

CITY OF HAMILTON

BY-LAW NO. 04-303

To Adopt:

Official Plan Amendment No. 197 to the former City of Hamilton Official Plan;


Respecting:

ADMINISTRATIVE AMENDMENT – DOWNTOWN HAMILTON SECONDARY PLAN

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

1. Amendment No. 197 to the Official Plan of the City of Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED AND ENACTED this 24th day of November 2004.



MAYOR



CLERK

Amendment No.197

to the

Official Plan of the former City of Hamilton

The following text together with Schedules " A ,attached hereto constitutes Official Plan Amendment No. 197.

Purpose:

The purpose of this Amendment is to incorporate a number of changes to the Official Plan, which have created inconsistent policies and land use designations between the City of Hamilton Official Plan and the "New Land Use Plan for Downtown Hamilton". These inconsistencies involve incorrect numbering of policies, incorrect policy referencing incorrect placing of policy in the plan and inconsistent identification of some land use designations in some Schedules. **It is important to note that this Amendment does not result in any changes to approved policy, rather its purpose is to effect the corrections identified in the body of this Amendment.**

Basis:

Thus, changes are required to ensure the intent of the Official Plan is maintained and the appropriate policy numbers and schedules are included in the Official Plan.

Actual Changes:

A) Text

1. That Subsection 2.4.1 – 2.4.10 inclusive, be renumbered as A.6.2.1– A.6.2.10, as shown in the attached Schedule A to this Amendment.
2. That policy references within Subsection texts be renumbered to reflect the new policy number changes, as shown in the attached Schedule B to this Amendment;
 - i. That Section 2.4.3.3, referenced in policy 2.4.3.3.1 e), be renumbered as 6.2.3.3
 - ii. That Section 2.4.4 and 2.4.7.2.2, referenced in policy 2.4.3.3.1 j), be renumbered as 6.2.4 and 6.2.7.2.2 respectively.

Schedule '1

- iii. That Sections 2.4.4 and 2.4.7, referenced in policy 2.4.3.3.1 n iii), be renumbered as 6.2.4 and 6.2.7 respectively.
 - iv. That Section 2.4.4.3.1c), made reference of in policy 2.4.4.3.1a), be renumbered as 6.2.4.3.1c);
 - v. That Section 2.4.4.3.d), referenced in policy 2.4.4.3.1 b), be renumbered as 6.2.4.3d);
 - vi. That section 2.4.7, referenced in policy 2.4.4.3.1 iv), be renumbered as 6.2.7;
 - vii. That Section 2.4.7, referenced in policy 2.4.5.3.3.2 a), be renumbered as 6.2.7;
 - viii. That Section 2.4.3.3.1h), referenced in policy 2.4.5.3.3.2 c), be renumbered as 6.2.3.3.1h);
 - ix. That Section 2.4.4.3.1c), referenced in policy 2.4.7.2.1l), be renumbered as 6.2.4.3.1c);
3. That **Subsection 2.4.5.2 – General Commercial Policies**, be amended by deleting policy **2.4.5.2 d)** from Subsection **2.4.5.2** and placing it in its entirety in subsection 2.4.3.1 and renumbering it as 2.4.3.1 c);
- i. That **Subsection 2.4.5.2 – General Commercial Policies**, be amended by renumbering policy 2.4.3.1 and 2.4.3.1c) as 6.2. 3.1 and 6.2. 3.1c), as shown in the attached Schedule B to this Amendment.

B: Schedules

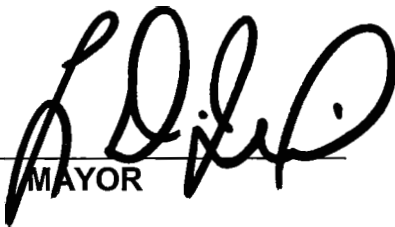
- 1. That Schedule L-4, Development permit Sub-Areas Schedule, be revised by showing Gore Park as green Space in the Legend, as shown in the attached Schedule C to this Amendment.

Implementation:

The provisions of Section F: Implementation of the former City of Hamilton Official Plan will give effect to this Amendment.

This is Schedule "1" to By-law No. 04-303, passed on the 24th day of November, 2004.

The City of Hamilton



MAYOR



CLERK

SCHEDULE 'A'

ADMINISTRATIVE CHANGES TO THE DOWNTOWN SECONDARY PLAN

A: SECTIONS 2.4. ■-2.4.10: NUMBERING CHANGES

1. Subsection 2.4.1, Introduction, and Subsection 2.4.2, Vision is amended and renumbered as follows:
 - i. renumbering the Subsection 2.4.1 as A.6.2. 1;
 - ii. renumbering the Subsection 2.4.2 as A.6.2. 2;

2. Section 2.4.3, The Secondary Plan, subsequent Subsections and Clauses are amended and renumbered as follows:
 - i. renumbering Section 2.4.3 as A.6.2.3;
 - ii. renumbering Subsection 2.4.3.1 and 2.4.3.2 as A.6.2.3.1 and A.6.2.3.2 respectively;
 - iii. renumbering clause 2.4.3.2. 1, and clause 2.4.3.2.2 as A.6.2.3.2.1 and A.6.2.3.2.2 respectively;
 - iv. renumbering Subsection 2.4.3.3 as A.6.2.3.1 and A.6.2.3.3.
 - v. renumbering clauses 2.4.3.3.1 to 2.4.3.3.4 as A.6.2.3.3.1 to A.6.2.3.3.4 respectively;

3. Section 2.4.4, Respecting Design and Heritage, subsequent Subsections and Clauses are amended and renumbered as follows:
 - i. renumbering Section 2.4.4 as A.6.2.4;
 - ii. renumbering Subsections 2.4.4.1, 2.4.4.2 and 2.4.4.3 as A.6.2.4.1, A.6.2.4.2. and A.6.2.4.3 respectively;
 - iii. renumbering clause 2.4.4.3.1 as A.6.2.4.3.1;

4. Section 2.4.5, Carving out a Distinct Economic Role, subsequent Subsections, Clauses and Sub-clauses are amended and renumbered as follows:
 - i. renumbering Section 2.4.5 as A.6.2.5;
 - ii. renumbering Subsection 2.4.5.1 and 2.4.5.2 and 2.4.5.3 as A.6.2.5.1, A.6.2.5.2. and A.6.2.5.3 respectively;
 - iii. renumbering clause 2.4.5.3.1 as A.6.2.5.3.1;

 - iv. renumbering Subclauses 2.4.5.3.1.1, 2.4.5.3.1.2 and 2.4.5.3.1.3 as A.6.2.5.3.1.1, A.6.2.5.3.1.2 and A.6.2.5.3.1.3;
 - v. renumbering the clauses 2.4.5.3.2, 2.4.5.3.3 and 2.4.3.4 as A.6.2.5.3.2, A.6.2.5.3.3 and 6.2.5.3.4 respectively;

- vi. renumbering Subclauses 2.4.5.3.3.1, 2.4.5.3.3.2 and 2.4.5.3.3.4, and subclause 2.4.5.3.4.1 as *A.6.2.5.3.3.1, A.6.2.5.3.3.2 and A.6.2.5.3.3.3 as A.6.2.5.3.4.1 respectively.*
5. Section 2.4.6, Creating Quality Residential Neighbourhoods, subsequent Subsections, Clauses and Sub-clauses are amended and renumbered as follows:
 - i. renumbering Section 2.4.6 as *A.6.2.6;*
 - ii. renumbering Subsection 2.4.6.1, 2.4.6.2 and 2.4.6.3 as *A.6.2.6.1, A.6.2.6.2 and A.6.2.6.3 respectively;*
 - iii. renumbering clause 2.4.6.3.1, 2.4.6.3.2, 2.4.6.3.3 and 2.4.6.3.4 as *A.6.2.6.3.1, A.6.2.6.3.2, A.6.2.6.3.4 and A.6.2.6.3.4 respectively;*
 - iv. renumbering Subclauses 2.4.6.3.4.1, 2.4.6.3.4.2 and 2.4.6.3.4.3 as *A.6.2.6.3.4.1, A.6.2.6.3.4.2 and A.6.2.6.3.4.3;*
6. Section 2.4.7, Enhancing Streets and Public Spaces, subsequent Subsections, Clauses and Sub-clauses are amended and renumbered as follows:
 - i. renumbering Section 2.4.7 as *A.6.2.7;*
 - ii. renumbering Subsection 2.4.7.1 and 2.4.7.2 as *A.6.2.7.1 and A.6.2.7.2 respectively;*
 - iii. renumbering clauses 2.4.7.2.1, and 2.4.7.2.2 as *A.6.2.7.2.1 and A.6.2.7.2.2 respectively;*
 - iv. renumbering the Subclause 2.4.7.2.2.1 as *A.6.2.7.2.2.1;*
7. Section 2.4.8, Establishing a New System for Development Approvals, subsequent Subsections and Clauses are amended and renumbered as follows:
 - i. renumbering Section 2.4.8 as *A.6.2.8;*
 - ii. renumbering Subsection 2.4.8.1 and 2.4.8.2 and 2.4.8.3 as *A.6.2.8.1, A.6.2.8.2 and A.6.2.8.3 respectively;*
 - iii. renumbering clauses 2.4.8.3.1, 2.4.8.3.2, 2.4.8.3.2.3 and 2.4.8.3.4 as *A.6.2.8.3.1 and 6.2.8.3.2, 6.2.8.3.3 and 6.2.8.3.4 respectively;*
8. Section 2.4.9, Implementation, subsequent Subsections and Clauses are amended and renumbered as follows:
 - i. renumbering Section 2.4.9 as *A.6.2.9;*
 - ii. renumbering Subsection 2.4.9.1, 2.4.9.2 and 2.4.9.3 as *A.6.2.9.1, A.6.2.9.2 and A.6.2.9.3 respectively;*
 - iii. renumbering clauses 2.4.9.3.1 and 2.4.9.3.2 as *A.6.2.9.3.1 and A.6.2.9.3.2 respectively;*

9. Section 2.4.10, Information Tables and subsequent Subsections are amended and renumbered as follows:
 - i. renumbering Section 2.4.10 as A.6.2.10;
 - ii. renumbering Subsection 2.4.10.1 and 2.4.10.2 as A.6.2.10.1 and A.6.2.10.2 respectively;
 - iii. renumbering clauses 2.4.9.3.1 and 2.4.9.3.2 as A.6.2.9.3.1 and A.6.2.9.3.2 respectively,

Rationale:

In Official Plan Amendment No. 172, the policies for the Downtown Secondary Plan are incorrectly numbered as 2.4.1 to 2.4.10. This has been revised and corrected through this Administrative Amendment as A.6.2.1 to A.6.2.10 inclusive.

B: RELOCATION OF POLICY IN THE PLAN

10. Subsection 2.4.5.2 - General Commercial Policies - and clause 2.4.5.2 d), are amended as follows:
 - i. Deleting *Policy 2.4.5.2 (d)* in its entirety from this section;
 - ii. Relocating *Policy 2.4.5.2 (d)* to subsection 2.4.5.3.1 - The Central Business District - and renumbering it as 2.4.5.3.1c);
 - iii. renumbering policy 2.4.5.3.1c) as 6.2.3.1 c).

Rationale:

Official Plan Amendment No. 172 incorrectly placed policy 2.4.5.2 d) under “General Commercial” Policies. Policy 2.4.5.2 d) refers to “The Central Business District” and should be referenced under the policies for “The Central Business District”. This has been revised and corrected through this Administrative Amendment.

C: CHANGES WITHIN THE TEXT

1. Subsection 2.4.3.3.1 - Land Use Policies, policy 2.4.3.3.1 e) makes reference to section 2.4.3.3;
 - i. renumber the referenced Section 2.4.3.3 as 6.2.3.3
2. Subsection 2.4.3.3.1 - Land Use Policies, policy 2.4.3.3.1 j) makes reference to section 2.4.4 and 2.4.7.2.2 respectively.

- i. renumber the referenced Sections 2.4.4 and 2.4.7.2.2 as 6.2.4 and 6.2.7.2.2 respectively.
3. Subsection 2.4.3.3.1 - Land Use Policies, policy 2.4.3.3.1n iii) makes reference to sections 2.4.4 and 2.4.7 respectively.
 - i. renumber the referenced sections 2.4.4 and 2.4.7 as 6.2.4 and 6.2.7 respectively.
4. Subsection 2.4.4.3.1 - Urban Design in Public Spaces, policy 2.4.4.3.1a) makes reference to sections 2.4.4.3.1c);
 - i. renumber the referenced section 2.4.4.3.1c) as 6.2.4.3.1 c);
5. Subsection 2.4.4.3.1 – Urban Design in Public Spaces, policy 2.4.4.3.1b) makes reference to sections 2.4.4.3.d);
 - i. renumber the referenced section 2.4.4.3.d) as 6.2.4.3d);
6. Subsection 2.4.4.3.1 - Urban Design in Public Spaces, policy 2.4.4.3.1iv) makes reference to sections 2.4.7;
 - i. renumber the referenced section 2.4.7 as 6.2.7;
7. Subsection 2.4.5.3.3.2 – Specific Policies for King William Street, policy 2.4.5.3.3.2 a) makes reference to sections 2.4.7;
 - i. renumber the referenced section 2.4.7 as 6.2.7;
8. Subsection 2.4.5.3.3.2 – Specific Policies for King William Street, policy 2.4.5.3.3.2 c) makes reference to sections 2.4.3.3.1 h);
 - i. renumber the referenced section 2.4.3.3.1h) as 6.2.3.3.1 h);
9. Subsection 2.4.7.2.1 – Streets, policy 2.4.7.2.1l) makes reference to sections 2.4.4.3.1 c);
 - i. renumber the referenced section 2.4.4.3.1 c) as 6.2.4.3.1 c);

Rationale:

Various Subsections, within their text, refer to policies that are subject to numbering as shown in section A of this Administrative Amendment. In order to ensure the policy references within the sections are in conformity with the renumbered policies, the numbering changes needed to be identified and accounted for within in this Amendment.

D: SCHEDULE CHANGES

11. That Schedule L-4, Development Permit Sub-Areas Schedule, be revised by:

- i. identifying Gore Park as green space on the Legend.

Rationale:

In Schedule L-4, Development Permit Sub-Areas Schedule, the legend does not show Gore Park as green space. In order to ensure that the Legend is consistent with the land use designations on the map, Gore Park needs to be identified as green space on the Legend.