpment EcoPark System. Widening the natural corridor link between Lake Ontario and the Niagara Escarpment, restoring creeks, wetlands and forests ensuring the health and diversity of native species. Conservation Halton is currently working on providing public access through a passive trail system.

The lands are also under consideration for Niagara Escarpment Commissions (NEC) Development Control. On September 11, 2019, City of Hamilton Council directed Staff to work with NEC Staff to petition the Ministry of Natural Resources and Forestry to put Pleasantview under Development Control (Ontario Regulation 826) as soon as possible. That discussion with the Ministry continues, and at their March 18, 2021 Committee meeting, the NEC passed related resolutions to provide comments to the Ministry of Municipal Affairs and Housing (MMAH) supporting the inclusion of Pleasantview in the Area of Development Control as part of the Growing the Greenbelt initiative, as well as to
request that the Minister of Natural Resources and Forestry proceed to include Pleasantview in the Area of Development Control through a Minister’s Regulation. It is anticipated that Pleasantview will ultimately be subject to NEC Development Control.

There is also an ongoing Preliminary Design & Class Environmental Assessment Study for the Highway 403 and Highway 6 interchange by the MTO, which may impact the MTO infrastructure adjacent to and within Pleasantview to the east.

### 2.0 Background Review

#### 2.1 Historic Context

The following provides an overview of the chronology of key planning activities/decisions that have had an impact on the development of Pleasantview over time:

> **1914** | The original Pleasantview Survey was laid out in 1914 and began to spur some residential development in this part of the Town of Dundas. However, key aspects of the layout were not feasible to construct due to the existing topography, natural features and lack of municipal services. The survey was laid out prior to the modern planning approvals system. As a result, many of the roads that were laid out were never built and some lots remain in private ownership and are landlocked (i.e. have no frontage on an open municipal road).

> **1914-1952** | Five other surveys were laid out in the immediate area, many of which were only partially implemented due to the various factors previously identified (topography, natural features and lack of municipal services). However, the surveys laid out in those 38 years make up most of the existing neighbourhood that exists today.

> **1970s** | The original 1914 Pleasantview Survey was deregistered in the 1970’s, but...
what remains are various clusters of residential development, City-owned road allowances, as well as various legal non-conforming uses.

> 1973 | The Province of Ontario enacted a Minister’s Zoning Order to freeze development within Pleasantview while they began to conduct background studies on what would become the Parkway Belt West Plan (PBWP) in 1978. Since that time, Pleasantview has been continuously subject to the PBWP. The Minister’s Zoning Order was revoked.

> 1986 | In response to the adopted PBWP, the Town of Dundas adopted an Amendment to the Town of Dundas Official Plan (OPA 13) to achieve conformity with the PBWP. OPA 13 created a Special Policy Area for Pleasantview, which permitted limited residential development on 0.4 ha (1 acre) lots.

> 1988 | The Region of Hamilton-Wentworth extended piped water to the existing dwellings within Pleasantview to alleviate well contamination issues.

> 1993 | The Town of Dundas adopted a new Official Plan Amendment for Pleasantview (OPA 23) and implementing Zoning By-law Amendments. At the same time, Planning Act applications were received for various forms of residential development. The proposed OPA and zoning:

  - Increased the minimum lot size from 0.4 ha to 0.8 ha for single detached dwellings;
  - Permitted “Cluster Form Development” for certain lands designated Rural; and,
  - Adjusted the open space designations as a result of more accurate information received as part of the Zoning By-law Amendments.

> 1995 | OPA 23, the Zoning By-law Amendments and the Planning Act applications were appealed to the Ontario Municipal Board (OMB) by several groups. The outcome of the OMB hearing modified OPA 23 in the following ways:

  - No new single detached dwellings were permitted to be constructed after August 1993, save and except on lots with a minimum lot area of 10 hectares; and,
  - “Cluster Form Development” was prohibited - this resulted in the refusal of several subdivisions that were seeking planning approvals within Pleasantview.

> 1998 | The Town of Dundas Zoning By-law (3581-86) was amended to implement the minimum 10 hectare lot area requirement for new single detached dwelling lots. Dundas Town Council passed the Zoning By-law Amendment in conformity with the 1995 OMB decision. Since the 1995 OMB decision, minimal development has occurred in Pleasantview.
> **2006** | Following amalgamation of the Hamilton-Wentworth Region, which resulted in the City of Hamilton that exists today, the City adopted the Rural Hamilton Official Plan (RHOP) that contains a Special Policy Area to reflect the policy framework for Pleasantview in effect through the former Town of Dundas Official Plan.

> **2013** | Through Niagara Escarpment Plan Amendment (NEPA) No. 179, the NEC included Pleasantview within the Niagara Escarpment Plan Area and designated the Lands as "Escarpmont Natural Area", "Escarpmont Protection Area" and "Escarpmont Rural Area". In addition, NEPA 179 included a Special Policy Area (Policy 2.2.21) which predominantly reflects the planning framework from the 1995 OMB decision. No new dwellings were permitted on the remaining undeveloped lots with the exception of a single dwelling on a lot of at least 10 hectares in size, and, Site-Specific Policies were put into place to recognize existing uses and some existing permissions.

> **Present** | Today, the lands continue to be under the jurisdiction of the NEP, PWBP and the Former Town of Dundas Official Plan. Dundas Zoning By-law No. 3581-86 applies to all of the defined Pleasantview Lands.

As noted, on September 10, 2020 City of Hamilton Council passed By-law 20-186, which is an Interim Control By-law for the Pleasantview Lands in the former Town of Dundas. The Interim Control By-law generally prohibits the construction of new buildings or structures, except where approvals were received or a building permit application was submitted prior to the passing of this By-law, and in other limited specific circumstances (see Appendix A).

Figure 3: Oblique Aerial of Pleasantview (photo credit - Conservation Halton)
3.0 Relevant Provincial Policy

Provincial planning policy that is applicable to Pleasantview is complex and has been evolving for approximately 45 years. Provincial planning policies are also multi-jurisdictional, involving multiple Ministries with multiple mandates. Importantly, no Provincial policy is considered to be more important, or have any specific priority over any other Provincial policy. Rather, all Provincial policies are to be considered in their entirety and generally the more specific and/or most restrictive policy is to be applied, except for when specific guidance on applicable Provincial policy sections is provided within the relevant documents. Further, with respect to how Provincial policy is to be implemented by the City of Hamilton, it is a requirement that City's policies "conform" with Provincial policy, however, City policy may, in some instances, be more restrictive.

One notable difference in interpretation is the Provincial Policy Statement, where the City of Hamilton is required to be "consistent" with those policies. Generally, the test for consistency is interpreted to be conform with, unless there is a justifiable reason that conformity cannot be achieved.

3.1 The Provincial Policy Statement (2020)

The Provincial Policy Statements (PPS) was recently updated in 2020. The PPS applies to all decisions that affect a planning matter made on or after May 1, 2020, and it shall be read in its entirety and all relevant policies are to be applied to each situation.

It is a crucial element of the Provincial planning framework to understand the relationship of the PPS to all other Provincial plans (including the Niagara Escarpment Plan, the Greenbelt Plan, the Growth Plan and the Parkway Belt West Plan). All Provincial plans are to be read in conjunction with the PPS, and, importantly, those Provincial plans take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation states otherwise.

Further, where the policies of the identified Provincial plans address the same, similar, related, or overlapping matters as the policies of the PPS, applying the more specific policies of the Provincial plan satisfies the more general requirements of the PPS. In contrast, where matters addressed in the PPS do not overlap with policies in Provincial plans, the policies in the PPS must be independently satisfied. Nevertheless, land use planning decisions made by municipalities, must be "consistent with" the PPS. Where Provincial plans are in effect, planning decisions must conform or not conflict with them.

In Part IV: Vision for Ontario’s Land Use Planning System, the PPS outlines a key planning principle affecting the ongoing management of development within the Niagara Escarpment Planning Area, and, more specifically, on Pleasantview. It states that the wise use of the Province’s resources over the long term, which includes natural heritage and water resources, is a key provincial interest and that they must be managed in a sustainable way (see Appendix B).
It is also a key principle of the PPS to focus growth and development to identified settlement areas. Pleasantview is specifically not within a settlement area and is within the Rural Area of the City of Hamilton. Pleasantview is consequently subject to the policies of Section 1.1.4 of the PPS, which states:

“Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.”

The PPS goes on to state in Section 1.1.5 that for development on rural lands, the planning authority must apply the relevant policies of the PPS and that development that is compatible with the rural landscape and the planned or available services should be promoted.

Pleasantview, like all of the Niagara Escarpment Planning Area, is within Eco-Regions 6E and 7E, as identified within the PPS. This means that the policies of Section 2.1 Natural Heritage of the PPS apply. The key elements of Section 2.1 are as follows:

> Section 2.1.1 indicates that "natural features and areas shall be protected for the long term";

> Section 2.1.2 states that "the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features”;

> Sections 2.1.3 states that "natural heritage systems shall be identified";

> Sections 2.1.4 through 2.1.8 identify that development and site alteration shall not be permitted unless it has been demonstrated that there will be no negative impacts on the following natural features or their ecological functions:

- Significant wetlands;
- Significant woodlands;
- Significant valleylands;
- Significant wildlife habitat;
- Significant areas of natural and scientific interest;
- Fish habitat;
- Habitat of endangered species and threatened species; and,

- Adjacent lands to the natural heritage features and areas.

Importantly, the requirement to protect natural features and areas is not interpreted as a flexible objective, but, rather a clear and definitive requirement of the Provincial planning policy framework. In addition, the relevant policies of the NEP, the Greenbelt Plan, as well as the City of Hamilton's current applicable planning framework fundamentally achieve this policy directive throughout Pleasantview.

Overall, Pleasantview is subject to a multitude of Provincial planning policy, which is, for the most part, substantially more detailed and specific than the PPS, and consequently, those detailed and specific polices will take precedence. However, and notwithstanding the issues of applicability and precedence, the PPS does provide substantial Provincial planning policy support to the other applicable Provincial plans that are relevant to Pleasantview.

Further, the updated PPS provides a host of updated definitions that are particularly relevant to the definition of the natural heritage system, which in turn generally supports the NEP, the Greenbelt Plan and the existing planning policy framework of the City of Hamilton.

3.2 The Parkway Belt West Plan (1978)

The Parkway Belt West Plan (PBWP) sets out to define and separate urban areas, link urban areas with each other, set aside land for linear infrastructure and unanticipated activities, and provide a system of open spaces [s.2]. Municipalities are not required to permit every land use permitted by the PBWP, in fact, municipal by-laws implementing the PBWP may be more restrictive, provided they are consistent with the intent of the PBWP [s.5.1.3].

The PBWP delineates seven links connecting urban areas [s.6.1], people, energy and open space, including the Niagara Escarpment [s.6.2.1] and specifies the preservation and provision of open space along the Niagara Escarpment [s.6.2.2, o) and s.6.2.2, s)]. By defining linkages and permitted uses within Public Use Areas, the PBWP ensures future development will not disrupt the functionality of the identified links.

Further, the PBWP sets aside public lands for existing and future utilities, roads, transit, electric power, open space and buffer areas. Acceptable uses of public lands include existing uses, linear facilities, public open space and buffers. Other public, open space, interim and additions to existing uses on public lands are permitted as long as natural features are preserved to the maximum possible degree, among other policy considerations [s.5.4.1].

Map 2 identifies a number of designations under the category of "Public Use Area" - "The Public Use Area" comprises areas presently used or to be predominantly used in the
future for public uses. Within Pleasantview, the "Public Use Area" designations consist of "Public Open Space and Buffer Area", "Utility" and "Electric Power Facility". The intent and purpose of these land use designations are defined in detail below.

- **Public Open Space and Buffer Area** - Public Open Space and Buffer Areas are intended to develop a system of recreational trails as part of a larger recreational trail system extending through Central Ontario, linking urban areas, providing trail access and utilizing public lands, natural features and utility rights-of-way.

- **Utility and Electric Power Facility** - Utility and Electric Power Facility rights-of-way are delineated and are intended to be constructed or re-constructed to minimize detrimental effects on natural features [5.4.3(a)].

**Map 2 - Excerpt from Subsection 6.2.1 of the Parkway Belt Plan**

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**Map 2** also identifies the designations applicable to Pleasantview. For the majority of Pleasantview, the applicable designation is "Special Complementary Use Area". Section 5.5.2 of the PBWP states that within the Special Complementary Use Area permitted uses include existing uses (legally existing uses/legal nonconforming uses), public uses such as roads and utilities, and a single-family residence (subject to 5.5.1 (f)). Any changes or additions to uses require that all natural features be preserved to maximum possible degree and any additions to uses must retain the existing open-space character to the maximum degree.

Development within Pleasantview is generally discouraged by the PBWP, except for uses permitted in Subsection 5.5.2, prioritizing protection of the Niagara Escarpment,
preserving existing character and subject to comprehensive review. Additionally, Section 6.2.3(n) of the PBWP outlines specific provisions for the "Special Complimentary Use Area" west of Highway 6, comprising Pleasantview. Accordingly, uses set out in Subsection 5.5.1 are permitted and subject to Subsection 5.1.3, some further development is permitted in Pleasantview, subject to:

> A comprehensive study setting out appropriate conditions for development;

> The preparation of a restricted area By-law; and,

> The following provisions:

"i) Ensure that development in the vicinity of Patterson Road, Valley Road, and the northern limit of the Royal Botanical Gardens be designed so as to preserve the existing open-space setting of the Niagara Escarpment, Hopkins Creek Valley, and the Royal Botanical Gardens, including Cootes Paradise.

ii) Ensure free movement of wildlife through major valleys from the wildlife sanctuary of Cootes Paradise to the Niagara Escarpment and the rural areas beyond.

iii) Ensure that any development adjacent to major valleys is designed and located in such a manner as to protect the valleys physically and visually and to enhance them as important natural open-space areas within the area covered by the Plan.

iv) Protect wooded areas, hedgerows, and trees.

vi) Minimize the number of roads crossing the major valleys.

vi) Minimize run-off, siltation, and other forms of pollution of Cootes Paradise.

vii) Satisfy any other conditions required to secure the provisions of the Plan."

Section 6.2 of the PBWP establishes particular provisions for the "Escarpment Link" that also encompass Pleasantview.

In addition to the overall objectives outlined in Section 3, Section 6.2 provides objectives for lands within the "Escarpment Link". These objectives are aimed primarily at delineating urban areas, built-up areas, separating built-up and urban areas using open space, identification of utility corridors, providing for public open space at the Niagara Escarpment, providing for a continuity of open space and trails between the Niagara Escarpment, preserving prominent natural features like the Escarpment and protecting tree stands that are significant or serve as buffers.

These objectives are achieved through restricting the number of transportation routes, acquiring rights-of-way for future utilities and requiring that relevant planning instruments
(OP, ZBL, development agreements, etc.) ensure that all development within the Escarpment Link result in:

> Minimal damage to natural areas and water courses and protects slopes;
> Attainment of maximum visual harmony with natural and scenic areas;
> The acquisition of lands for "Public Open Space Areas" in the Niagara Escarpment; and,
> The development of recreational trails in the Niagara Escarpment.

In summary, the PBWP recognizes the importance of the Niagara Escarpment and development within Pleasantview is generally discouraged, except as noted. This prioritizes protection of the Niagara Escarpment, the preservation of existing character and the requirement for all development to be subject to comprehensive review. Overall, the PBWP is not a plan that specifically facilitates growth within Pleasantview. More appropriately the PBWP is intended to protect the long-term functionality of the identified links while recognizing existing development and only permitting future development that:

> Minimizes damage to wooded areas [s. 6.2.3 f) i]);
> Maintains sightlines between Highway 403 and Niagara Escarpment [s.6.2.3 v]); and,
> Minimizes detrimental effects on the Niagara Escarpment [s. 6.2.3 l]].

Furthermore, as noted earlier, municipalities are not required to permit every land use that is permitted under the PBWP, and municipal by-laws may be more restrictive than the PBWP, provided that they are consistent with its intent and purpose.

Figure 4: Oblique Aerial of Pleasantview (photo credit - Conservation Halton)
3.3 The Niagara Escarpment Plan (2017)

The Provincial government established the Niagara Escarpment Planning and Development Act, which, in turn, established a planning process to ensure that the identified Niagara Escarpment would be protected from inappropriate development for the long-term. From the Niagara Escarpment Planning and Development Act emerged the Niagara Escarpment Plan (NEP), which serves as a framework of objectives and policies to strike a balance between development, protection and the enjoyment of this important landform feature and the resources it supports.

The NEP establishes very specific policies within the Niagara Escarpment Planning Area, including specific policies for Pleasantview. The NEP takes a landscape approach that recognizes the Escarpment as a continuous landform and provides land use designations to create a series of connected and protected areas. The purpose of the NEP is to:

- Protect ecological areas;
- Provide opportunities for outdoor recreation;
- Maintain and enhance the open landscape character of the Escarpment; and,
- Ensure all new development is compatible with the Plan.

The NEP details what land uses are permitted within the Niagara Escarpment Planning Area. As identified on Map 3, lands within Pleasantview fall into three designations, “Escarpment Natural Area”, “Escarpment Protection Area” and “Escarpment Rural Area”, each of which is described in detail below. It is important to note that Pleasantview is also identified as being within a Special Policy Area on Map 3. This Special Policy Area significantly modifies the permissions in each of the underlying land use designations, which will be discussed in detail later herein.

- The “Escarpment Natural Area” designation includes lands that are in a relatively natural state and provide essential ecosystem supports. The “Escarpment Natural Area” designation is associated with escarpment slopes, abutting woodlands and underlying bedrock. Objectives of the “Escarpment Natural Area” designation include: recognition, protection and where possible enhancement of natural heritage and hydrological systems associated with the NEP Area and to protect the natural Escarpment's most important natural features.

The “Escarpment Natural Area” is the most restrictive and consequently has the least number of permitted uses of the three designations, which are subject to Part 2 Development Criteria. The “Escarpment Natural Area” designation does not permit lot creation for agriculture.
The "Escarpment Protection Area" designation includes slopes and Escarpment related landforms, where existing land use developments have altered the natural environment. The "Escarpment Protection Area" designation expands to include areas in proximity to Escarpment slopes that are visually part of the general Niagara Escarpment landscape unit. Like the "Escarpment Natural Area" designation, this designation aims to maintain and enhance scenic resources and an open landscape character, aiming to recognize and buffer, rather than specifically protect Escarpment features. The "Escarpment Protection Area" designation encourages forest management and agriculture.

The "Escarpment Protection Area" designation permits the uses within the "Escarpment Natural Area", plus expanding the permitted uses to recycling depots, home industries, institutional uses, agricultural and agriculture related uses and uses set out in the Special Provisions for the Pleasantview Survey Lands, again subject to Part 2 Development Criteria. The "Escarpment Protection Area" designation permits lot creation for agriculture.

The "Escarpment Rural Area" designation includes minor Escarpment slopes and landforms, any lands in the vicinity of the Niagara Escarpment that are necessary to provide an open landscape character or are of ecological importance. Lands within the "Escarpment Rural Area" designation are to maintain scenic resources, encourage forest management and recreation. Lands within the "Escarpment Rural Area" designation are not specifically required to include conservation and educational activities, as identified in the other two designations.
Permitted uses within the "Escarpment Rural Area" designation include the uses within the "Escarpment Protection Area" designation, plus secondary dwelling units, licensed mineral aggregate operations and wayside quarries, subject to Part 2 Development Criteria. The "Escarpment Rural Area" designation permits lot creation for agriculture.

Section 2.2 of the NEP outlines general development criteria for all permitted uses, protecting the escarpment environment, number of dwellings per lot and design considerations. Most importantly, Section 2.2.21 of the Plan contains Special Provisions that outline site-specific development criteria and permissions related to the Special Policy Area in effect for Pleasantview. These Special Provisions have a significant impact on development within Pleasantview in that they effectively ‘notwithstanding’ any permitted uses in the applicable land use designations, instead inserting a specific list of permitted uses, as well as the definitions for ‘lot’, ‘existing lot of record’ and ‘existing use’. The details of Section 2.2.21 of the NEP are included in the Appendix C. Generally, the Special Provisions restrict permitted uses to existing uses, as well as accessory uses and a single dwelling on a lot with a minimum size of 10 hectares. The Special Provisions also identify several site-specific exceptions.

As noted, the restrictive elements of the NEP, as they apply to Pleasantview, make reference to the "Development Criteria". Section 2.1 states that the "Development Criteria" are to be applied to all development in conjunction with the other applicable policies of the NEP. The policies also indicate that the "Development Criteria" deal with development in a variety of situations and, therefore, all the “Development Criteria” will not apply to every development.

The objective of the "Development Criteria" "is to permit reasonable enjoyment by the owners of all lots that can sustain development". These criteria include considerations such as protection of the Escarpment environment and avoiding natural hazards, prohibiting lot creation, promoting green building strategies, protection of heritage attributes, limits and criteria for home occupations and home industries, and limits and criteria for secondary dwelling units, including that only one is permitted per existing lot or record. The full excerpt from Section 2.2 General Development Criteria is located in Appendix C.

The key policy elements of the NEP that impact Pleasantview are the Special Provisions contained within Subsection 2.2.21, which states that only single dwellings that existed on or before August 14, 1998 shall be permitted. For any other use, only uses that existed on or before February 16, 1993 shall be permitted. This is both very clear, and very restrictive. This policy framework fundamentally shuts the door on any new development within Pleasantview, with the following exceptions:

> A single dwelling may be permitted on a lot with a minimum size of 10 hectares in accordance with the Development Criteria of this Plan. There are seven remaining properties that are at least 10 hectares in area. However, of these properties, only three
are privately owned and it is believed that one of those already contains a single
dwelling, and another is the Columbia Northcliffe Campus;

> Accessory uses may be permitted. Further, the replacement of an existing single
dwelling may also be permitted. Accessory uses and/or the replacement of an existing
single dwelling shall be in accordance with the Development Criteria of the NEP; and,

> There are a number of site-specific exceptions contained within the Special Provisions [s.
2.2.21] where additional uses are permitted in accordance with the provisions included
therein. Please refer to the NEP excerpts contained within Appendix B for details of the
site-specific permissions for Pleasantview.

It is anticipated that in the coming years the Province will implement Development Control
over Pleasantview, pursuant to the Niagara Escarpment Planning and Development Act.
When the Province enacts Development Control, the Development Criteria shall be used in
the consideration of Development Permit applications. It is also important to note that:

> The Development Criteria will be used as minimum standards for assessing the
conformity of the Rural Hamilton Official Plan and associated Zoning By-law provisions,
in accordance with the NEP; and,

> Where an Official Plan, Zoning By-law, or other planning approval is silent on one or
more Development Criteria included in the NEP, the Development Criteria still apply.

The Special Provisions of Subsection 2.2.21 significantly alter the development
permissions of each of the underlying land use designations and serve to further restrict
development in Pleasantview, while protecting ecological value and preserving the open

![Figure 5: Hopkins Tract Ravine (photo credit - Conservation Halton)](image-url)
landscape character of the Escarpment. As previously noted, the City of Hamilton’s Official Plan(s) and Zoning By-laws are required to “conform with” this policy direction. Accordingly, the incorporation of the policy framework laid out in Section 2.2.21 of the NEP into municipal land use planning policy documents is integral to ensure conformity.

3.4 The Greenbelt Plan (2017)

The Greenbelt Plan derives its authority from the *Greenbelt Act, 2005*, which authorizes the establishment of the Greenbelt Area, and further authorizes the establishment of the Greenbelt Plan for all or part of the Greenbelt Area. The Greenbelt Plan is applicable to the Greater Golden Horseshoe (GGH). The Greenbelt Plan identifies that the "GGH is located in the heart of the Great Lakes region. It contains many of Canada’s most ecologically and hydrologically significant natural environments and scenic landscapes, including the Oak Ridges Moraine and the Niagara Escarpment. These natural areas clean the air, provide drinking water, provide diverse flora and fauna habitats, including pollinators, and they provide opportunities for recreational activities that benefit public health and overall quality of life."

Section 1.1 Context of the Greenbelt Plan identifies that the Greenbelt is the cornerstone of the Growth Plan, "which is an overarching strategy that provides clarity and certainty about urban structure, where and how future growth should be accommodated and what must be protected for current and future generations." For the Pleasantview Lands, the Greenbelt Plan, together with the Niagara Escarpment Plan, the Growth Plan and the Provincial Policy Statement "identify where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological and hydrological features, areas and functions occurring on this landscape". These plans also work in concert "with Ontario’s Climate Change Strategy, 2015, the government’s commitment to meet its long-term targets to reduce greenhouse gas emissions".

Section 1.2.1 Vision states that the Greenbelt is a broad band of permanently protected land which:

> Protects against the loss and fragmentation of the agricultural land base and supports agriculture as the predominant land use;

> Gives permanent protection to the natural heritage and water resource systems that sustain ecological and human health and that form the environmental framework around which major urbanization in south-central Ontario will be organized;

> Provides for a diverse range of economic and social activities associated with rural communities, agriculture, tourism, recreation and resource uses; and,

> Builds resilience to and mitigates climate change.

Importantly, the Greenbelt Plan must be read in conjunction with other Provincial plans, related planning mechanisms, regulations and standards of Conservation Authorities,
other agencies and the federal government, including, the Growth Plan, the Niagara Escarpment Plan, the Parkway Belt West Plan, and, for the Pleasantview Lands, the Rural Hamilton Official Plan, the former Town of Dundas Official Plan and Zoning By-law No. 3581-86. Within the Greenbelt Area, any "application, matter or proceeding related to these plans, regulations or standards shall conform with the Greenbelt Plan. However, where the plans, regulations or standards are more restrictive than this Plan, the more restrictive provision shall prevail".

Pleasantview falls within the Greenbelt Area and is identified as within the NEP Area (see Map 4). Requirements under the NEP and Parkway Belt West Plan continue to apply. As per Sections 2.2 and 2.3 of the Greenbelt Plan, the Protected Countryside policies of the Greenbelt Plan do not apply, with the exception of Section 3.3 for lands within the Niagara Escarpment and with the exception of Section 3.2 and 3.3 for lands within the Parkway Belt West Plan Area.

Map 4 - Greenbelt Plan Excerpt from Schedule 4 Natural Heritage System

Section 3.2 Natural System of the Greenbelt Plan states that the Natural System policies are intended to protect areas of natural heritage, hydrologic and landform features, which provide essential ecosystem services and contribute to the ecological integrity of the Greenbelt (see Appendix D). Fundamentally, the Natural System of the Greenbelt builds upon, and is connected to other GGH-scale natural systems as identified through the Growth Plan, and, importantly for the Pleasantview Lands, the NEP. The Greenbelt Plan states that the overall Natural System is made up of a Natural Heritage System and a
Water Resource System. Those systems often coincide, given ecological linkages between terrestrial and water-based functions.

The Natural Heritage System - Section 3.2 of the Greenbelt Plan identifies a policy framework for the Natural Heritage System, which includes core areas and linkage areas of the Protected Countryside with the highest concentration of the most sensitive and/or significant natural features and functions. These areas need to be managed as a connected and integrated Natural Heritage System, given the functional inter-relationships between them and the fact that this Natural Heritage System builds upon the natural systems contained within the NEP, and will connect with the Natural Heritage System that will be issued pursuant to the Growth Plan. Together, these systems will comprise and function as a connected Natural Heritage System. For lands within the Natural Heritage System of the Protected Countryside, the following policies shall apply [s. 3.2.2]:

> The provisions of the NEP, as they specifically are applied to the Pleasantview Lands, permits existing agricultural uses, including new buildings for existing agricultural, agriculture-related and on-farm diversified uses and normal farm practices, subject to the policies of the NEP and the Greenbelt Plan; and,

> Any development or site alteration shall demonstrate that:

- There will be no negative impacts on key natural heritage features or key hydrologic features or their functions;

- Connectivity along the system and between key natural heritage features and key hydrologic features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;

- The removal of other natural features not identified as key natural heritage features and key hydrologic features should be avoided. Such features should be incorporated into the planning and design of the proposed use wherever possible;

- Except for specifically defined uses in the Greenbelt Plan:

  + The disturbed area, including any buildings and structures, of the total developable area will not exceed 25 per cent (40 per cent for golf courses); and,

  + The impervious surface of the total developable area will not exceed 10 per cent; and,

- At least 30 per cent of the total developable area will remain or be returned to natural self-sustaining vegetation, recognizing that the policies of the Greenbelt Plan establish specific standards for certain land uses.
The Water Resource System - Section 3.2 of the Greenbelt Plan also identifies the policy framework for the Water Resource System, comprising both ground and surface water features and areas and their associated functions, which provide the water resources necessary to sustain healthy aquatic and terrestrial ecosystems and human water consumption. With respect to Pleasantview, the NEP includes very significant elements of the broader Water Resource System identified by the Greenbelt Plan. The areas to which the NEP applies contain primary recharge, headwater and discharge areas, together with major drinking water aquifers, within the Greenbelt. Of influence on Pleasantview, the Protected Countryside includes several areas of hydrological significance, including:

> The upper reaches of watersheds draining to Lake Ontario to the west of the Niagara Escarpment;

> Lands around the primary discharge zones along the toe of the Niagara Escarpment; and,

> The major river valleys that flow from the Niagara Escarpment to Lake Ontario.

With respect to Water Resource System planning, the Greenbelt Plan promotes "a comprehensive, integrated and long-term approach for the protection, improvement or restoration of the quality and quantity of water. Such an approach shall consider all hydrologic features, areas and functions and include a systems approach to the inter-relationships between and/or among key hydrologic features and key hydrologic areas." The Greenbelt Plan goes on to identify that "watersheds are the most meaningful scale for hydrological planning. Municipalities, partnering with conservation authorities as appropriate, shall ensure that watershed planning is undertaken to support a comprehensive, integrated and long-term approach to the protection, enhancement or restoration of the quality and quantity of water within a watershed."

Key Natural Heritage Features/Key Hydrologic Features - More specific policies in the Greenbelt Plan affect any development or site alteration on lands within a key natural heritage feature or a key hydrologic feature. The policies of Section 3.2.5 are applicable to features within Pleasantview and generally prohibit development or site alteration in key hydrologic features and key natural heritage features within the Natural Heritage System. Furthermore, development adjacent to these features must address and identify minimum vegetation protection zones and identify when a natural heritage evaluation or hydrological evaluation is required. An excerpt of Section 3.2.5 is located in Appendix D.

Parkland, Open Space and Trails - Section 3.3 of the Greenbelt Plan is intended to support the maintenance and expansion of a publicly accessible system of parkland, open space and trails for current and future generations, in cooperation with all landowners. This Section further states that such a system serves as an important component of a complete community as well as provides environmental protection and improved air quality.
Further, the Greenbelt Plan recognizes that this "system of parklands, open spaces, water bodies and trails helps address the causes and impacts of climate change by capturing and storing carbon, recharging aquifers and protecting biodiversity and sensitive areas" as well as providing significant economic benefits and opportunities for a wide range of compatible uses, and should be the basis for future parkland, open space and trail development decisions.

For the most part, the policies that correspond to the Parkland, Open Space and Trails Section of the Greenbelt Plan are aspirational, and objective based. The associated policy framework focuses on "maintaining and expanding the supply of publicly accessible parkland, open space and trails is encouraged through strategic planning activities that identify, plan for and protect these resources for current and future generations...”.

Section 3.3.2 provides a number of policies that focus on the activities of the Province, in partnership with municipalities, conservation authorities, non-government organizations and other interested parties. Section 3.3.3 focuses on the creation of "strategies" and directs municipalities to ensure the provision of a full range of publicly accessory recreational facilities, parkland, open space area and trails (see Appendix D).

Overall, the Greenbelt Plan builds upon ecological protections that are articulated within the Niagara Escarpment Plan, directing where future growth will be accommodated within the Greater Golden Horseshoe. In conjunction with the Growth Plan and the Provincial Policy Statement, the Greenbelt Plan establishes a land use planning framework for the Greater Golden Horseshoe that supports a thriving economy and a clean healthy environment.

Municipal implementation of the Greenbelt Plan is required through the Greenbelt Act, 2005, ensuring that municipal decision making and local Official Plans and Zoning By-laws are approved in conformity with the Greenbelt Plan. In general, the Greenbelt Plan adds further protection to areas falling within the NEP. As per the above discussion, the key Greenbelt Plan policies with respect to the Pleasantview Lands can be summarized as follows:

> Policies in Section 3.2 of the Greenbelt Plan protect natural heritage, hydrological features and landforms and collectively provide policy protection for essential ecosystem features and functions. New development or site alteration shall demonstrate there will be no negative impacts on key natural heritage features, key hydrological features or their ecological function.

> Policies in Section 3.3 of the Greenbelt Plan recognize that a system of parkland and open space provides necessary opportunities for recreation, tourism, and the appreciation of natural heritage and forms an important component of complete communities. The policy framework in Section 3.3 is considered aspirational and does not identify specific policies that regulate development or site alteration. The primary objective is to maintain or expand the supply of publicly accessible parkland.
The Greenbelt Plan includes a host of new, or updated definitions that are useful for an updated planning policy framework, particularly in the articulation of a robust Natural System.

### 3.5 The Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan for the Greater Golden Horseshoe (the Growth Plan) was updated in 2019, with an amendment in 2020 (Amendment 1). It is important to recognize that the Growth Plan is to be read in conjunction with the PPS and other Provincial plans that apply to Pleasantview, such as the Greenbelt Plan, the NEP and the PBWP. Further, the policies of the Growth Plan that address the same, similar, related, or overlapping matters as the Greenbelt Plan or the NEP do not apply within those parts of those areas covered by those plans. The exception is where there is a conflict between the Greenbelt Plan or the NEP and the Growth Plan regarding the natural environment or human health, the direction that provides more protection to the natural environment or human health prevails.

In Section 1.1, the Growth Plan recognizes that the Greater Golden Horseshoe contains Ontario's most significant ecological and hydrologic natural environments and scenic landscapes, including the Niagara Escarpment and Greenbelt Area, which provide key supports and ecological services (see Appendix E). In the Vision for the GGH, the Growth Plan also asserts that the Niagara Escarpment will continue to be enhanced and protected in perpetuity and that the GGH's natural areas will be accessible for residents to enjoy their beauty.

In Section 1.2.1 Guiding Principles, it is a key principle of the Growth Plan to "protect and enhance natural heritage, hydrologic, and landform systems, features, and functions". Section 2.2 Policies for Where and How to Grow and specifically Section 2.2.1 Managing Growth indicates that "the vast majority of growth will be directed to settlement areas that:

1. have a delineated built boundary;

2. have existing or planned municipal water and wastewater systems;"

Section 2.2 further identifies that "growth will be limited in settlement areas that":

3. are not serviced by existing or planned municipal water and wastewater systems; or

4. are in the Greenbelt Area;"

These policies are relevant to Pleasantview because they confirm that, as a rural area, they are not intended to accommodate any substantial growth. In addition, the Growth Plan includes foundational policy elements that are intended to ensure the protection and enhancement of the Niagara Escarpment in perpetuity.
Pleasantview is designated as a "Greenbelt Area" in the Growth Plan, as shown on Map 5. As noted previously, any policies from the Greenbelt Plan, or NEP that address the same or similar matters take precedence over the Growth Plan within the Greenbelt Area unless specified otherwise.

Map 5 - Growth Plan Excerpt from Schedule 4 Urban Growth Centres

Further in Section 4 Protecting What is Valuable of the Growth Plan, Section 4.1 Context identifies that the GGH contains a broad array of resources that are essential for long-term quality of life and that collectively provide essential ecosystem services and emphasizes that they must be wisely protected and managed (see Appendix E).

It is important to note that Pleasantview is identified as part of the Growth Plan Natural Heritage System as shown on Map 6 containing the Niagara Escarpment Plan / Natural Heritage System designation.
The Growth Plan does require that the City of Hamilton overlay the Growth Plan Natural Heritage System in its Official Plans, and to create policies to maintain, restore or enhance the ecological functions of the System. The policy framework for the Natural Heritage System found in the Growth Plan is similar to the policy framework provided for in the Greenbelt Plan. Section 4.2.2 Natural Heritage System states that new development or site alteration in the Natural Heritage System for the Growth Plan cannot have negative impacts on key natural heritage features or key hydrologic features or their functions, will maintain or enhance connectivity, will avoid removing other natural features and will limit the extent of the developed area (see Appendix E).

Overall, the Growth Plan directs growth and development to settlement areas and limits growth in defined rural areas, like Pleasantview. The Growth Plan also identifies strong policy support for the establishment and protection of a regional natural heritage system, that specifically includes the Niagara Escarpment Plan Area, the Greenbelt Plan Area, and consequently, the Pleasantview Lands. The Growth Plan defers to both the Greenbelt Plan and the NEP for more detailed and specific policies governing Pleasantview.
4.0 Relevant Local Policy

4.1 The Rural Hamilton Official Plan

The Rural Hamilton Official Plan contains reference to Pleasantview through the inclusion of "Special Policy Area A - Pleasantview" within Volume 3 of the RHOP, as identified on Map A of Volume 3 of the Plan (see Map 7 below). The text of the Special Policy Area is included below for reference.

“A.1.1 Notwithstanding Section C.1.3.1 or any other applicable policies in Volume 1 of this Plan, the lands identified as Special Policy Area A on Map A - Special Policy Areas, remain subject to provisions of the Official Plan of the former Town of Dundas as set out by the Ontario Municipal Board Decision (dated June 28, 1995). Following completion of a comprehensive growth management study known as GRIDS (Growth Related Integrated Development Strategy), Council has approved SPA A to remain as a part of the Rural Area. To reflect the unique circumstances of these lands and permanently resolve their status under the Provincial Parkway Belt West Plan and ensure Greenbelt Plan conformity, the City shall conduct future studies, prepare Secondary Plan policies and undertake community consultation to adopt a future amendment to this Plan for SPA A in conformity with applicable Provincial plans and policies.”
Overall, the Rural Hamilton Official Plan recognizes the planning policy history of the former Town of Dundas through both the Town of Dundas Official Plan and the former 1995 OMB Order. The policy also indicates that following GRIDS, the City will undertake future studies and prepare Secondary Plan policies, including community consultation, to ensure conformity with the applicable Provincial plans and policies.

4.2 Former Town of Dundas Official Plan Amendment 23

The former Town of Dundas Official Plan Amendment 23 (OPA 23) provides the current local planning policy framework for the Pleasantview Lands. OPA 23 was adopted by Dundas Council in 1993. As initially approved by Council, the general intent of OPA 23 was to revise the former Town of Dundas Official Plan as follows:

- To increase the minimum lot area for each single detached dwelling from 0.4 hectares to 0.8 hectares.

- To add a new policy to provide for the opportunity within the Rural designated lands for "cluster form development", either through the provision of a communal sewage system or by full municipal services, where readily available; and,
To revise the land use designation boundaries of Schedule "B" - Land Use Concept, Schedule "B-I" - Special Policy Areas, and Schedule "C" - Environmentally Sensitive Areas, to reflect the more accurate information received as part of the various Zoning By-law amendments.

4.2.1 OMB Order (1995)

During the process of preparing and approving OPA 23, a number of Planning Act applications were received for various forms of residential development within the Pleasantview Lands. OPA 23, the associated Zoning By-law Amendments and the Planning Act applications were appealed to the Ontario Municipal Board (OMB) by several groups. The outcome of the OMB hearing significantly modified OPA 23 through an Order issued on June 28th 1995 in the following ways:

> No new single detached dwellings were permitted to be constructed after August 1993, save and except on lots with a minimum lot area of 10 hectares.

> “Cluster form development” was prohibited - this resulted in the refusal of several subdivisions that were seeking planning approvals within Pleasantview; and,

> The minimum lot size for new dwellings was increased from 0.8 hectares to 10 hectares.

As a result, the policy framework from OPA 23 and the associated OMB Order, included in Appendix F, is currently in effect for Pleasantview. These policies were initially adopted by By-law No. 3354-82 by the Dundas Town Council, and approved by the MMAH on September 15, 1982, as amended by OPA #23 and OMB Order in Case No. PL930179, dated June 28, 1995.

These policies were carried into the Zoning By-law and to some extent the Special Provisions of the NEP. The OMB Order prohibiting construction of new single detached dwellings after August 1993 partly carries over into the NEP Special Provision (2.2.21) for permitted uses and Town of Dundas Zoning By-law (No. 3581-86) as an exception (No. 4066-93). Since the OMB decision minimal development has occurred in Pleasantview.

4.3 Former Town of Dundas Zoning By-law 3581-86

In accordance with OPA 23, and the associated OMB Order, Zoning By-law 3581-86 was amended to implement the relevant regulatory elements that affect various land use zones on the Pleasantview Lands through the adoption of By-law 4066-93, which remains largely unchanged and in-effect in Pleasantview today. The Zoning By-law identifies eight (8) base zones in Pleasantview; with a number of site-specific zones also in effect.

The eight (8) base zones currently in-effect in Pleasantview, along with the associated site-specific zones are identified below for reference. A brief explanation as to the purpose and intent of each zone has also been included.

> Rural Area (RU) Zone - The purpose of the Rural Area (RU) Zone is to retain lands so
zoned in an open space setting for agricultural purposes including very limited farm-related development. In addition to the Rural Area (RU) Zone, there are a number of Exception Zones, including:

- **Rural Area RU/S-58 Exception Zone** - permission, site-specifically, for an existing or approved single detached dwelling in specified circumstances on a lot area of 0.8 hectares;

- **Rural Area RU/S-59 Exception Zone** - permits a single-detached dwelling and includes a number of site-specific development provisions and performance standards;

- **Rural Area RU/S-67 Exception Zone** – modifies, site-specifically, the minimum front yard setback and maximum height, and prohibits a fence beyond the building setback line;

- **Rural Area RU/S-87A Exception Zone** - modifies, site-specifically, the lot requirements for the establishment of a single detached dwelling to a minimum lot area of 1.4 hectares and a minimum frontage of 91 metres;

- **Rural Area RU/S-99 Exception Zone** - permits, site-specifically, a garden suite for a period of 10 years; and,

- **Rural Area RU/S-111 Exception Zone** - permits, site-specifically, the development of a single detached dwelling on a lot of at least 0.8 hectares, with municipal water supply, while also establishing a series of site-specific performance standards.

> **Open Space Conservation (OS) Zone** - The purpose of the Open Space Conservation (OS) Zone is to protect lands unsuitable for general urban development due to their physiographic characteristics or their ecological significance. With the exception of special public works for conservation purposes and limited development which enhances the cultural, recreational and natural resources of the zone, these lands are intended to be maintained in their natural state.

> **Park and Recreation (PR1) Zone** - The purpose of the Park and Recreation (PR1) Zone is to provide for active and passive recreational uses, including landscape enhancement and conservation.

> **Public And Private Service (PPS) Zone** - The purpose of the Public And Private Service (PPS) Zone is to make provision for services to the community provided by the Corporation of the Town of Dundas, Government or Public Authorities, Private and Non-Government Agencies. In addition to the Public And Private Service (PPS) Zone, there are two Exception Zones, as follows:

- **Public And Private Service Zone PPS/S-56 Exception Zone** - site-specifically limits the permitted uses to those uses existing at the date of passing of the by-law
and those uses deemed "similar" to those uses permitted, as determined by the Committee of Adjustment; and,

- **H-Public And Private Service Zone H-PPS/S-56A** – permits, on a site-specific basis, an 138-occupant dormitory in the existing building as a temporary use until July 12, 2022 and an existing driveway to be used for access, with a Holding Symbol which limits the capacity to 96 occupants while it is applicable, with its removal based on ability to provide adequate services.

> Public Utilities (U) Zone - The purpose of the Public Utilities (U) Zone is to provide for public utility installation and facilities including rights-of-way required by public utility agencies. In addition to the Public Utilities (U) Zone, there is an Exception Zone, as follows:

- **Public Utilities U/S-57 Exception Zone** - provides for a prohibition of waste treatment facilities on a specific-site.

> Light Industrial (I.L) Zone - The purpose of the Light Industrial (I.L) Zone is to provide for a wide range of wholly enclosed industrial and business uses which are compatible with each other and do not adversely affect surrounding non-industrial land uses. In addition to the Light Industrial (I.L) Zone, there is an Exception Zone, as follows:

- **Light Industrial (Holding Zone) H-IL/S-101 Exception Zone** – provides a site specific provision for a limitation on permitted uses, and identifies zone regulations and performance standards for permitted uses. There is also a Holding Provisions in effect on these lands.

> Special Policy Area Two - Parkway Belt West Plan Zone (SP2) Zone - identifies that for all lands within the corporate limits of the Town of Dundas designated “Special Complementary Use Area” on Map 2, Escarpment Link, Parkway Belt West Plan (1978) that all uses and accessory buildings, structures and uses legally existing on the date of passing of this By-law are permitted uses. Further, no development shall be permitted in an SP2 Zone unless it conforms with the provisions respecting the “Special Complementary Use Area” as contained in the Parkway Belt West Plan (1978).

> Highway Commercial (C.H) Zone – The purpose of the Highway Commercial (C.H) Zone is to provide for certain commercial uses primarily serving the travelling public or which, by their nature, require locations on major streets with heavy traffic volumes, a high degree of exposure, and ease of access. An exception to this zone is located in the Pleasantview Lands:

- **Highway Commercial C.H/S-54 Exception Zone** – permits only existing uses and uses determined by the Committee of Adjustment to be similar to existing uses.

In addition to the above, the Zoning By-law mapping identifies an “RR” Zone on certain
parcels within the Pleasantview Lands. Based on research into the history of this zone, it appears that this zone, identified as the Rural Residential “RR” Zone, existed in the Dundas Zoning By-law previous to a 1998 Amendment. It is assumed that the “RR” Zone for this specific property was left in the zoning mapping by error, as opposed to being updated to the “RU” Zone, as it was elsewhere. It is anticipated that this error will be resolved through the Zoning By-law update that will result from this Land Use Study.

4.3.1 Development Potential

As a result of the current planning/policy framework in effect in Pleasantview it is recognized that ownership of large tracts (greater than 10 hectares) of land within Pleasantview is divided between private ownership and several government agencies. Conservation Halton owns the Hopkins Tract on the east side of Old Guelph Road and lands containing the Cartwright Nature Sanctuary. While Conservation Hamilton owns lands abutting Valley and York Road containing the York Road Conservation Area and Royal Botanical Gardens Berry Tract South. The large farm southeast of Cartwright Nature Sanctuary is privately owned. Lands containing the former convent are owned by Columbia Northcliffe Campus with adjacent lands under private ownership (see Maps 8).

Map 8 – Properties Greater than 10 Hectares in the Study Area
5.0 Recommendations

Based on a review of the historic development context and the planning policy framework that has evolved in Pleasantview over the past 45 years, and as it continues to evolve, the following preliminary recommendations are considered appropriate for the City of Hamilton to consider:

**Recommendation 1:** "Special Policy Area A - Pleasantview" of the Rural Hamilton Official Plan recognizes the need for this Study of Pleasantview in order to resolve its planning policy and regulatory status in conformity with applicable Provincial policy. Further, it is the Niagara Escarpment Plan and specifically Section 2.2.21 that are both the most specific to Pleasantview, and the most restrictive of all of the applicable Provincial policies and, as such, provide the most appropriate planning framework to be included within the City of Hamilton's planning policy and regulatory regime. It is therefore recommended that the City implement an Official Plan Amendment to Special Policy Area A - Pleasantview of the Rural Hamilton Official Plan to be in explicit conformity with Section 2.2.21 of the Niagara Escarpment Plan.

**Recommendation 2:** Zoning By-law 3581-86 for the former Town of Dundas remains the in-effect zoning for the Pleasantview Study Area. The current zoning was established by the 1998/1999 OMB Decision to implement OPA 23. It is recommended that:

> The Pleasantview Study Area be brought into the City of Hamilton Comprehensive Zoning By-law 05-200.

> The new zoning carry forward the zoning established by the 1998/1999 OMB Decision, implement the Niagara Escarpment Special Provision of Section 2.2.21 of the NEP, and further implement the policy directives of the Rural Hamilton Official Plan.

**Recommendation 3:** That the City of Hamilton Staff continue to work with Niagara Escarpment Commission Staff to put Pleasantview under NEC Development Control (Ontario Regulation 826).
Appendices
Appendix A: City of Hamilton By-law 20-186

Authority: Item 3.3
CM: September 10, 2020
Ward: 13
Bill No. 186

CITY OF HAMILTON

By-Law No. 20-186

To Establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 3581-86, in the former Town of Dundas, generally in the area bounded by Patterson Road to the north, Cootes Paradise to the south, Highway No. 6 to the east, and Valley Road / York Road to the west (Pleasant View)

WHEREAS section 38 of the Planning Act, R.S.O. 1990 c.P. 13, as amended, permits the council of a municipality to pass an interim control by-law where the council has directed that a review or study be undertaken in respect of land use planning policies within the municipality or in any defined area or areas thereof;

AND WHEREAS subsection 38(1) of the Planning Act, R.S.O. 1990 c.P. 13 as amended provides as follows:

Where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law;

AND WHEREAS the land which is the subject of this By-law was, as of January 1st, 2001 placed within the jurisdiction of the City of Hamilton, a new municipality incorporated as of January 1, 2001 by the City of Hamilton Act, 1999 (S.O. 1999, Chapter 14, Schedule C);

AND WHEREAS the City will be undertaking a land use study in respect of land use policies and future underlying zoning by-law regulations to ensure the Rural Hamilton Official Plan and underlying Zoning By-laws are in conformity with Provincial policies including the Niagara Escarpment Plan and the future development control for lands within the Pleasant View area of the former Town of Dundas;

AND WHEREAS the Rural Hamilton Official Plan was declared in force and effect on March 7, 2012 and is the Official Plan in effect for lands within the Rural Area of the City of Hamilton;
AND WHEREAS this By-law is in conformity with the Rural Hamilton Official Plan;

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

1. Staff are hereby directed to undertake planning studies in respect of land use policies and zoning by-law regulations, in the area described in Schedule “A”, attached hereto.

2. No buildings or structures are permitted on the lands subject to this by-law, except for those legally existing on the date of passage of this by-law. Notwithstanding the foregoing restriction, the following actions are permitted:
   
   a) an expansion of such legally existing buildings or structures, to a maximum of 20% of the existing gross floor area.
   
   b) a change to the interior or façade of legally existing buildings or structures;
   
   c) the reconstruction or replacement of such legally existing buildings or structures which are totally or partially destroyed by fire, accident or natural disaster, provided the building or structure is reconstructed on its original site and the floor area and dimensions are not increased; and,
   
   d) the erection of a new accessory building or structure.

3. Within the area described in Schedule “A” attached hereto, a building permit may be issued in accordance with the following provisions:

   a) a building permit may be issued to permit the erection of a building or structure in accordance with any minor variance, site specific zoning, site plan, or consent, that has been approved or conditionally approved by the City of Hamilton or the Local Planning Appeal Tribunal after the date of Ministerial approval of Niagara Escarpment Plan Amendment No. 179 (Pleasant View) (October 28, 2013) and up to the day before By-law No. 20-186 was passed by Council; and,

   b) a building permit may be issued to permit the construction of a building or structure in accordance with a building permit application received by the City of Hamilton on or before the day before By-law No. 20-186 was passed by Council.

   c) For the purposes of determining zoning conformity, the following shall apply:
To Establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 3581-86, in the former Town of Dundas, generally in the area bounded by Patterson Road to the north, Cootes Paradise to the south, Highway No. 6 to the east, and Valley Road / York Road to the west (Pleasant View)

i. This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Subsection a) or b) above.

ii. Once the permit or approval under Subsection a) or b) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.

4. This By-law shall be in effect for a period of one year from the date of passage of this By-law.

5. The Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED this 10th day of September, 2020.

E. Pauls
Acting Mayor

L. Kelsey
Acting City Clerk
To Establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 3581-86, in the former Town of Dundas, generally in the area bounded by Patterson Road to the north, Cootes Paradise to the south, Highway No. 6 to the east, and Valley Road / York Road to the west (Pleasant View)

Schedule "A"

Map forming Part of By-law No. 20-186

to Amend By-law No. 3581-86

Subject Property

Geographical Area (lands) subject to By-law No. 20-186
Appendix B: The Provincial Policy Statement Excerpts

Part IV: Vision for Ontario’s Land Use Planning System Excerpt

The Province’s natural heritage resources, water resources, including the Great Lakes, agricultural resources, mineral resources, and cultural heritage and archaeological resources provide important environmental, economic and social benefits. The wise use and management of these resources over the long term is a key provincial interest. The Province must ensure that its resources are managed in a sustainable way to conserve biodiversity, protect essential ecological processes and public health and safety, provide for the production of food and fibre, minimize environmental and social impacts, provide for recreational opportunities (e.g. fishing, hunting and hiking) and meet its long-term needs…

1.1.5 Rural Lands in Municipalities

1.1.5.1 When directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.5.2 On rural lands located in municipalities, permitted uses are:
   a) the management or use of resources;
   b) resources-based recreational uses (including recreational dwellings);
   c) residential development, including lot creation, that is locally appropriate;
   d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;
   e) home occupations and home industries;
   f) cemeteries; and
   g) other rural land uses.

1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.1.5.5 Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.
Appendix C: The Niagara Escarpment Plan Excerpts

Introduction: The Niagara Escarpment Plan Excerpt

...The particular combination of geological and ecological features along the Niagara Escarpment results in a landscape unequalled in Canada. The natural areas found across the Niagara Escarpment act to clean the air, provide drinking water and support recreational activities that benefit public health and overall quality of life, as well as helping to address and mitigate the effects of climate change. In addition, the region’s cultural heritage, including First Nations and Métis and European presence, is visible on the Escarpment landscape. These resources need to be protected over the long term to ensure that the connection to our shared past is maintained and that quality of life is not diminished as growth takes place...

Section 2.2 General Development Criteria

1. The Escarpment environment shall be protected, restored and where possible enhanced for the long term having regard to single, multiple or successive development that have occurred or are likely to occur.

2. The site shall not be prone to natural hazards, and the development will not impact the control of these natural hazards including flooding hazards, erosion hazards, or other water-related hazards and hazard events associated with unstable soil or unstable bedrock.

3. Development is permitted only on an existing lot of record.

4. A property listed as a nature preserve in Appendix 4 of this Plan, acquired by an approved conservation organization, shall not be used as a building lot or for any other purpose inconsistent with the maintenance and protection of the natural features and values for which the nature preserve was established.

5. Where a lot is located in more than one designation, development shall be located on that portion of the lot located in the least restrictive designation, except where the impact of development on the Escarpment environment would be reduced by locating the development on a portion of the lot located in a more restrictive designation.

6. Any development permitted should be designed and located in such a manner as to promote design and orientation that:

   a. maximizes energy efficiency and conservation and considers the mitigating effects of vegetation;

   b. maximizes opportunities for the use of renewable energy systems and alternative energy systems; and

   c. reduces greenhouse gas emissions so that the development is contributing to the
d. goal of low-carbon communities and net-zero communities in Minor Urban Centres, Urban Areas, and Escarpment Recreation Areas.

7. Only one single dwelling is permitted on each existing lot of record in the Escarpment Natural, Escarpment Protection and Escarpment Rural Area designations, unless a second single dwelling is, in the opinion of the implementing authority, the only viable way to conserve the heritage attributes of an existing single dwelling; and

a. the existing single dwelling is a heritage attribute and is subject to a heritage conservation easement agreement; this existing single dwelling is the only single dwelling located on the lot;

b. the second single dwelling is located on the same existing lot of record as the existing single dwelling to be preserved;

c. the second single dwelling is not located within the Escarpment Natural Area unless the implementing authority has determined that there is no other less restrictive designation within which the new dwelling can be sited; and

d. municipal official plan policies and standards are met (e.g., lot size).

8. Development permitted should be designed and located in such a manner as to provide for or protect access to the Niagara Escarpment, including the Bruce Trail corridor.

Institutional uses

9. The gross floor area of buildings and related structures used for institutional uses shall not exceed 500 square metres, unless a larger size can be demonstrated to be compatible with the site and the surrounding landscape.

Home Occupations and Home Industries

10. Home occupations and home industries in Urban Areas, Minor Urban Centres and Escarpment Recreation Areas are subject to the policies for such uses as set out in the municipal official plan and/or zoning by-law. In the case of all other land use designations, the following provisions apply to home occupations and home industries:

a. in the Escarpment Natural Area designation, home occupations shall be located in the single dwelling or in an addition to the dwelling;

b. in the Escarpment Protection Area, Escarpment Rural Area and Mineral Resource Extraction Area designations, home occupations and home industries shall be located in the single dwelling or in an addition to the dwelling, unless the need to locate it within an accessory facility can be justified;
d. home occupations or home industries should normally be limited to one per lot;

e. where the home occupation or home industry is located within the single dwelling or in an addition to the dwelling, not more than 25 per cent of the total floor area, including any addition to the dwelling, shall be devoted to the use, to a maximum of 100 square metres;

f. where the home occupation or home industry is located in an accessory facility, not more than 100 square metres of the building shall be devoted to the use;

g. in no instance shall there be more than 125 square metres devoted to the use, where the home occupation or home industry is located within the single dwelling or in an addition to the dwelling and an accessory facility;

h. where there is more than one home occupation or home industry on a lot, the total floor area of all home occupations and home industries cannot exceed the maximum sizes set out in sub-sections d), e) and f) above;

i. where the home occupation or home industry is located in an accessory facility, the accessory facility must share a common driveway and where possible must share residential services (e.g., septic system for domestic waste only, well, parking) with the single dwelling;

j. home occupations and home industries shall:

i. be secondary the primary residential or agricultural use on the lot;

ii. be operated by residents of the household on the lot; and

iii. be located in a manner that considers potential land use compatibility issues, such as noise, odour and dust, with adjacent more sensitive uses (e.g., residential, daycare).

k. municipal official plan policies and standards (e.g., lot size, parking, floor area, retail space) must be met.

**Secondary Dwelling Units**

11. The following provisions apply to secondary dwelling units:

   a. single secondary dwelling unit may be permitted on an existing lot of record;

   b. notwithstanding the above, a secondary dwelling unit shall not be permitted on an existing lot of record where there is more than one single dwelling, including any dwelling approved under Part 2.2.7 of this Plan;

   c. the secondary dwelling unit shall be contained entirely within a single dwelling or in an addition to a single dwelling and shall not be permitted in a detached accessory facility;
d. the floor area of a secondary dwelling unit shall be subordinate in size to the single dwelling;

e. secondary dwelling units shall not be permitted in a group home or a single dwelling containing a bed and breakfast; and

f. a home occupation or home industry shall not be permitted within a secondary dwelling unit.

**Signs and Billboards**

12. The following additional provisions apply to signs where permitted as an accessory use and billboards where permitted as a principal use:

a. a sign may be permitted where the sign and its information is accessory to the existing principal use located on the same lot (e.g., home occupation or home industry, agriculture-related use, etc.);

b. signs and billboards shall not alter the natural features or cultural heritage landscape of the property and shall be compatible with the local topography, surrounding scenic resources and rural or residential community;

c. signs and billboards shall have minimal negative impact on the Escarpment environment through compatible design, materials, colour, siting and landscaping;

d. billboards are not permitted on prominent Escarpment slopes or in places where such billboards would obstruct views associated with prominent Escarpment slopes;

e. illumination of signs and billboards is discouraged and, where permitted, shall be subdued (e.g., shielded, downward directional, not internally lit);

f. signs shall be limited to one per lot and shall not exceed 0.9 square metres, unless it can be demonstrated that a larger sign or an additional sign would have minimal negative impact on the Escarpment environment;

g. roof signs, signs attached to towers or other similar structures, animated or automated signs, and signs affixed to trucks and trailers adjacent to roads are not permitted; and

h. municipal official plan policies and standards respecting signs and billboards must be met, including any municipal sign by-laws.

i. with the exception of subsection h), the above restrictions do not apply to the following signs or billboards:

   i. election signs;

   ii. temporary real estate signs advertising the sale of the property on which
they are located;

iii. temporary construction site signs;

iv. no trespassing or warning signs; and

v. signs approved, sponsored or required by a public body.

Special Provisions for the Pleasant View Survey Lands (see Amendment 179)

21. The Pleasant View Survey Lands consisting of Part of Lots 23, 24, 25, 26, 27 and 28, Concession 2 and Part of Lots 22, 23, 24, 25, 26, 27, 28 and 29, Concession 2, City of Hamilton (former Town of Dundas), as identified on Schedule A of Amendment 179 to this Plan, are subject to the following additional special provisions:

a) notwithstanding the permitted uses, and the definitions for lot, existing lot of record and existing use in this Plan, the following apply:

i. only uses, except for single dwellings, that existed on or before February 16, 1993 shall be permitted; and

ii. only single dwellings that existed on or before August 14, 1998 shall be permitted.

b) notwithstanding the provisions set out in a) i) and ii) above, uses accessory to an existing use or to an existing single dwelling (e.g., garage, accessory building, swimming pool) may be permitted in accordance with the Development Criteria of this Plan. The replacement of an existing single dwelling may also be permitted in accordance with the Development Criteria of this Plan.

c) notwithstanding the provision set out in a) ii) above, a single dwelling may be permitted on a lot with a minimum size of 10 hectares in accordance with the Development Criteria of this Plan.

d) notwithstanding the provisions set out in a) i) and ii) above, the following uses may be permitted for the property located at 1810 Highway 6 (325 Old Guelph Road) in accordance with the Development Criteria of this Plan; The manufacturing of candles, a mini-storage facility and light industrial manufacturing, together with related administration and
e) business offices, research and development, scientific laboratory, warehousing and repair and ancillary sales, subject to the following:

i. for the purposes of these uses, light industrial uses are to be small scale, wholly enclosed operations, including the production and storage of goods;

ii. operations shall have infrequent truck movement of products and/or heavy truck traffic; low movements of truck traffic; limited amounts of outdoor storage; limited fugitive emissions, and use small amounts of water in the manufacture and processing of goods;

iii. access onto Old Guelph Road by way of tractor-trailer/semi-trucks will not be permitted, and no truck access is allowed, excepting nothing will prevent access of vehicles which typically serve a residential neighbourhood on an infrequent basis such as moving vans; and

iv. no authorization, permit or approval shall be issued until such time as the owner/operator receives site plan approval from the City of Hamilton to set out the location of and signage for the access and driveway onto Old Guelph Road.

f) the existing institutional building on lands located at No. 154 Northcliffe Avenue (Sisters of the Precious Blood) may be used for the following institutionally related uses provided the uses are contained within the existing building only:

i. a Place of Worship; and

ii. a Convent.

g) the existing institutional building on lands located at No. 574 Northcliffe Avenue (Sisters of St. Joseph) may be used for the following institutionally related uses provided the uses are contained within the existing building only:

i. a Place of Worship;

ii. a Convent;

iii. a residential care facility for a maximum of 35 residents; and

iv. a dormitory with a maximum of 36 students and accessory uses for an educational establishment provided it is located in conjunction with the convent of the Sisters of St. Joseph.

h) nothing in the Special Provisions for the Pleasant View Survey Lands, as set out in this Section, is intended to prevent the following uses of land:
i. forest, wildlife and fisheries management; archaeological activities; public park and open space uses; trails (including the Bruce Trail); nature preserves and non-intensive recreational activities, and essential transportation and utility facilities, provided such uses meet the Objectives of the applicable designation and Development Criteria of this Plan.
Appendix D: The Greenbelt Plan Excerpts

Section 3.2.1 Description

The Protected Countryside contains a Natural System that provides a continuous and permanent land base necessary to support human and ecological health in the Greenbelt and beyond. The Natural System policies protect areas of natural heritage, hydrologic and/or landform features, which are often functionally inter-related and which collectively provide essential ecosystem services, including water storage and filtration, cleaner air, habitat, support for pollinators, carbon storage and resilience to climate change. The Natural System policies contribute to conserving Ontario's biodiversity and maintaining the ecological integrity of the Greenbelt.

Section 3.3.3 Municipal Parkland, Open Space and Trail Strategies

1. Provide for a full range of publicly accessible, built and natural settings for recreation, including facilities, parklands, open space areas, trails and water-based activities.

2. Develop and incorporate strategies (such as community-specific levels of provision) into official plans to guide the adequate provision of municipal recreation facilities, parklands, open space areas and trails.

3. Include the following considerations in municipal parks plans and open space strategies:
   a. Providing for open space areas for current and future populations and promoting stewardship of open space areas;
   b. Providing facilities, parklands, open space areas and trails that particularly support an active, healthy community lifestyle;
   c. Identifying key areas or sites for the future development of major facilities that avoid sensitive landscapes;
   d. Identifying and targeting under-serviced areas for improved levels of protection;
   e. Protecting the recreation and tourism values of waterfront areas as a high priority; and
   f. Supporting urban agriculture and other local food initiatives.

4. Include the following considerations in municipal trail strategies:
   a. Preserving the continuous integrity of corridors (e.g. abandoned railway rights-of-way and utility corridors);
   b. Planning trails on a cross-boundary basis to enhance interconnectivity
c. where practical;

d. Incorporating the existing system of parklands and trails where practical;

e. Restricting trail uses that are inappropriate to the reasonable capacity of the site (notwithstanding the ability to continue existing trails/uses);

f. Providing for multi-use trail systems which establish a safe system for both motorized and non-motorized uses;

g. Protecting farmland and supporting and ensuring compatibility with agriculture; and

h. Ensuring the protection of the key natural heritage features and key hydrologic features and functions of the landscape.

Section 3.2.5 Key Natural Heritage Features and Key Hydrologic Features Policies

5. Development or site alteration is not permitted in key hydrologic features and key natural heritage features within the Natural Heritage System, including any associated vegetation protection zone, with the exception of:

a. Forest, fish and wildlife management;

b. Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered; or

c. Infrastructure, aggregate, recreational, shoreline and existing uses, as described by and subject to the policies of section.

6. Beyond the Natural Heritage System within the Protected Countryside, key hydrologic features are defined by and subject to the policies of section 3.2.5.

7. Beyond the Natural Heritage System within the Protected Countryside, key natural heritage features are not subject to the policies of section 3.2.5, but are to be defined pursuant to, and subject to the policies of, the PPS.

8. In the case of wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, lakes and significant woodlands, the minimum vegetation protection zone shall be a minimum of 30 metres measured from the outside boundary of the key natural heritage feature or key hydrologic feature.

9. A proposal for new development or site alteration within 120 metres of a key natural heritage feature within the Natural Heritage System or a key hydrologic feature anywhere within the Protected Countryside requires a natural heritage evaluation or a hydrological evaluation which identifies a vegetation protection zone which:
a. Is of sufficient width to protect the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change and associated activities that may occur before, during and after construction and, where possible, restore or enhance the feature and/or its function; and

b. Is established to achieve and be maintained as natural self-sustaining vegetation.

10. A proposal for new development or site alteration within the Natural Heritage System is not subject to section 3.2.5.5 where the only key natural heritage feature is the habitat of endangered species and threatened species.

11. Notwithstanding section 3.2.5.5, new buildings and structures for agricultural, agriculture-related or on-farm diversified uses are not required to undertake a natural heritage or hydrologic evaluation if a minimum 30 metre vegetation protection zone is provided from a key natural heritage feature or key hydrologic feature. In addition, these uses are exempt from the requirement of establishing a condition of natural self-sustaining vegetation if the land is and will continue to be used for agricultural purposes. However, agricultural, agriculture-related and on-farm diversified uses shall pursue best management practices to protect and/or restore key natural heritage features and key hydrologic features and functions.

12. Notwithstanding sections 3.2.5.4 and 3.2.5.5, within the Niagara Peninsula Tender Fruit and Grape Area, new buildings or structures for agricultural, agriculture-related and on-farm diversified uses are permitted within 30 metres of permanent and intermittent streams, where:

a. The permanent or intermittent stream also functions as an agricultural swale, roadside ditch or municipal drain as determined through provincially approved mapping;

b. A minimum 15 metre vegetation protection zone is established between the building or structure and the permanent or intermittent stream; however, this vegetation protection zone is not required to be maintained as natural self-sustaining vegetation if the land is and will continue to be used for agricultural purposes;

c. There is no alternative location for the building or structure on the property without impacting lands that are in specialty crop production;

d. A new individual on-site sewage system will not be located within 30 metres of the stream; and

e. Agricultural, agriculture-related and on-farm diversified uses shall pursue best management practices to protect or restore key hydrologic features and functions.
Appendix E: The Growth Plan for the Greater Golden Horseshoe Excerpts

Section 1.1 The Greater Golden Horseshoe Excerpt

The GGH contains many of Ontario’s most significant ecological and hydrologic natural environments and scenic landscapes, including the Oak Ridges Moraine, the Niagara Escarpment and the other natural areas in the Greenbelt Area and beyond. These natural areas support biodiversity, provide drinking water for the region’s inhabitants, sustain its many resource-based industries, support recreational activities that benefit public health and overall quality of life, and help moderate the impacts of a changing climate.

4.1 Context Excerpt

The GGH contains a broad array of important hydrologic and natural heritage features and areas, a vibrant and diverse agricultural land base, irreplaceable cultural heritage resources, and valuable renewable and non-renewable resources. These lands, features and resources are essential for the long-term quality of life, economic prosperity, environmental health, and ecological integrity of the region. They collectively provide essential ecosystem services, including water storage and filtration, cleaner air and habitats, and support pollinators, carbon storage, adaptation and resilience to climate change.

These valuable assets must be wisely protected and managed as part of planning for future growth. This is of particular importance in the fast-growing GGH, which supports some of the most diverse vegetation and wildlife in Canada, including the Niagara Escarpment (a UNESCO World Biosphere Reserve) and the Oak Ridges Moraine – two of Ontario's most significant landforms – as well as the Rouge National Urban Park. There are existing legislation and policies in place to identify and protect these features, areas, and sites, including the Ontario Heritage Act, statements of Provincial policy such as the PPS, and Provincial plans such as the Greenbelt, Oak Ridges Moraine Conservation, Niagara Escarpment, and Lake Simcoe Protection Plans...

Section 4.2.2 Natural Heritage System

3. Within the Natural Heritage System for the Growth Plan:

   a. new development or site alteration will demonstrate that:

      i. there are no negative impacts on key natural heritage features or key hydrologic features or their functions;

      ii. connectivity along the system and between key natural heritage

      iii. Features and key hydrologic features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;
iv. the removal of other natural features not identified as key natural heritage features and key hydrologic features is avoided, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible;

v. except for uses described in and governed by the policies in subsection 4.2.8, the disturbed area, including any buildings and structures, will not exceed 25 per cent of the total developable area, and the impervious surface will not exceed 10 per cent of the total developable area;

vi. with respect to golf courses, the disturbed area will not exceed 40 per cent of the total developable area; and

vii. at least 30 per cent of the total developable area will remain or be returned to natural self-sustaining vegetation, except where specified in accordance with the policies in subsection 4.2.8; and

b. the full range of existing and new agricultural uses, agriculture-related uses, on-farm diversified uses, and normal farm practices are permitted. However, new buildings or structures for agricultural uses, agriculture-related uses, or on-farm diversified uses are not subject to policy 4.2.2.3 a), but are subject to the policies in subsections 4.2.3 and 4.2.4.

4. Provincial mapping of the Natural Heritage System for the Growth Plan does not apply until it has been implemented in the applicable upper- or single-tier official plan. Until that time, the policies in this Plan that refer to the Natural Heritage System for the Growth Plan will apply outside settlement areas to the natural heritage systems identified in official plans that were approved and in effect as of July 1, 2017.

OPA 23 includes the following Schedules:

> **Schedule B - Land Use Concept** that identifies the Rural designation, the Conservation-Hazard Lands designation and the Open Space designation;

> **Schedule B1 - Special Policy Areas** that identifies Special Policy Area 14, and Special Policy Area 15; and,

> **Schedule C - Environmentally Sensitive Areas**, which recognizes the Environmentally Sensitive Areas that were identified within the Regional Official Plan of the former Region of Hamilton-Wentworth.

**OPA 23 Schedule B - Land Use Concept**
OPA 23 Schedule B1 - Special Policy Areas
OPA 23 Schedule C - Environmentally Sensitive Areas

ENVIRONMENTALLY SENSITIVE AREAS

LEGEND

ENVIRONMENTALLY SENSITIVE AREAS (As per the Regional Official Plan)

schedule C to O.P.A. #23 to the official plan for the Town of Dundas

Schedule C TO THE OFFICIAL PLAN FOR THE TOWN OF DUNDAS

EXCERPT
OMB Order Updating OPA23:

“1.3.1.14A For those lands designated “RURAL” on Schedule “B” and identified on Schedule “B-1” as SPECIAL POLICY AREA 14, the following provisions will apply:

i. Notwithstanding Policy 4.3.7(ii), the lands will be subject to Site Plan Control;

ii. If a piped water supply is approved by the Ministry of Environment for extension into the area, a Neighbourhood Plan will be prepared which will identify the pipeline easement and road pattern;

iii. Development of one single detached dwelling on a lot of not less than 10 ha will be permitted in accordance with the following provisions:

a) Development will only be permitted as if and when the area is serviced with a piped water supply;

b) All developments by plan of subdivision or conveyance will be subject to the following requirements:

   - a report from a qualified soils engineer to determine suitability to support a septic system detailing the percolation rate and grain size distribution; the amount of over burden to a minimum depth of 2.1 m; depth of water table (if less than 3 m); and, plan of finished grades;

   - sewage disposal shall be by a private system acceptable to and approved by the Medical Officer of Health on a lot by lot basis;

   - zero increase in run-off from developed areas;

   - storm water brought to the invert of the stream system with the appropriate erosion control protection at outlets;

   - minimize run-off down valley slopes;

   - no development will be permitted adjacent to lands designated Conservation – Hazard Lands where any portion of a building, structure or tile field will be closer than 60 m from the edge of a stream or natural water course or pond, or 15 m from valley “fill” lines or “top-of-bank” lines, as determined by the Conservation Authority having jurisdiction, whichever results in the greatest distance. If slopes are determined to be unstable, appropriate setbacks will be established at the time of development. Alternatively, an appropriate distance may be established by the appropriate Conservation Authority, and the Department of Public Health Services;
- submission of a grading and drainage plan showing proposed site grading, land slopes and overland flow direction, in accordance with the requirements of the Conservation Authority having jurisdiction; and

- provide for an appropriate storm water management scheme and maintenance of systems within the ravine network;

c) Special consideration will be given to development proposed adjacent to rail lines in accordance with Sub-section 2.3.4 - Rail Service and provided such measures as may be identified by the railway concerned are satisfied and may include:

- additional setbacks from rail lines;
- adequate buffers and screening; and,
- special building techniques to protect against high noise and vibrations;

d) Any development proposed in the vicinity of the Niagara Escarpment, Borer’s Falls Conservation Area and the Royal Botanical Gardens will have regard for the following in order to protect and preserve the unique views and vistas in the area:

- nature and intensity of developments;
- site design;
- landscaping and buffering;
- access;
- setbacks;
- building height; and,
- potential traffic generation relative to the protection and enhancement of these unique features; and,

e) In considering development proposals, Council will encourage the siting of building, the provision of landscaped screening and use of the natural materials to complement and blend with the natural landscape.

1.3.1.15 Notwithstanding Sub-section 1.2.9 and its related policies, the area identified on Schedule “B-1” as SPECIAL POLICY AREA 15 and designated as Conservation-Hazard Lands on Schedule “B”, is ecologically significant and will be preserved for conservation uses.”