CITY OF HAMILTON

BY-LAW NO. 21-174

To Adopt:

Official Plan Amendment No. 155 to the
Urban Hamilton Official Plan

Respecting:

Updates and Modifications to the Urban Hamilton Official Plan
(City-Wide)

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

1. Amendment No. 155 to the Urban Hamilton Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 13th day of October, 2021.

B. Johnson
Acting Mayor

A. Holland
City Clerk
The following text, together with:

**Volume 1**
- Appendix “A” Chapter E - Urban Designations
- Appendix “B” Chapter F - Implementation
- Appendix “C” Chapter G - Glossary

**Volume 2**
- Appendix “E” Map B.7.3-1 – Urban Lakeshore Secondary Plan – Land Use Plan
- Appendix “F” Map B.7.4-1 – Fruitland Winona Secondary Plan – Land Use Plan
- Appendix “G” Map B.7.4-2 – Fruitland Winona Secondary Plan – Natural Heritage System

**Volume 3**
- Appendix “H” Chapter C – Urban Site Specific Policies
- Appendix “I” Map 2 – Site Specific Policies Key Map

attached hereto, constitutes Official Plan Amendment No. 155 to the Urban Hamilton Official Plan.

**1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to:

- Clarify policies by correcting administrative errors (i.e. formatting, numbering, typographical and grammar);
- Add new policies and remove duplicate and/or redundant wording; and,
- Correct policy and mapping errors.
2.0 Location:

The lands affected by this Amendment are located within the Urban Area of the City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- The Amendment reflects existing land uses and approvals and will more accurately guide future development; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 1 - Parent Plan

Text

4.1.1 Chapter E - Urban Designations

a. That the following policy of Volume 1: Chapter E - Urban Designations be amended, as outlined in Appendix “A”, attached to this Amendment:
   - E.4.3.4 d)

4.1.2 Chapter F - Implementation

a. That the following policies of Volume 1: Chapter F - Implementation be amended, as outlined in Appendix “B”, attached to this Amendment:
   - F.1.12.11
   - F.1.14.3.9
   - F.1.17.1
   - F.1.17.2
   - F.1.20.1

4.1.3 Chapter G - Glossary
a. That Volume 1: Chapter G – Glossary be amended by revising one definition and adding one definition as outlined in Appendix “C”, attached to this Amendment.

4.2 **Volume 2 - Secondary Plans**

Maps and Appendices

4.2.1 Maps

a. That Volume 2: Map B.6.1-1 – Downtown Hamilton Secondary Plan – Land Use Plan be amended, as shown on Appendix “D”, attached to this Amendment.

b. That Volume 2: Map B.7.3-1 – Urban Lakeshore Secondary Plan – Land Use Plan be amended, as shown on Appendix “E”, attached to this Amendment.

c. That Volume 2: Map B.7.4-1 – Fruitland Winona Secondary Plan – Land Use Plan be amended, as shown on Appendix “F”, attached to this Amendment.

d. That Volume 2: Map B.7.4-2 – Fruitland Winona Secondary Plan – Natural Heritage System be amended, as shown on Appendix “G”, attached to this Amendment.

4.3 **Volume 3 - Special Policy Areas, Area Specific Policies, and Site Specific Policies**

Text

4.3.1 Chapter C – Urban Site Specific Policies

a. That Volume 3: Chapter C – Urban Site Specific Policies be amended to add two new policies, as outlined in Appendix “H”, attached to this Amendment:
   - UHC-9
   - UHC-10

Maps and Appendices

4.3.2 Maps

a. That Volume 2: Map 2 – Site Specific Policies Key Map be amended, as shown on Appendix “I”, attached to this Amendment.
5.0 **Implementation:**

An implementing Zoning By-Law Amendment will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule “1” to By-law No. 21-174 passed on the 13th day of October, 2021.

The
City of Hamilton

________________________________________  ______________________________________
B. Johnson                                                   A. Holland
ACTING MAYOR                                                CITY CLERK
Appendix “A” – Volume 1, Chapter E - Urban Designations

<table>
<thead>
<tr>
<th>Proposed Change</th>
<th>Proposed New / Revised Policy</th>
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<tbody>
<tr>
<td>E.4.3.4 d) Notwithstanding Policy E.4.6.9 Mixed Use - Medium Density Designation, only commercial uses shall only be permitted on the ground floor, and a place of worship and day nursery shall only be permitted above the ground floor of a building facing a Pedestrian Focus Street.</td>
<td>E.4.3.4 d) Notwithstanding Policy E.4.6.9 Mixed Use - Medium Density Designation, only commercial uses shall be permitted on the ground floor, and a place of worship and day nursery shall only be permitted above the ground floor of a building facing a Pedestrian Focus Street.</td>
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### Proposed Change

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<tr>
<td><strong>Add new policy F.1.12.11:</strong></td>
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<tr>
<td>F.1.12.11 Where the Province has passed a Minister’s Zoning Order under the Planning Act, R.S.O., 1990 c. P.13, the use of the property shall be deemed to comply with the policies and land use designations of this Plan.</td>
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</table>

**Add new policy F.1.14.3.9:**

| F.1.14.3.9 Severances shall not be granted for dwellings created as Secondary Dwelling Units – Detached. |

**F.1.17.1** The City may use a variety of communication methods to seek input on planning matters or to provide information to the general public. Depending on the issues and in accordance with the Planning Act, R.S.O., 1990 c. P.13, the City shall choose the most appropriate method of communication. Communication may be in the form of:

- a) Direct mail outs;
- b) Public notice signs;
- c) Surveys, electronic or mail out;
- d) Public information open houses **held virtually or in person**;
- e) Public meetings **held virtually or in person**;
- f) City web site; or
- g) Workshops.

**F.1.17.2** Notification of public meeting(s) for the adoption of the Official Plan and amendments, changes to the Zoning By-law, plans of subdivision, **draft plan of condominium as required by the Planning Act**, and Community Improvement Plans shall be given to the public at least 17 days prior to the date of the meeting(s) and the notice shall be given in accordance with the applicable requirements of the Planning Act, R.S.O., 1990 c. P.13 regulations.
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<td>F.1.20.1 Where a proponent is required, under the Zoning By-law, to provide and/or maintain parking facilities, the City may require a cash payment in lieu of all or part of the parking requirements, <strong>in accordance with the City’s Cash-in-Lieu of Parking Policy.</strong> Such funds shall be used for the following purposes, as deemed appropriate by the City:</td>
<td>Where a proponent is required, under the Zoning By-law, to provide and/or maintain parking facilities, the City may require a cash payment in lieu of all or part of the parking requirements, <strong>in accordance with the City’s Cash-in-Lieu of Parking Policy.</strong> Such funds shall be used for the following purposes, as deemed appropriate by the City:</td>
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<td>a) The acquisition of lands and/or the provision of off-street parking;</td>
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<td>b) Support for measures that reduce or shift the demand for parking through outreach, education and targeted programs; and,</td>
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<td>c) Provision of infrastructure and services that support micro-mobility including bicycles, shared bicycles, E-scooters and electric bicycles.</td>
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### Proposed Change

Secondary Dwelling Unit: means a separate and self-contained dwelling unit that is accessory to and located on the same lot as within the principal dwelling and shall be physically located within the principal dwelling, or located within an accessory building to the principal dwelling.

### Proposed New Policy

Secondary Dwelling Unit: means a separate and self-contained dwelling unit that is accessory to and located within the principal dwelling.

Add definition of Secondary Dwelling Unit - Detached to Chapter G - Glossary.

Secondary Dwelling Unit - Detached: means a separate and self-contained detached dwelling unit that is accessory to and located on the same lot as the principal dwelling.
Appendix F
APPROVED Amendment No. 155

to the Urban Hamilton Official Plan

Lands to be redesignated from “Natural Open Space” to “Low Density Residential 2”

Lands to be redesignated from “Natural Open Space” to “Low Density Residential 3”

(188, 192, 218, 222, 224, 226 and 230 Fruitland Road and 669 Highway No. 8)

Date: Sept. 21, 2021

Revised By: LV/NB

Reference File No.: OPA-U-155(S)

APPEALS

Lands Under Appeal
- 238, 252 Jones Road
- 623, 625 Barton Street East
- 212 Fruitland Road
- 224, 244 McNeilly Road
- 667, 1069 Highway No. 8

Legend

Residential Designations
- Low Density Residential 1
- Low Density Residential 2
- Low Density Residential 3
- Medium Density Residential 2

Commercial and Mixed Use Designations
- Local Commercial
- District Commercial
- Arterial Commercial

Parks and Open Space Designations
- Neighbourhood Park
- Community Park
- General Open Space
- Natural Open Space

Other Designations
- Employment Area - Business Park
- Institutional
- Elementary School
- Utility

SWM Storm Water Management

Other Features
- Area or Site Specific Policy
- Major Gateway
- Minor Gateway
- Proposed Roads
- Secondary Plan Boundary

Urban Hamilton Official Plan
Fruitland-Winona Secondary Plan
Land Use Plan
Map B.7.4-1

Page 11 of 14
Appendix G
APPROVED Amendment No. 155
to the Urban Hamilton Official Plan

Remove "Core Areas" from following properties: 188, 192, 218, 222, 224, 230 and 236 Fruitland Road and 669 Highway No. 8

Remove "Vegetation Protection Zone" from following properties: 186, 188, 192, 216, 221, 222, 224, 226, 230 and 236 Fruitland Road and 661, 663 and 669 Highway No. 8

Remove "Restoration Area" from following properties: 218, 224, 226, 230 and 236 Fruitland Road

Date: Sept. 21, 2021
Revised By: LV/NB
Reference File No.: OPA-U-155(S)

APPEALS
Lands Under Appeal
- 236, 252 Jones Road
- 820, 822 Barton Street East
- 212 Fruitland Road
- 228, 244 McNally Road
- 667, 1069 Highway No. 8

Legend
Core Areas
Linkages
Restoration Areas
Vegetation Protection Zone
Streams
Other Features
Lands in the Rural Area
Secondary Plan Boundary

Urban Hamilton Official Plan:
Fruitland-Winona Secondary Plan
Natural Heritage System
Map B.7-4-2
### Appendix “H” – Volume 3, Chapter C – Site Specific Policies

<table>
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</table>
| Add Site Specific Policy UHC-9          | UHC-9 Lands located at 1603 Rymal Road East, former City of Hamilton  
1. In addition to the permitted uses of Policy E.4.8.2 of Volume 1, and notwithstanding Policy E.4.8.3 a), b), and d) of Volume 1, for the lands located at 1603 Rymal Road East, designated Arterial Commercial, the following uses are permitted:  
   a) retail uses  
   b) personal service uses  
   c) office uses  
   d) financial establishments  
   e) medical clinics  
   f) day nursery  
2. The scale of the permitted uses shall be regulated by the Zoning By-law.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Add Site Specific Policy UHC-10         | UHC-10 1289 Upper James Street, former City of Hamilton  
In addition to the permitted uses of Policy E.4.8.2 of Volume 1, and notwithstanding Policy E.4.8.3 b) and d) of Volume 1, for the lands located at 1289 Upper James Street, designated Arterial Commercial, the following uses shall be permitted within the existing building:  
   a) Office uses;  
   b) Retail stores; and,  
   c) Food stores, including a food store with restaurant.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
Appendix I
APPROVED Amendment No. 155
to the Urban Hamilton Official Plan

- Lands to be identified as UHC-9
  (1603 Rymal Road East)
- Lands to be identified as UHC-10
  (1289 Upper James Street)

Date: Sept. 21, 2021
Revised By: LV/NB
Reference File No.: OPA-U-155(H)

Note:
For Rural Site Specific Areas, refer to Volume 3: Appendix A of the Rural-Hamilton Official Plan.

**APPEAL**
The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal – see illustration on Schedules E and E-1, Volume 1

Legend
- Site Specific Areas (SSA)
- Refers to Urban Site Specific Area #, Volume 3: Chapter B

Other Features
- Rural Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary