CITY OF HAMILTON

Planning and Economic Development Department
Strategic Services and Special Projects

TO: Chair and Members
Economic Development and Planning Committee

WARD(S) AFFECTED: CITY WIDE

COMMITTEE DATE: March 23, 2010

SUBJECT/REPORT NO:
Urban Hamilton Official Plan - Draft Modifications from the Ministry of Municipal Affairs and Housing (PED09164(c)) (City Wide)

SUBMITTED BY:
Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY:
Joanne Hickey-Evans
(905) 546-2424 ext. 1282

SIGNATURE:

RECOMMENDATIONS:

(a) That City Council inform the Ministry of Municipal Affairs and Housing that the proposed modifications identified in the Draft Decision for the Urban Hamilton Official Plan dated January 25, 2010, and attached as Appendix “A” to Report PED09164(c), be accepted only for those modifications referenced below:

(i) Volume 1 Parent Plan - Section A - modifications 1a, 1b, 2, 3c, 3d, 5, 7, 8a to f, 9a, 10a to 10k, except d and j, 11a, 13, 14, 16a to c, 17a and b, 18 to 21, 22b, 23b, 26, 31 b, and 31c, 32 to 34, 35 a to f, as identified in Appendix “B” attached to Report PED09164(c);

(ii) Volume 1 Parent Plan - Section C, as identified in Appendix “B” attached to Report PED09164(c); and,

(iii) Volume 2 Secondary Plans - Section D – modifications 1, 2a to 2c, and 3, as identified in Appendix “B” attached to Report PED09164(c).
(b) That City Council inform the Ministry of Municipal Affairs and Housing that the proposed modifications identified in the Draft Decision for the Urban Hamilton Official Plan dated January 25, 2010, be accepted for those modifications referenced below, only if the proposed wording or policy number changes are included, as identified in Appendix “B” attached to Report PED09164(c):

(i) Volume 1 Parent Plan - Section A - modifications 1c, 3a, 3e, 9b, 10j, 11b, 12, 15, 14, 27, 28, in part, 30a, 31a, and 31d; and,

(ii) Volume 3 Urban Area Specific policies and Site specific policies and Maps- Section E – modifications 2.

(c) That the City Council inform the Ministry of Municipal Affairs and Housing that the proposed modifications identified in the Draft Decision for Urban Hamilton Official Plan dated January 25, 2010, are not acceptable for those modifications referenced below, as identified in Appendix “B” attached to Report PED09164(c):

(i) Volume 1 Parent Plan - Section A – modifications 1d, 3f, 4, 6, 10d, 22a, 23a, 25, 28 in part, 29, 30 b and c;

(ii) Volume 1 Schedules - Section B- modifications 1 and 2; and,

(iii) Volume 3 Urban Area Specific policies and Site specific policies and Maps - Section E – modifications 1 and 3.

(d) That City Council request the Ministry of Municipal Affairs and Housing:

(i) to defer the applicable policies and mapping in Volume 1 for lands in the West Harbour area, as identified on Schedule “E-1”-Urban Land Use Designations, Volume 2 - West Harbour Secondary Plan and in accordance with Official Plan Amendment 220 until such time as the matters before the Ontario Municipal Board have been resolved and an Order is issued for all or part of the lands subject to the deferral; and,

(ii) to defer a portion of the West Hamilton Innovation District, as identified on Maps B.6.4.1 and 2 of Volume 2 until such time as the matters before the Ontario Municipal Board have been resolved and an Order is issued for all or part of the lands subject to the deferral; and,

(iii) to defer proposed City modifications 18b, 19h and 44, as contained in Appendix “C” to Report PED09164(c) for the lands located at 480-500 Centennial Parkway North and 20 Warrington Street, until such time as the matters before the Ontario Municipal Board have been resolved and an Order is issued for the lands subject to the deferral.
(e) That City Council request the Ministry of Municipal Affairs and Housing to make any necessary amendments to the policies and mapping of the Urban Hamilton Official Plan, as identified by any OMB order or amendments implementing the OMB orders, prior to lifting the deferral areas identified in recommendation d, above; and,

(f) That City Council request the Ministry of Municipal Affairs and Housing to include additional modifications to the Urban Hamilton Official Plan in their final decision, attached as Appendix “C” to Report PED09164(c) for the purposes of:

i) wording clarification;

ii) correcting typographical or mapping errors;

iii) implementing OMB decisions or settlements; and,

iv) implementing approved Official Plan Amendments

Appendices “B” to “B-2” (and Attachments) and Appendix “C” to “C-19” (and Attachments) to Report PED09164(c) contain a compendium of the proposed Provincial modifications and the City modifications to the Urban Hamilton Official Plan. These appendices are not attached to this Report due to their size. The complete set of documents is available for viewing in the Office of the City Clerk, 77 James Street North, Suite 220, Hamilton.

EXECUTIVE SUMMARY

On January 25, 2010, the Ministry of Municipal Affairs and Housing (MMAH) issued their draft decision for the approval of the Urban Hamilton Official Plan (UHOP) adopted by Council on July 9, 2009, attached as Appendix “A” to Report PED09164(c). Included within the draft decision are proposed modifications to the UHOP which Provincial staff is recommending.

The purpose of this staff Report is to formally respond to the modifications as recommended by the Provincial staff and to also request the Province to further modify the UHOP to include additional changes to policies and mapping that staff has identified through working with the UHOP for the last 8 months.

Provincial Modifications
Staff commend Provincial staff for their quick approval time of the UHOP. Provincial staff is complimentary about the new Plan which they advise “represents a progressive and integrated approach to creating a vibrant, healthy and sustainable city”. Overall,
the majority of the Provincial modifications (71 out of 87 or 82%) which are acceptable as proposed by the Province or with some minor changes to wording or policy numbers. There are 16 modifications that are not acceptable to the City; however, only a few of these modifications are considered substantive. They include:

- the removal of the employment reserve policy which would allow the City to protect future employment lands;

- the inclusion of a restriction for the size of free standing office buildings in Employment Areas;

- the removal of several permitted uses in the Commercial/Mixed Use District (auto and home centres) as well as the Employment Districts (hotels);

- the requirement to amend Schedules “B” and “B-7” to include the entire karst boundary in the UHOP whereas the southern end of the karst feature is in the Rural area;

In addition to the modifications are proposed deferrals. The decision references the deferral of the West Harbour Secondary Plan. Three additional deferrals should also be included. These are:

- the Volume 1 (parent plan) policies and land use designations for the West Harbour. The deferral of these policies were identified in OPA(H) 220 which dealt with repealing the urban policies in the existing OP’s;

- the deferral of the sites in the West Hamilton Innovation District pending the resolution of the outstanding OMB appeals; and,

- the deferral of the land use designations in Volume 1 and the site specific policy UHC-4 in Volume 3 or the lands located at 480-500 Centennial Parkway North and 20 Warrington Street.

**City Requested Modifications**

Staff has worked with the UHOP for 8 months and has identified a number of minor text and mapping changes that are required for:

- Clarifying wording to make the policy intent clearer;

- Correcting typographical/reference errors and inconsistencies between the parent plan and the secondary plan maps; and,

- Correcting designations to more accurately reflect the existing secondary plans and special policy areas.
In addition, there have been several development specific Official Plan amendments that have since been approved for the existing OP’s that also require amendments to the new UHOP.

**Next Steps**
The Province will review the City’s response to the Provincial modifications and the City requested modifications. The MMAH will then issue its final decision. The decision will be sent to all parties which have requested notification. Appeals to the decision must be made within 20 days of the decision date. Any appeals will be sent to the OMB.

**Alternatives for Consideration – See Page 14**

<table>
<thead>
<tr>
<th>FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial: N/A</td>
</tr>
<tr>
<td>Staffing: N/A</td>
</tr>
<tr>
<td>Legal: The City provides comments on the proposed modifications to the Urban Hamilton Official Plan and it may further request the Ministry of Municipal Affairs and Housing to include additional modifications. However, since the Province is the approval authority, it may choose to accept all, part or none of the City’s recommendations.</td>
</tr>
</tbody>
</table>

**HISTORICAL BACKGROUND (Chronology of events)**

City Council adopted the Urban Hamilton Official Plan on July 9, 2009. The approval authority for new OP’s is the MMAH.

There are several steps within the approval process which require Council input/approvals, a summary of the process is summarized below:

- **July 9, 2009** Staff forwarded the province the OP and all background studies, Committee and Council minutes and all written submissions;
- **August, 2009** MMAH circulates agencies and partner ministries for comments/changes to the OP.
- **January 25, 2010** MMAH issued a draft decision on the OP which identifies both text and mapping changes.
March 23, 2010 Staff prepares a report to Committee and Council advising if they support, in whole or in part or do not accept the recommended changes.

POLICY IMPLICATIONS

No corporate policies are affected by the recommendations.

RELEVANT CONSULTATION

None of the proposed provincial modifications affect the mandate of other City Departments.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1.0 Proposed modifications to the Urban Hamilton Official Plan

On January, 25, 2010, MMAH issued a draft decision for the Urban Hamilton Official Plan. This draft decision contains a number of modifications to the Plan suggested by the Province. The purpose of this Report to advise the Ministry on the City’s position on the suggested modifications and to request the Ministry to make any additional changes proposed by the City.

1.1 Draft Decision - Provincial Modifications:

Provincial staff, on numerous occasions, has indicated the Urban Hamilton Official Plan is a forward thinking, and comprehensive Official Plan which implements the Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement. The draft decision, dated January 25, 2010 contains modifications and one deferral and is attached as Appendix “A” to Report PED09164(c).

Appendix “B” to Report PED09164(c) describes the modifications, the reason for the changes and staff’s proposal to accept, accept with changes or do not accept the modifications.

1) Accepted Modifications

Staff recommends the City accept 55 of the 87 modifications. Many of these changes are for the purposes of clarification (makes the policy clearer, includes cross references to other policies, etc.), technical changes (wrong
references, wrong technical terms) or changes to the Green Energy and Green Economy Act.

2) Accept modifications with wording changes

There are 16 modifications which staff can be accept, provided minor wording refinements or policy renumbering are included. The proposed changes ensure these policies fit into the structure and wording regime of the Urban Hamilton Official Plan.

3) Do Not Accept Modifications

There are 16 modifications that are not acceptable to staff because they do not reflect the intent of the OP, will unduly restrict uses or regulations, are unnecessary or do not allow the City the necessary flexibility. Only a few of these modifications are substantive in nature (see Section 2).

1.2 Requested City Modifications

The Urban OP was adopted in July 2009; since that time staff has been working with the new document. A number of small changes to both the text and the schedules/maps are required for the purposes of:

- Clarifying wording to make the policy intent clearer;
- Correcting typographical/reference errors and inconsistencies between the parent plan and the secondary plan maps;
- Correcting designations to more accurately reflect the existing secondary plans and special policy areas; and,
- Giving effect to OMB decisions and to development applications approved after June 2009.

Appendix “C” to Report PED09164(c) identifies the 92 modifications the City would request MMAH to include in their final decision. The Table includes the existing policy, the proposed City requested modification and the reason why the modification is necessary.

Since the approval of the OP rests with the Province, any changes at this time must be included in the Provincial decision. Through this Report, Council has an opportunity to review the City requested modifications and to make appropriate recommendations to the Ministry.

It should be noted that the new Zoning By-law, as stages come forward, may be identifying additional changes to the OP. Any amendments that change the intent of the OP will be brought forward through the formal public meeting amendment process.
2.0 Comments on Provincial Modifications

Staff would like to thank the Province on the speed at which they issued a draft decision on the Urban Hamilton Official Plan given the number of OP’s that are in front of them for approval. Staff are also pleased with the Ministry’s’ support and recognition that the new Urban Hamilton Official Plan “represents a progressive and integrated approach to creating a vibrant, healthy and sustainable city”.

Overall, staff can support the majority of the proposed modifications, in whole or in part. There are some proposed policies and mapping changes that staff have a concern with and cannot support. Highlighted below are the most significant modifications that require a fuller explanation than contained in Appendix “C’ to report PED90164(c)

2.1 Description of the Elfrida Area (Modification 3b)
The Province is proposing to delete the geographic references for the future Elfrida node and replacing it with a “Future Urban Growth District generally in the vicinity of the Elfrida area. The reason for the change is provincial staff feel the geographic description of the future urban boundary expansion study area is too explicit. They have raised concerns in the past that identification of specific areas for urban boundary expansion study areas is tantamount to an urban boundary expansion. Since the location of the Elfrida area is not widely known, staff is proposing a new sentence be added to the end of the policy to provide at least a clear geographic location to what GRIDS identified as the City’s future urban boundary expansion area, when needed and justified.

**Recommendation:** The clause be modified to read as follows:

Future Urban Growth District generally in the vicinity of the Elfrida area, located generally in the area of Upper Centennial Parkway, Rymal Road East, Highway 20 and Highway 56.

2.2 Delete the reference to Employment Reserve (Modification 4)
Staff have expressed concern to the Province on numerous occasions that City should have the ability to protect employment lands for the long term (after 2031) since infrastructure planning is evaluated and built for at least a 50 year time frame. One of the suggestions from the Ministry of Infrastructure and Energy was to identify lands and place them in an employment reserve. The Deputy Minister, in a meeting with the General Manager and City Manager had previously committed to supporting this approach. In the 2008 Discussion Paper Strategies for Planning for Employment in the Greater Golden Horseshoe
The Province should work with stakeholders to explore ways that it can support established and future strategic employment areas through further work to identify and/or protect established and future strategic employment areas

**Recommendation:** The City strongly objects to the removal of the policy which would allow the City to establish an employment reserve to protect future lands for employment uses.

2.3 **Restriction on Office size in Employment Areas (Modifications 21, 25, 29, 30 (a), 30 (b) and 30 (c))**

The Province is proposing to restrict the size of the free standing office buildings within Employment areas to a maximum of 2,000 sq. m. Although there is no legislative basis in the Growth Plan for the Greater Golden Horseshoe requiring municipalities to restrict office size less than 10,000 sq. m., the Province is concerned that office buildings should be more appropriately directed to the Downtown or the nodes and corridors.

The current policy recognizes that offices should be restricted in size but that limitation would be addressed in the Zoning By-law. As part of the development of the new “M” Employment zones, staff concluded the office size should be limited to 3,000 sq m per free standing building, instead of 2,000 sq m. This change was based on economic reasons in that it is more economical to build a 3,000 sq m building than a 2,000 sq m office building.

Restricting the size of the office is more appropriately dealt with in the Zoning By-law rather than the OP. Again, the Growth Plan for the Greater Golden Horseshoe policies specifically restrict ‘major office’ buildings from Employment Areas. This limitation is defined in provincial policy as more than 10,000 sq.m.

**Recommendation:** The City does not support modifications to restrict office size within the Employment area designations (modifications 21, 29, 30 (a), 30 (b) and 30 (c)) but can support adding wording that recognizes the City will restrict the scale of offices in the Zoning By-law (modification 21).

2.3 **Removal of Permitted uses from some Mixed Use/Commercial and Employment designations (Modifications 22, 23, 28)**

2.3.1 **Mixed Use/Commercial**

Modifications 22 and 23 are proposing to delete ‘auto and home centre’ from the downtown and High Density Mixed Use designations. There are recent examples, particularly in the Toronto area of, for example, Canadian Tire stores that have a more urban format (multiple storeys, building located on the front lot
line, parking behind). It is possible these types of uses would locate in the downtown or higher density mixed use area. Our policies in the Downtown Secondary Plan and the accompanying new zoning can adequately address the urban design issues for such a use.

**Recommendation:** The City does not support the removal of an ‘auto and home centre’ as a permitted use in the Downtown or the Higher Density Mixed Use areas.

### 2.3.2 Employment Area-Industrial Land Designation

Modification 28 proposes to remove ‘hotels, health and recreational facilities’ from this designation. The rationale is these uses are supported by area residents rather than the business or employees of the park and therefore should be located outside employment areas. Hotels do serve the businesses in the park by allowing accommodation of business travellers to be located near their clients or businesses. This trend is particularly evident for innovation and research parks where visitors from other locales and countries often travel for extended business in these parks. Health and fitness centres directly serve the employees of the park and should be permitted. The term “recreational” could be scoped down to include “fitness centres” only.

The new comprehensive Zoning By-law, currently being finalized, does not allow these uses throughout the entire industrial land designation. In addition to the “M-1” - Research and Development Zone, which applies to the West Hamilton Innovation Park, only one other zone, applicable to the employment land designation, allows the hotel, personal services, medical clinics/offices. The proposed M-6 (Light Industrial) zone is proposed to apply to the new Red Hill Business Park and other employment areas located on the exterior of the industrial lands designation. In these locations, it is intended to act as a buffer area between heavy industrial uses and residential uses.

**Recommendations:**

1) Do not support the removal of hotel or health facilities as a permitted uses in the Employment Area-Industrial Land Designation;

2) Delete the term “recreational” and replace it with “fitness centre” to be a permitted use in all employment areas.

### 2.4 Addition of a Policy to recognize mineral aggregate resource (sand) in Ancaster Business Park

The Province has identified a mineral aggregate resource (sand) for the lands on the north side of Wilson Street West. As a result, the Province proposes to
include a policy within the Arterial Commercial and Employment Area-Business Park designations to encourage land owners to recover the resource as the land develops. This policy is an encouragement policy which can be explained to the land owner as they develop the land. It does not affect the zoning of the lands.

2.5 Eramosa Karst Area of Natural and Scientific Interest (ANSI)
The Province has 3 specific comments on the policies and mapping related to the Eramosa Karst ANSI. A report on the Eramosa Karst by Buck, Worthington and Ford was prepared for the Province (Ministry of Natural Resources-MNR) in 2003. The City used this report, both the mapping and the recommendations as the basis for the designations, overlays and area specific policy USC-1 and 2. Appendix “B-1” to Report PED09164(c) illustrates the components of the Karst - a core area, a feeder area and developed area. The core area has been identified as core area on Schedule B - Natural Heritage System, as an earth science on Schedule B-7, designated as Open Space on Schedule “E-1”-Urban Land Use Designations and designated as Natural Open Space in the heritage Green secondary Plan. The feeder and developed areas are reflected in Area Specific Policies USC-1 and 2 in Volume 3.

2.5.1 Extent of the Feeder Area on all Relevant Schedules
The Province has requested the City to include the entire feeder area (see Appendix “B-1” to Report PED09164(c)) in the Urban Hamilton Official Plan. The lands from the northern boundary of the hydro corridor south area within the rural area and therefore are not applicable to the urban area. There is no legal basis to apply these policies to lands outside the urban boundary.

The Rural Hamilton Official Plan does identify the southern end of the feeder area as ANSI in both Schedules B and B-7. Staff will be preparing an amendment to the Rural Hamilton Official Plan in the near future to incorporate new policies. As part of this amendment, a site specific policy can be established to add the similar policies to those policies included in the urban site specific USC-1.

Recommendations:
1) No modifications to the boundary of the feeder area (USC-1) in the Urban Hamilton Official Plan are required since there is no legal authority to include policies for lands outside the urban area.

2) The City will amend the Rural Hamilton Official Plan to include area specific policies relating to the Karst area similar to the policies of USC-1.
2.5.2 Extent of the Developed Area
The Buck report identifies a Developed Area, as an area that could be developed in the future, subject to a series of conditions. Staff modified the boundaries of the developed area to exclude the lands north of Highland Road since they are developed with no future redevelopment potential. In this regard, the policies from the Karst report are not applicable.

**Recommendation:** No modification to the Developed Area in USC-2 is required.

2.5.3 USC-1 policies
Buck’s Karst report contains a series of recommendations for the feeder area. These recommendations are included in the policies of USC-1. The province was concerned all the recommendations from the report were not included. Staff have included all the recommendations from the Buck report but have structured to them to remove redundancies and to provide clearer direction to land owners, the public and staff.

**Recommendation:** No modifications to the policies in USC11 are required.

2.6 Deferrals
Deferrals are policies or designations which are not approved by the Province at this time. Therefore, the existing OP policies and designations will remain in effect until the deferral is lifted.

2.6.1 West Harbour (Setting Sail) Secondary Plan
The Province deferred the West Harbour Secondary Plan at the request of the City. Inadvertently the Volume 1 policies and maps that apply to this area have not been deferred. OPA (H) 220 (the OPA that repeals sections of the existing OP’s) describes the policies and designations that would stay in place until such time as the OMB has issued its decision. Further, the City should request the Ministry to modify the Secondary Plan (if necessary) once the issues are resolved the OMB has issued its order prior to the deferral being lifted.

2.6.2 West Hamilton Innovation District
Maps B.6.4.1 and 2 of Volume 2 indicate that a small portion on the western end of the District has been appealed to the OMB. The Ministry should defer the policies and mapping in the Secondary Plan.

2.6.3 480-500 Centennial Parkway North and 20 Warrington Street (Former Waxman Site)
On February 10, 2010, City Council approved a recommendation to enter into a Minutes of Settlement for the designations and wording of site specific policy UHC-4 in the UHOP for the lands located 480-500 Centennial Parkway North and 20 Warrington Street. The Minutes of Settlement have been signed but since the matter is still before the OMB, staff is requesting the province include the agreed upon policy and designations in the decision as a deferral until such time as the matter is resolved at the OMB.

**Recommendations:**

1) The Province defer the applicable Volume 1 policies and mapping as it relates to the West Harbour Planning Area.

2) The Province defer the lands identified subject to a future OMB hearing on Maps B.6.4.1 to 2 until such time is the appeals have been withdrawn or the OMB issues have been resolved and the OMB order is issued.

3) The Province defer the land use designation on Schedule “E-1” and the site specific policies UHC-4 in Volume 3 for the lands located 480-500 Centennial Parkway North and 20 Warrington Street until such time is the appeals have been withdrawn or the OMB issues have been resolved and the OMB order is issued.

**3.0 Next Steps**

Report PED09164(c) will be forwarded to the Ministry. The recommendations from the City will be used by the Province considers its final changes to the Official Plan.

Once the final decision is issued, it is circulated to the City and agencies and persons who requested notification. Any appeals to the OMB regarding the Urban Hamilton Official Plan or modifications identified in the Province’s final decision must be made within 20 days of the Notice of Decision date.

**ALTERNATIVES FOR CONSIDERATION:**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Council may choose to not support some or all of the proposed modifications put forward by the Province or City staff.

---

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
Pros: Council may wish to retain its existing mapping or policies, as adopted in the July 2009 OP.

Cons: The Province may impose the Provincial changes to the OP since it is the approval authority. Not including the proposed City changes will result in some inconsistencies and errors being perpetuated and OPA’s adopted to the existing OP’s not being included in the new Plan.

<table>
<thead>
<tr>
<th>CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Skilled, Innovative &amp; Respectful Organization</strong></td>
</tr>
<tr>
<td>• More innovation, greater teamwork, better client focus</td>
</tr>
<tr>
<td><strong>Financial Sustainability</strong></td>
</tr>
<tr>
<td>• Effective and sustainable Growth Management</td>
</tr>
<tr>
<td><strong>Intergovernmental Relationships</strong></td>
</tr>
<tr>
<td>• Maintain effective relationships with other public agencies</td>
</tr>
<tr>
<td><strong>Growing Our Economy</strong></td>
</tr>
<tr>
<td>• Newly created or revitalized employment sites</td>
</tr>
<tr>
<td>• Competitive business environment</td>
</tr>
<tr>
<td><strong>Social Development</strong></td>
</tr>
<tr>
<td>• Everyone has a home they can afford that is well maintained and safe</td>
</tr>
<tr>
<td>• People participate in all aspects of community life without barriers or stigma</td>
</tr>
<tr>
<td><strong>Environmental Stewardship</strong></td>
</tr>
<tr>
<td>• Natural resources are protected and enhanced</td>
</tr>
<tr>
<td>• Reduced impact of City activities on the environment</td>
</tr>
<tr>
<td>• Reduce the impact of Hamilton's industrial, commercial Private and Public operations on the environment</td>
</tr>
<tr>
<td>• Aspiring to the highest environmental standards</td>
</tr>
</tbody>
</table>
Healthy Community

- Plan and manage the built environment
- An engaged Citizenry

APPENDICES / SCHEDULES

Appendix “A” Draft decision (January 25, 2010) from Ministry of Municipal Affairs and Housing

Appendix “B” Draft Decision (Provincial Modifications) for Urban Hamilton Official Plan - January 25, 2010 Table (includes Appendices “B-1” and “B-2”)

Appendix “C” Proposed City Modifications Table (includes Appendices “C-1 to “C-18)

JHE/dkm
Attachs. (3)
January 25, 2010

Mr. Tim McCabe, MCIP, RPP
General Manager
Planning and Economic Development Department
City of Hamilton
77 James Street North, Suite 400
Hamilton ON L8R 2K3

Dear Mr. McCabe:

Subject: Urban Hamilton Official Plan
(Adopted by Council July 9, 2009)
Draft Proposed Provincial Modifications
MAH File No.: 25-OP-2009

The Ministry of Municipal Affairs and Housing is in receipt of the proposed Urban Hamilton Official Plan (“Urban OP”), which was adopted by Council on July 9, 2009.

Ministry staff have reviewed and assessed the Urban OP against the requirements of the Growth Plan for the Greater Golden Horseshoe’s (“Growth Plan”) policies and objectives and the Provincial Policy Statement, 2005 (PPS).

The adopted Plan represents a progressive and integrated approach to creating a vibrant, healthy and sustainable city. The Plan embraces and builds upon the goals and directions of the Growth Plan and PPS while tailoring these provincial principles to Hamilton’s communities. The emphasis on revitalizing existing built-up parts of the City together with the goal of creating compact, complete and transit supportive communities are keys to the future. These are augmented by policies which provide guidance on appropriate densities and built form in nodes and corridors to support existing and planned transit infrastructure, promote intensification, improve urban design and provide greater clarity on planning for employment. Some specific examples include:

- The policies of the Plan achieve a higher minimum density in the Downtown Hamilton urban growth centre of a minimum 250 residents and jobs combined per hectare;
The Plan identifies a node and corridor urban structure framework for managing how the City will physically grow over the long term as well as detailed urban land use designations which facilitate and implement this urban structure and focus on achieving compact, mixed-use environments;

- The inclusion of urban design policies as part of the Plan is very progressive and these policies will assist the City in creating high-quality, transit-supportive, compact and pedestrian-scaled communities together with well-designed public spaces;

- The City’s growth forecasts conform to Schedule 3 of the Growth Plan as the basis for planning and managing growth to 2031;

- The housing policies provide for a range of housing types, forms and densities for current and future residents, including affordable housing and related housing targets which are linked to the City’s growth forecasts;

- The cultural heritage resource policies support and implement provincial heritage and legislation focusing on archaeology, built heritage and cultural heritage landscapes; and

- The inclusion of arts and culture policies support the achievement of “creative cities” and economic opportunities by focusing on the creative economy.

The Ministry appreciates the efforts made by City staff in meeting with ministry staff to clarify and resolve matters, including additional modifications as requested by City staff. This is reflected in the draft decision page as the majority of the proposed provincial modifications are minor or technical in nature. Please find enclosed a draft of proposed provincial modifications for your review (Attachment “1”). Please note that the draft decision does not yet reflect any proposed technical modifications the City may request.

However, there are a few more substantive issues which are addressed through proposed modifications. They are as follows:

**Future Urban Growth District (Elfrida)**

The Plan includes a policy which precisely defines the location and boundaries of a Future Urban Growth District in the vicinity of Elfrida. As you are aware, the ministry removed the same Future Urban Growth District (SPA B) in its decision on the Rural OP, which is now the subject of appeals to the Ontario Municipal Board (“OMB”). As such, the ministry is proposing to modify this policy to provide a general area reference consistent with its decision on the Rural OP.

**Green Energy and Green Economy Act, 2009**

The Green Energy and Green Economy Act, 2009 and related amendments to other legislation received Royal Assent on May 14, 2009. Regulations and other tools to implement the legislation were introduced shortly thereafter, in particular as of September 24, 2009, renewable energy projects that meet the definitions in the legislation are generally no longer subject to Planning Act approval with certain exceptions. This Planning Act exemption means that the following planning instruments do not apply to or affect renewable energy projects: official plans,
demolition control by-laws, by-laws or orders passed under Part V of the Planning Act including zoning, site plan control, holding and interim control by-laws and development permit system by-laws. In lieu of Planning Act approval, the Province has established provincial standards and a stream-lined province-wide permitting process for renewable energy projects.

In light of the foregoing, a number of modifications are proposed to the energy and environmental design policies relating to renewable energy projects to address the recent legislation.

Eramosa Karst ANSI

The Eramosa Karst Area of Natural and Scientific Interest (“ANSI”) located in the former City of Stoney Creek is shown as Core Area on Schedules B and B7. The ANSI, including the three sub-areas, the Core Area, Developed Area and Feeder Areas are delineated in the Eramosa Karst ANSI report (Buck, Worthington, and Ford, 2003).

The City has applied Area Specific Policy USC-1 to only a portion of the Feeder Area, as defined/mapped in the ANSI report. The Feeder Area includes all of the watersheds for streams that sink along the south edge of the Core Area. The Area Specific Policy USC-1 in Volume 3 incorporates the key recommendations from the ANSI report to ensure that prior to any development in the Feeder Area, development plans be reviewed by qualified experts to ensure certain criteria are met to protect the sinking stream watersheds. In developing Area Specific Policy USC-1 it appears the City is proposing to implement the ANSI report recommendations into official plan policy. Therefore, it is unclear why portions of the Feeder Area should be excluded from Area Specific Policy USC-1. As noted above, inclusion of the entire Feeder Area within Area Specific Policy USC-1 does not automatically allow for development, but rather would require any proposed development to meet a series of ‘tests’, in accordance with the recommendations of the ANSI report.

In light of the foregoing, the ministry is proposing a modification to apply the Area Specific Policy USC-1 to the entire Feeder Area in accordance with the ANSI report.

Further, it appears that not all of the ANSI report recommendations for the Feeder Area are reflected. If it is the City’s intent to implement all of the recommendations from the ANSI report then some further modifications to Area Specific Policy USC-1 may be appropriate.

Area Specific Policy USC-2 applies to the Developed Area of the ANSI. Similar to USC-1, Area Specific Policy USC-2 has excluded some of the ANSI report recommendations. The ministry would like to discuss the potential addition of key ANSI report recommendations to policies USC-1 and USC-2 with City staff.

Lastly, the full extent of the ANSI Developed Area is shown as being subject to Area Specific Policy USC-2 on Schedules B and B7. However, Area Specific Policy USC-2 has been applied only to a portion of the Developed Area (i.e. south of Highland Road) on Map SC-1 in Volume 3. The ministry would like to discuss this with City staff as it is not apparent why the City would limit the extent of the application of Area Specific Policy USC-2 to only a portion of the ANSI Developed Area.
Natural Heritage System

The Urban OP identifies a Natural Heritage System (“NHS”) for the urban area with related policies and schedules showing the system and detailed environmental features. However, a number of the policies identify the urban area NHS as part of the Greenbelt NHS when the Greenbelt Plan generally does not apply to the urban area (except for the NEP). Within the urban area, the natural heritage policies of the PPS are the primary provincial policies which apply. Therefore, a number of modifications are proposed to provide clarity to policies and terminology and recognize that the Urban OP is generally located outside of the Greenbelt Area and subject to the application of PPS policy.

West Harbour (Setting Sail) Secondary Plan

Volume 2 to the Urban OP includes 24 Secondary Plans for lands within the urban area subdivided by former local municipality. However, the ministry understands that the West Harbour (Setting Sail) Secondary Plan located in former Stoney Creek is currently the subject of appeals to the OMB and is not in effect. Therefore, the ministry is proposing a non-decision in relation to the West Harbour Secondary Plan as the OMB has jurisdiction over this matter.

Further, Volume 2: Appendix A identifies certain other secondary plans or portions thereof which are subject to future OMB hearing(s). Further clarification on these secondary plans is requested in order to determine whether additional non-decisions on other secondary plans or portions thereof need to be proposed.

Upon receipt of the City’s input regarding the proposed draft modifications, the Ministry will be in a position to move forward to finalize its approval of the Urban OP. Please contact me directly at (416) 585-7264 if you would like to discuss these matters further. We look forward to continued collaboration in proceeding with this important second stage of the City’s new Official Plan through to approval as expeditiously as possible.

Yours truly,

Original Signed by

Larry Clay
Regional Director
Municipal Services Office – Central

c. Kevin C. Christenson, City Clerk, City of Hamilton
Bill Janssen, Acting Director, Strategic Services/Special Projects, City of Hamilton
Joanne Hickey-Evans, Manager, Policy Planning, City of Hamilton
Tija Dirks, Director, Growth, Policy, Planning and Analysis, MEI
Chief Bryan La Forme, Mississaugas of the New Credit First Nation
Margaret Sault, Lands and Membership, Mississaugas of the New Credit First Nation
Chief William K. Montour, Six Nations of the Grand River Elected Council
Lonny Bomberry, Lands and Resources, Six Nations of the Grand River
Mike Stone, MNR
Barbara Slattery, MOE
Winston Wong, Heritage Planner, MCL
Heather Doyle, MTO
Anil Wijesooriya, ORC
Susan D. Rogers, Law Office
Attachment “1”

DRAFT DECISION
With respect to an Official Plan
Subsection 17(34) of the Planning Act

I hereby approve and modify, in part, the new Urban Hamilton Official Plan for the City of Hamilton adopted by By-law No. 09-150, subject to the following:

A. **Volume 1, Parent Plan, Chapters A through G**, save and except for the provisions set out in part “F” of this decision, with the following modifications:

1. **Section A.2.3, Growth Management – Provincial**, is hereby modified:

   (a) in subsection **A.2.3.1**, the deletion of the word, “targets” in this section and replacing with the word, “forecasts” in all instances;

   (b) in subsection **A.2.3.2**, the deletion of the word, “targets” in this section and replacing with the word, “forecasts” in all instances;

   (c) in subsection **A.2.3.3.3**, the deletion of the last sentence in its entirety and replacement with the following:

   “On non-employment lands, densities will need to achieve a minimum density of _ persons and jobs per hectare to meet the overall density target.”

   (d) in subsection **A.2.3.3.4**, the addition of the words, “occurring annually” before the words, “within its built-up area by 2015” and the addition of the following new sentence at the end:

   “Despite the intensification objectives of this Plan, a floodplain **Special Policy Area** is an area where new or intensified development is not permitted.”

2. **Section A.2.5.5**, is modified by deleting the word, “adopted” and replacing with the word, “released” in the first line.

3. **Section B.2.2, Urban Boundary Expansions**, is hereby modified:

   (a) the addition of the word, “Future” before the words, “Urban Boundary Expansions” in the title;

   (b) the deletion of subsection **B.2.2.1 b** in its entirety and replacement with
the following:

“b) Future Urban Growth District generally in the vicinity of the Elfrida area.”

(c) in subsection B.2.2.4 a), the addition of the words, “to determine if sufficient opportunities to accommodate forecasted growth contained in Policy A.2.3.1 and Policy A.2.3.2 are not available” at the end;

(d) The deletion of subsection B.2.2.4 d) in its entirety and replacement with the following:

“d) in prime agricultural areas, the lands do not comprise specialty crop areas, there are no reasonable alternatives that avoid prime agricultural areas and there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas”;

(e) in subsection B.2.2.4 e) iii), the addition of the words, “and the timing of the urban boundary expansion and the phasing of development within the greenfield areas will not adversely affect the achievement of the residential intensification target and Greenfield density targets” at the end;

(f) the addition of the following new subsection after B.2.2.4 g):

“h) the urban boundary expansion makes available sufficient lands for a time horizon not exceeding 20 years, based on the analysis provided for in Policy B.2.2.4 a)”.

4. Section B.2.3.2 c), is deleted in its entirety.

5. Section B.2.4.5, is modified by deleting the words, “investigate opportunities to” and adding the words, “generally throughout the built-up area”after the words, “residential intensification”.

6. Section B.3.1.2 d), is modified by adding the words, “and particularly larger lot sizes” after the words, “plan for a range of lot sizes”.

7. Section B.3.6.5.9 a), is modified by adding the words, “in those exceptional situations” at the beginning and adding the following new sentence at the end of the subsection:
Attachment “1”

“The designation of a floodplain Special Policy Area, and any change or modification to the site-specific policies or boundaries applying to a floodplain Special Policy Area, must be approved by the Province prior to the City approving such changes or modifications.”

8. Section B.3.7, Energy and Environmental Design, is hereby modified:

(a) the deletion of the sentence, “These policies may be amended once the Green Energy Act is adopted.” in the preamble.

(b) In subsection B.3.7.4 a), the deletion of the words, “renewable energy systems and” in the second line;

(c) the addition of the following new subsection after subsection B.3.7.4 b):

“c) Work jointly with the Province to investigate the need, feasibility, implications and suitable locations for solar, wind, and bio-energy projects and to promote local clean energy generation, where appropriate, and in accordance with the Green Energy and Green Economy Act, 2009.”

(d) in subsection B.3.7.5, the deletion of the words, “Renewable energy systems and” in the first line;

(e) in subsection B.3.7.6, the deletion of the words, “Renewable energy systems and” in the first line;

(f) the addition of the following new subsection after subsection B.3.7.6,

“3.7.7 Renewable energy undertakings are exempted from Planning Act approvals as per Schedule K of the Green Energy and Green Economy Act, 2009. These undertakings shall be subject to the Green Energy and Green Economy Act, 2009 and other provincial approvals.”

9. Section C.1.1, Niagara Escarpment Plan, is hereby modified:

(a) the deletion of the second paragraph in its entirety and replacement with the following:
“The Niagara Escarpment Plan provides for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment and to ensure only such development occurs as is compatible with that natural environment.”;

(b) in subsection C.1.1.1, the addition of the words, “and Section 3.3 of the Greenbelt Plan after the words, “Niagara Escarpment Plan” in the fourth line.

10. Section C.2.0, Natural Heritage System, is hereby modified:

(a) the deletion of the words, “the Greenbelt Natural Heritage System, the Greenbelt Protected Countryside” after the words, “Schedule B – Natural Heritage System, consists of” in the third paragraph to the preamble;

(b) the deletion of the second sentence of the fourth paragraph to the preamble and replacement with the following:

“The systems approach involves delineating a Natural Heritage System which includes Core Areas, as well as supportive features (Linkages) that maintain the ecological functionality and connectivity of the natural system.”;

(c) in subsection C.2.1, the addition of the word, “Urban” before the word, “Hamilton” in the second line;

(d) in subsection C.2.2.2, the addition of the words, “or the establishment of new” after the word, “existing” in the first line and the addition of the words, “within or” before the word, “adjacent” in the second line;

(e) in subsection C.2.2.3, the addition of the words, “and Schedules B1-8 – Detailed Natural Heritage Features” after the words, “Schedule B – Natural Heritage System” in the sixth line;

(f) in subsection C.2.2.5, the deletion of the first sentence in its entirety and replacement with the following:

“Areas of significant habitat of threatened or endangered species, fish habitat, significant valley lands, significant wildlife habitat, vegetation protection zones, groundwater seepage areas and springs, and additional Core Areas are not mapped on
Schedule B – Detailed Natural Heritage Features, at this time.”;

(g) in subsection C.2.2.6, the addition of the words, “and Linkages,” after the words, “Core Areas identified by provincial policy” in the second line;

(h) in subsection C.2.3.1, the deletion of this subsection in its entirety and replacement with the following:

“2.3.1 In accordance with the policies of this Plan, Schedule B – Natural Heritage System, identifies Core Areas to include key natural heritage features and key hydrologic features. Core Areas of the City’s Natural Heritage System also include other locally and provincially significant natural areas. Schedule B – Natural Heritage System shall be amended when new Core Areas are identified.”;

(i) in subsection C.2.3.2, the deletion of the first sentence in its entirety and replacement with the following:

“Core Areas include key natural heritage features, key hydrologic features and provincially significant and local natural areas that are more specifically identified by Schedules B1-8 – Detailed Natural Heritage Features.”;

(j) in subsection C.2.5.1, the deletion of the preamble in its entirety and replacement with the following:

“Development and site alteration is not permitted within Core Areas as identified on Schedule B – Natural Heritage System, as shown on Schedules B1-8 – Detailed Natural Heritage Features or identified by the completion of an Environmental Impact Statement, watershed plans and studies completed in accordance with Section C.2.2.6, including any associated vegetation protection zone, with the exception of:”;

(k) in subsection C.2.5.9 b), the deletion of the word, “native”;

11. Section C.2.5.10, is hereby modified:

(a) in subsection h), the addition of the word, “Significant” before the word, “Valleylands”;

5
(b) the addition of a new subsection after subsection h):

“i) Significant Habitat of Threatened or Endangered Species and Significant Wildlife Habitat: the minimum vegetation protection zone will be determined through Environmental Impact Statements, dependent on the sensitivity of the feature.”

12. Section C.2.5.14, is modified by adding the word, “Generally,” at the start of the first sentence and adding the following new sentence at the beginning of this subsection:

“Permitted uses within a vegetation protection zone will be dependent on the sensitivity of the feature, and determined through approved studies.”

13. Section C.2.7.5, is deleted in its entirety and replaced with the following:

“Since linkages are best enhanced and protected through larger-scale planning processes, Secondary Plans shall identify and evaluate Linkages in greater detail, including Linkages currently identified in Schedule B – Natural Heritage System and those that may be newly identified through the planning process. Linkages shall be mapped in Secondary Plans and policies for their protection and enhancement included.”

14. Section C.2.9.1, is modified by deleting the words, “native indigenous vegetation” and replacing with the words, “natural self-sustaining vegetation” in the third line.

15. Section C.2.11.3, is modified by adding the words, “ensure that the trees are not listed as threatened or endangered species, and the City will” after the words, “the City shall” in the third line.

16. Section C.3.2, Urban Area General Provisions (Policies), is hereby modified:

(a) in subsection C.3.2.1 b), the deletion of the word, “wind turbines” in the second line;

(b) the deletion of subsection C.3.2.3 in its entirety and replacement with the following:
“3.2.3 Renewable energy undertakings are exempted from Planning Act approvals as per Schedule K of the Green Energy and Green Economy Act, 2009. These undertakings shall be subject to the Green Energy and Green Economy Act, 2009 and other provincial approvals.”;

(c) the deletion of subsection C.3.2.4 in its entirety.

17. Section C.3.4, Utility Designation, is hereby modified:

(a) the deletion of subsection C.3.4.3 in its entirety and the proceeding subsections are renumbered accordingly;

(b) in subsection C.3.4.9, the addition of the words, “and in accordance with the Green Energy and Green Economy Act, 2009” at the end.

18. Section C.4.2, is modified by adding the following new subsection after subsection C.4.2.16:

“4.2.17 The City shall plan for and protect corridors and rights-of-way for transportation, transit and infrastructure facilities to meet current and projected needs and not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.”

19. Section C.4.8.5, is modified by adding the following new subsection after subsection c):

“d) development that is noise or land use sensitive to airport operations or will limit the opportunities for expansion of airport operations are restricted.”

20. Section C.5.5, is modified by adding the words, “waste management system” before the word, “methods” in the second line.

21. Section E.2.7.5, is modified by adding the words, “; however they shall be restricted in function and scale.”
22. Section **E.4.4.4**, is hereby modified:

(a) in subsection b), delete “*auto and home centres*”;

(b) in subsection d), add the words, “*, conference and convention centres*” after the word, “motel”.

23. Section **E.4.5.5**, is hereby modified:

(a) in subsection a), delete the words, “*auto and homes centres*”;

(b) in subsection d), add the words, “*, conference and convention centres*” after the word, “hotels”.

24. Section **E.4.8**, is modified by adding the following new subsection after subsection E.4.8.1 and renumbering the proceeding subsections accordingly:

“**4.8.2** Mineral aggregate resources are present in the Ancaster Business Park/Wilson-Garner area. The City supports and encourages the recovery of these resources through the sequential use of the developable land in this area, whereby mineral aggregate resources are extracted prior to, or in conjunction with, development of the area.”

25. Section **E.5.1.2**, is modified by adding the words, “*, and particularly larger parcels*” after the words, “parcel sizes” in the second line.

26. Section **E.5.1.4**, is modified by deleting the word, “*functions*” and replacing with the word, “*uses*” in the first line.

27. Section **E.5.2.6**, is modified by adding the words, “*and sensitive land uses*” at the end.

28. Section **E.5.3.2 c)**, is modified by deleting the words, “hotels, health and recreational facilities”.

29. Section **E.5.3.3**, is modified by deleting this section in its entirety and replacing with the following:

“**Office uses within the Employment Area – Industrial Land designation may be allowed up to 2,000 square metres gross floor**
30. **Section E.5.4, Employment Area – Business Park Designation**, is hereby modified:

(a) the addition of the following new subsection after subsection E.5.4.2 and renumbering the proceeding subsections accordingly:

> "5.4.3 Mineral aggregate resources are present in the Ancaster Business Park/Wilson-Garner area. The City supports and encourages the recovery of these resources through the sequential use of the developable land in this area, whereby mineral aggregate resources are extracted prior to, or in conjunction with, development of the area."

(b) in subsection **E.5.4.5 a)**, the addition of the words, "may be allowed up to 2,000 square metres gross floor area per free-standing building" before the words, "excluding industrial administrative offices" in the first line;

(c) the deletion of subsection b) in its entirety and renumbering the proceeding subsections accordingly.

31. **Section F.1.0, Planning Act Implementation Tools**, is hereby modified:

(a) the addition of the following new subsection after subsection F.1.2.8:

> "1.2.9 When secondary plans are updated, opportunities for achieving the growth management targets of Policy A.2.3.3 shall be considered as part of the *development review process.*";

(b) in subsection **F.1.6**, the addition of the words, "and minor variance" after the words, "site plan control" in the fourth line;

(c) in subsection **F.1.7.5 a)**, the addition of the word, "sustainable" before the words, "design features of buildings" in the third line;

(d) the addition of the following new subsections after subsection **F.1.14.1.5**:

> "1.14.1.6 If approval of a draft plan of subdivision lapses,
opportunities for achieving the growth management targets of Policy A.2.3.3 shall be considered as part of the development review process.

1.14.1.7 If a plan of subdivision or part thereof has been registered for eight years or more and does not conform to the policies of this Plan, the City may use its authority under section 50(4) of the Planning Act to deem it not be a registered plan of subdivision.”

32. Section F.3.1.6.2, is modified by deleting the words, “wherever possible” in the third line of the preamble.

33. Section F.3.2.1.4, is modified by deleting the first paragraph of this subsection in its entirety and replacing with the following:

“An EIS shall be required for development and site alteration Proposed within or adjacent to a Core Area. Adjacent lands for features are defined in Table F.3.2 below. The distances for adjacent lands provided in Table F.3.2 are guidelines only and the City may require an EIS for development proposed outside of the adjacent area if it is anticipated that impacts may be far-reaching.”

34. Table F.3.2, is modified by adding the words, “(For lands outside the Greenbelt Plan Area)” to the end of the title to the table.

35. Chapter G – Glossary, is hereby modified:

(a) The addition of the following new definitions:

“Planned Corridors: means corridors identified through provincial plans or preferred alignment(s) determined through the Environmental Assessment Act process which are required to meet projected needs (PPS, 2005).

Waste Management System: means sites and facilities to accommodate solid waste from one or more municipalities and includes landfill sites, recycling facilities, transfer stations, processing sites and hazardous waste depots (PPS, 2005).”;

(b) the deletion of the definition for the Growth Plan for the Greater
Attachment “1”

Golden Horseshoe and replacement with the following:

“Growth Plan for the Greater Golden Horseshoe: means a Provincial plan prepared under the Places to Grow Act, 2005. It is a framework for implementing the Government of Ontario’s vision for building stronger, prosperous communities by better managing growth in this region to 2031.”;

(c) the deletion of the definition for Significant Habitat of Threatened, Endangered, and Special Concern Species and replacement with the following:

“Significant Habitat of Threatened or Endangered Species: means that habitat, as approved by the Ministry of Natural Resources, that is necessary for the maintenance survival and/or recovery of naturally occurring or reintroduced populations of species at risk and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle. To identify which species are threatened or endangered, the City will refer to the Species at Risk in Ontario list that is prepared and updated by the Ministry of Natural Resources. The City may collaborate with the Province during the early stages of the planning process, to ensure that the significant habitat of threatened or endangered species on lands affected by or contiguous to any proposed development or site alteration is properly evaluated and identified.”;

(d) in the definition for Environmentally Significant Areas (ESAs), the deletion of subsection f) and replacement with the following:

“f) the site contains a regionally significant earth science Area of Natural and Scientific Interest (ANSI);”;

(e) In the definition for Alternative Energy Systems, the addition the following new sentence at the end:

“Alternative Energy Systems undertakings do not include renewable energy undertakings as defined in the Green Energy and Green Economy Act, 2009.”;

(f) in the definition for Renewable Energy Systems, the addition of the following new sentence at the end:
“These systems have the same meaning as a renewable energy undertaking under the Green Energy and Green Economy Act, 2009.”

B. **Volume 1, Schedules A, B, B-1, B-2, B-4 to B-8, C, C-2, E, E-1, G**, save and except for those matters set out in part “F” of this decision, with the following modifications:

1. **Schedule B – Natural Heritage System**, is modified by applying and delineating the Area Specific Policy USC-1 in Volume 3 to the entire Feeder Area as identified in Figure 2 to the Eramosa Karst ANSI report (Buck, Worthington, and Ford, 2003).

2. **Schedule B-7 – Detailed Natural Heritage Features, Local Natural Area Earth Science ANSI**, is modified by applying and delineating the Area Specific Policy USC-1 in Volume 3 to the entire Feeder Area as identified in Figure 2 to the Eramosa Karst ANSI report (Buck, Worthington, and Ford, 2003).

C. **Volume 1, Appendix A, B, D, E, F, F-1 to F-4 inclusive and G**, save and except for those matters set out in part “F” of this decision.

D. **Volume 2, Chapter B, Secondary Plans**, save and except for the provisions set out in part “F” of this decision, with the following modifications:

1. **Section B.7.5.11.3, Nash Neighbourhood**, is modified by deleting the words, “and the Province” in the last line.

2. **Section B.7.5.14.2, Nash Neighbourhood**, is hereby modified:
   
   a) in subsection b), the addition of the words, “the existing licence to extract mineral aggregate resource issued under the Aggregate Resources Act;” after the words, “Section 14 of the Environmental Assessment Act dated July 15, 1996;”;
   
   b) in subsection c), the addition of the words, “and surrender of the Aggregate Resources Act licence” at the end;
   
   c) the deletion of subsection d) and replacement with the following:

   “d) Recreational and open space uses, when approved by the Minister of Environment, can occur without amendment to this Plan subject to the surrender of the Aggregate Resource
3. Section B.7.6.1.3, West Mountain Area (Heritage Green), is modified by deleting the words, “and the Province” in the last line.

E. Volume 3, Chapter B, Urban Area Specific Policies and Chapter C, Urban Site Specific Policies and Maps, save and except for the provisions set out in part “F” of this decision, with the following modifications:

1. Volume 3, Chapter B, Urban Area Specific Policy USC-1, is modified by revising the title and first paragraph of Section 1.0 to describe the entire Feeder Area as identified in Figure 2 to the Eramosa Karst ANSI report (Buck, Worthington, and Ford, 2003).

2. Volume 3, Chapter B, Urban Area Specific Policy USC-1, subsection 1.0 c), is modified by adding the words, “, the Province” after the words, “to the satisfaction of the City” in the third line.

3. Volume 3, Map SC-1 - Area Specific Policies, is modified by applying and delineating the Area Specific Policy USC-1 to the entire Feeder Area as identified in Figure 2 to the Eramosa Karst ANSI report (Buck, Worthington, and Ford, 2003).

F. SAVE and EXCEPT for the following sections and maps:

1. Volume 2, Section B.6.5, West Harbour (Setting Sail) Secondary Plan and Maps B.6.5-1 to B.6.5-6 inclusive.
<table>
<thead>
<tr>
<th>No.</th>
<th>Draft Modification</th>
<th>Modified Policy/Schedules/Maps as proposed by Province</th>
<th>Recommendation/Rationale</th>
<th>Recommended Revision to Modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a</td>
<td>Section A.2.3. Growth Management – Provincial, is hereby modified:</td>
<td>A.2.3.1 Population Forecasts – City Wide Hamilton’s 2031 population forecasts are as follows: Table A.1 - Population Forecasts, 2001-2031</td>
<td>Accept</td>
<td>Technical Change</td>
</tr>
<tr>
<td>1b</td>
<td>Section A.2.3.2, the deletion of the word, “targets” in this section and replacing with the word, “forecasts” in all instances</td>
<td>A.2.3.2 Employment Forecasts – City Wide Hamilton’s employment forecasts for 2001-2031 by type are as follows: Table A.2. Employment Forecasts</td>
<td>Accept</td>
<td>Technical Change</td>
</tr>
</tbody>
</table>
| 1c  | Section A.2.3.3, the deletion of the last sentence in its entirety and replacement with the following:  
"On non-employment lands, densities will need to achieve a minimum density of __ persons and jobs per hectare to meet the overall density target." | A.2.3.3 Greenfield areas shall be planned to achieve an overall minimum density of 50 people and jobs per hectare. The greenfield density target shall be measured over Hamilton’s greenfield area, excluding natural heritage features designated in this Plan. The greenfield area includes designated employment areas. On employment lands, the City shall plan to meet a density target of 37 people and jobs per hectare. On non-employment lands, densities will need to exceed 50 persons and jobs per hectare to meet the overall density target. On non-employment lands, densities will need to achieve a minimum density of __ persons and jobs per hectare to meet the overall density target. | Accept with changes | The Province will be adding in the targets for non-employment lands to other municipal OP’s.  
Based on the on the data analysis, the City is required to have a density on-employment lands of 70 persons and jobs per ha to compensate for the 37 jobs per ha for the employment lands.  
Add the word “average” after “minimum” and ”70” after “density of” as follows:  
"On non-employment lands, densities will need to achieve a minimum average density of 70 persons and jobs per hectare to meet the overall density target.”  
| 1d  | Section A.2.3.4, the addition of the words, “occurring annually” before the words, “within its built-up area by 2015” and the addition of the following new sentence at the end:  
"Despite the intensification objectives of this Plan, a floodplain Special Policy Area is an area where new or intensified development is not permitted." | A.2.3.4 Hamilton is required to plan to achieve a minimum of 40% of all residential development occurring annually within its built-up area by 2015. A total of 26,500 units are to be accommodated within the built-up area between 2015 and 2031. The built-up area for Hamilton is identified on Appendix G. Despite the intensification objectives of this Plan, a floodplain Special Policy Area is an area where new or intensified development is not permitted. | Do not accept | 1. There is only 1 special policy area (area specific policy) dealing with flooding which is located in Dundas.  
2. The area specific policy is very clear as to limits on development. In the future, should there be a need for additional special policy areas of this nature an area specific policy would be added to the OP.  
3. The language and the structure of the policy does not fit in with the structure of the OP.  |
| 2   | Section A.2.5.5, is modified by deleting the word, “adopted” and replacing with the word, “released” in the first line. | A.2.2.5 The Growth Plan for the Greater Golden Horseshoe was adopted released in June 2006 to build stronger and more prosperous communities by better managing growth by 2031. | Accept                   | Technical Change                    |
| 3a  | Section B.2.2, Urban Boundary Expansions, is hereby modified:  
the addition of the word, “Future” before the words, “Urban Boundary Expansions” in the title | B.2.2 Future Urban Boundary Expansions | Accept                   | Clarification                      |
<table>
<thead>
<tr>
<th>No.</th>
<th>Draft Modification</th>
<th>Modified Policy/Schedules/Maps as proposed by Province</th>
<th>Recommendation/Rationale</th>
<th>Recommended Revision to Modification</th>
</tr>
</thead>
</table>
| 3b  | the deletion of subsection B.2.2.1 b) in its entirety and replacement with the following:  
   “b) Future Urban Growth District generally in the vicinity of the Elfrieda area.” | in Future Urban Growth District is generally bounded by Mud Street, Second Road and Hendershot Road on the east, Golf Club Road on the south, Trinity Church Road on the west, and the existing urban boundary (west side of Centennial Parkway) on the north.  
b) Future Urban Growth District generally in the vicinity of the Elfrieda area. | Accept with changes | Delete the words “generally” and add the words “,located generally in the area of Upper Centennial Parkway, Rymal Road East, Highway 20 and Highway 56” so the clause reads as follows:  
b) Future Urban Growth District generally in the vicinity of the Elfrieda area, located generally in the area of Upper Centennial Parkway, Rymal Road East, Highway 20 and Highway 56. |
| 3c  | in subsection B.2.2.4 a), the addition of the words, “to determine if sufficient opportunities to accommodate forecasted growth contained in Policy A.2.3.1 and Policy A.2.3.2 are not available” at the end | B.2.2.4 a) a comprehensive review and land budget analysis is required to determine the need for an urban boundary expansion, which includes an assessment of occupied and vacant urban land, brownfield availability, Greenfield densities, and intensification targets to determine if sufficient opportunities to accommodate forecasted growth contained in Policy A.2.3.1 and Policy A.2.3.2 are not available; | Accept | Clarification |
| 3d  | The deletion of subsection B.2.2.4 d) in its entirety and replacement with the following:  
   “d) in prime agricultural areas, the lands do not comprise specialty crop areas, there are no reasonable alternatives that avoid prime agricultural areas and there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas” | d) an assessment of agricultural capability which considers directing urban growth onto those lands which are or are not on lower priority lands, which are designated Agriculture;  
d) in prime agricultural areas, the lands do not comprise specialty crop areas, there are no reasonable alternatives that avoid prime agricultural areas and there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas; | Accept | Technical Correction – the wording is similar to the wording from the Provincial Policy Statement (PPS) |
| 3e  | in subsection B.2.2.4 e) iii), the addition of the words, “and the timing of the urban boundary expansion and the phasing of development within the greenfield areas will not adversely affect the achievement of the residential intensification target and Greenfield density targets” at the end | B.2.2.4 e) iii) an urban development staging, phasing or implementation strategy in keeping with City-wide master plan priorities and secondary plan objectives and the timing of the urban boundary expansion and the phasing of development within the greenfield areas will not adversely affect the achievement of the residential intensification target and Greenfield density targets. | Accept with change | Add the sentence as a new clauses iv) instead of at the end of the iii) since it is a separate action  
Change the word “will” to “shall” |
| 3f  | the addition of the following new subsection after B.2.2.4 g).  
   “h) the urban boundary expansion makes available sufficient lands for a time horizon not exceeding 20 years, based on the analysis provided for in Policy B.2.2.4 a)” | B.2.2.4 f) completion of a financing policy for urban services and other community infrastructure; and,  
g) other studies and policies which the City deems necessary for the development of the future urban growth district as a sustainable transit oriented urban community; and,  
h) the urban boundary expansion makes available sufficient lands for a time horizon not exceeding 20 years, based on the analysis provided for in Policy B.2.2.4 a). | Do not accept | The same policy is located in Chapter F.3-Other Implementation Tools as Policy F.3.5.1 |
| 4   | Section B.2.3.2 c), is deleted in its entirety. | B.2.3.2 a) to include specific lands within the urban boundary; and,  
b) to add new parent and secondary plan policies and mapping for the lands identified in Policy B.2.2.1 a); and,  
c) to protect and reserve any additional lands deemed necessary for future employment growth. | Do not accept | Based on discussion with provincial staff, the City to include wording such as this to protect the area around the airport which is outside the 2031 time frame for employment purposes |
<table>
<thead>
<tr>
<th>No.</th>
<th>Draft Modification</th>
<th>Modified Policy/Schedules/Maps as proposed by Province</th>
<th>Recommendation/Rationale</th>
<th>Recommended Revision to Modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Section B.2.4.5, is modified by deleting the words, “investigate opportunities to” and adding the words, “generally throughout the built-up area” after the words, “residential intensification”.</td>
<td>B.2.4.5 The City shall investigate opportunities to establish zoning that permits residential intensification generally throughout the built-up area in accordance with this Plan.</td>
<td>Accept</td>
<td>The proposed wording reflects the approach the City is taking to pre-zone certain areas for higher densities as part of the new comprehensive Zoning By-law.</td>
</tr>
<tr>
<td>6</td>
<td>Section B.3.1.2 d), is modified by adding the words, “and particularly larger lot sizes” after the words, “plan for a range of lot sizes”.</td>
<td>B.3.1.2 d) endeavour to provide for and plan for a range of lot sizes and particularly larger lot sizes throughout the designated employment lands.</td>
<td>Do not accept</td>
<td>The proposed wording is redundant since the City is planning for a variety of lot sizes.</td>
</tr>
<tr>
<td>7</td>
<td>Section B.3.6.5.9 a), is modified by adding the words, “in those exceptional situations” at the beginning and adding the following new sentence at the end of the subsection: “The designation of a floodplain Special Policy Area, and any change or modification to the site-specific policies or boundaries applying to a floodplain Special Policy Area, must be approved by the Province prior to the City approving such changes or modifications.”</td>
<td>B.3.6.5.9 Notwithstanding Policy B.3.6.5.6, B.3.6.5.7, and B.3.6.5.8, development and site alteration may be permitted on hazard lands: a) in those exceptional situations where a Special Policy Area, under Section 3.1.3 a) of the Provincial Policy Statement has been approved by the Province. Such special policy areas permitting development and site alteration on hazard lands shall be included as Area Specific Policies in Volume 3. The designation of a floodplain Special Policy Area, and any change or modification to the site-specific policies or boundaries applying to a floodplain Special Policy Area, must be approved by the Province prior to the City approving such changes or modifications;</td>
<td>Accept</td>
<td>Clarification</td>
</tr>
<tr>
<td>8</td>
<td>Section B.3.7, Energy and Environmental Design, is hereby modified.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8a</td>
<td>Preamble: the deletion of the sentence, “These policies may be amended once the Green Energy Act is adopted.” in the preamble.</td>
<td>These policies may be amended once the Green Energy Act is adopted</td>
<td>Accept</td>
<td>Changes made as a result of the Green Energy and Green Economy Act.</td>
</tr>
<tr>
<td>8b</td>
<td>In subsection B.3.7.4 a), the deletion of the words, “renewable energy systems and” in the second line</td>
<td>B.3.7.4 The City shall promote increasing the supply of energy and in particular, the supply of sustainable energy by: a) permitting energy generation facilities to meet existing and planned needs, including renewable energy systems and alternative energy systems, both as principal and accessory uses. These facilities shall be permitted in all land use designations subject to the other relevant policies of this Plan,...</td>
<td>Accept</td>
<td>Changes made as a result of the Green Energy and Green Economy Act.</td>
</tr>
<tr>
<td>8c</td>
<td>the addition of the following new subsection after subsection B.3.7.4 b): “c) Work jointly with the Province to investigate the need, feasibility, implications and suitable locations for solar, wind, and bio-energy projects and to promote local clean energy generation, where appropriate, and in accordance with the Green Energy and Green Economy.</td>
<td>B.3.7.4 The City shall promote increasing the supply of energy and in particular, the supply of sustainable energy by: a) permitting energy generation facilities to meet existing and planned needs, including renewable energy systems and alternative energy systems, both as principal and accessory uses. These facilities shall be permitted in all land use designations subject to the other relevant policies of this Plan, Policy B.3.7.3, compatibility with the surrounding land uses, and in accordance with the provisions of the Zoning By-law; and,</td>
<td>Accept with minor wording change</td>
<td>Changes made as a result of the Green Energy and Green Economy Act.</td>
</tr>
<tr>
<td>No.</td>
<td>Draft Modification</td>
<td>Modified Policy/Schedules/Maps as proposed by Province</td>
<td>Recommendation/Rationale</td>
<td>Recommended Revision to Modification</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------</td>
<td>---------------------------------------------------------</td>
<td>--------------------------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>8d</td>
<td>in subsection B.3.7.5, the deletion of the words, “Renewable energy systems and” in the first line</td>
<td>B.3.7.5 Renewable energy systems and Alternative energy systems shall be permitted in accordance with all federal and provincial requirements and Policy B.3.7.4 a).</td>
<td>Accept</td>
<td>Changes made as a result of the Green Energy and Green Economy Act</td>
</tr>
<tr>
<td>8e</td>
<td>in subsection B.3.7.6, the deletion of the words, “Renewable energy systems and” in the first line</td>
<td>B.3.7.6 Renewable energy systems and Alternative energy systems may be subject to studies to demonstrate to the satisfaction of the City how the potential adverse impacts, such as noise, dust, vibration, air quality, and water quality and quantity shall be mitigated.</td>
<td>Accept</td>
<td>Changes made as a result of the Green Energy and Green Economy Act</td>
</tr>
<tr>
<td>8f</td>
<td>the addition of the following new subsection after subsection B.3.7.6, “3.7.7 Renewable energy undertakings are exempted from Planning Act approvals as per Schedule K of the Green Energy and Green Economy Act, 2009. These undertakings shall be subject to the Green Energy and Green Economy Act, 2009 and other provincial approvals.”</td>
<td>B.3.7.7 Renewable energy undertakings are exempted from Planning Act approvals as per Schedule K of the Green Energy and Green Economy Act, 2009. These undertakings shall be subject to the Green Energy and Green Economy Act, 2009 and other provincial approvals.</td>
<td>Accept with changes</td>
<td>Changes made as a result of the Green Energy and Green Economy Act</td>
</tr>
<tr>
<td>9</td>
<td>Section C.1.1, Niagara Escarpment Plan, is hereby modified:</td>
<td>C.1.1 The Niagara Escarpment is a prominent natural feature that traverses the breadth of the City. It provides a distinctive landscape and performs many ecological functions. The natural and physical features of the Escarpment should be protected through policies which apply to the physical features themselves and to a protective buffer. The Niagara Escarpment Plan provides for the protection of the Niagara Escarpment and adjacent lands as a continuous natural environment and to ensure that development within these lands under the jurisdiction of the Niagara Escarpment Plan is compatible with the natural environment. The Niagara Escarpment Plan provides for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment and to ensure only such development occurs as is compatible with that natural environment.</td>
<td>Accept</td>
<td>The proposed wording is the same modification made to the Rural OP.</td>
</tr>
<tr>
<td>9a</td>
<td>the deletion of the second paragraph in its entirety and replacement with the following:</td>
<td>C.1.1 The Niagara Escarpment is a prominent natural feature that traverses the breadth of the City. It provides a distinctive landscape and performs many ecological functions. The natural and physical features of the Escarpment should be protected through policies which apply to the physical features themselves and to a protective buffer.</td>
<td>Accept</td>
<td>The modification should be to delete “and”</td>
</tr>
<tr>
<td>9b</td>
<td>in subsection C.1.1.1, the addition of the words, “and Section 3.3 of the Greenbelt Plan after the words, “Niagara Escarpment Plan” in the fourth line</td>
<td>C.1.1.1 Any development within the Niagara Escarpment Plan area, as shown on Schedule A – Provincial Plans, shall meet the requirements of this Plan and the Niagara Escarpment Plan and Section 3.3 of the Greenbelt Plan. Where</td>
<td>Accept with changes</td>
<td>Delete the words, “and Section 3.3 of the Greenbelt Plan after the words, “Niagara Escarpment Plan” in the fourth line</td>
</tr>
<tr>
<td>No.</td>
<td>Draft Modification</td>
<td>Modified Policy/Schedules/Maps as proposed by Province</td>
<td>Recommendation/Rationale</td>
<td>Recommended Revision to Modification</td>
</tr>
<tr>
<td>-----</td>
<td>--------------------</td>
<td>--------------------------------------------------------</td>
<td>--------------------------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>10</td>
<td>Section C.2.0, Natural Heritage System, is hereby modified:</td>
<td>there is discrepancy between this Plan and the Niagara Escarpment Plan and Section 3.3 of the Greenbelt Plan. the most restrictive policies will prevail.</td>
<td>Section 3.3 of the Greenbelt Plan&quot; instead of adding the words.</td>
<td></td>
</tr>
<tr>
<td>10a</td>
<td>the deletion of the words, &quot;the Greenbelt Natural Heritage System, the Greenbelt Protected Countryside&quot; after the words, &quot;Schedule B – Natural Heritage System, consists of&quot; in the third paragraph to the preamble</td>
<td>C.2.0...The Natural Heritage System, identified on Schedule B – Natural Heritage System, consists of the Greenbelt Natural Heritage System, the Greenbelt Protected Countryside, the Niagara Escarpment Plan area, and Core Areas and Linkages identified by the City, based on requirements of the Provincial Policy Statement.</td>
<td>Accept</td>
<td>Technical change</td>
</tr>
<tr>
<td>10b</td>
<td>the deletion of the second sentence of the fourth paragraph to the preamble and replacement with the following: &quot;The systems approach involves delineating a Natural Heritage System which includes Core Areas, as well as supportive features (Linkages) that maintain the ecological functionality and connectivity of the natural system.&quot;</td>
<td>C.2.0...The Natural Heritage System consists of Core Areas, Linkages, and the matrix of lands between them which may be suitable for restoration. The systems approach involves delineating a Natural Heritage System which includes Core Areas, as well as smaller, less significant habitat (Linkages) or degraded areas to provide a connected system of natural areas. The systems approach involves delineating a Natural Heritage System which includes Core Areas, as well as supportive features (Linkages) that maintain the ecological functionality and connectivity of the natural system. Connecting natural areas allows wildlife and plants to move between habitat patches. ...</td>
<td>Accept</td>
<td>Clarification</td>
</tr>
<tr>
<td>10c</td>
<td>in subsection C.2.1, the addition of the word, &quot;Urban&quot; before the word, &quot;Hamilton&quot; in the second line</td>
<td>C.2.1. The following goals apply to designation and management of the Natural Heritage System in Urban Hamilton.</td>
<td>Accept</td>
<td>Clarification</td>
</tr>
<tr>
<td>10d</td>
<td>in subsection C.2.2.2. the addition of the words, &quot;or the establishment of new&quot; after the word, &quot;existing&quot; in the first line and the addition of the words, &quot;within or&quot; before the word, &quot;adjacent&quot; in the second line.</td>
<td>C.2.2.2 The policies in this Plan do not prohibit the continuation of existing or the establishment of new agricultural uses, agriculture-related uses and secondary uses within or adjacent to the Natural Heritage System lands. Harvesting timber shall be permitted within or adjacent to the Natural Heritage System according to sustainable forestry practice and the requirements of the applicable tree cutting by-laws.</td>
<td>Do not accept</td>
<td>This policy should be deleted in its entirety since it applies to the rural area (and subsequent policies renumbered accordingly.</td>
</tr>
<tr>
<td>10e</td>
<td>in subsection C.2.2.3, the addition of the words, &quot;and Schedules B1-8 – Detailed Natural Heritage Features&quot; after the words, &quot;Schedule B – Natural Heritage System&quot; in the sixth line</td>
<td>C.2.2.3 The boundaries of Core Areas and Linkages, shown on Schedule B – Natural Heritage System, are general in nature. Minor refinements to such boundaries may occur through Environmental Impact Statements, watershed studies or other appropriate studies accepted by the City without an amendment to this Plan. Major changes to boundaries, the removal or addition of Core Areas and Linkages identified on Schedule B - Natural Heritage System and Schedules B1-8 – Detailed Natural Heritage Features, require an amendment to this Plan.</td>
<td>Accept</td>
<td>Clarification</td>
</tr>
<tr>
<td>10f</td>
<td>in subsection C.2.2.5, the deletion of the first sentence in its entirety and replacement with the following: &quot;Areas of significant habitat of threatened or endangered species, fish habitat, significant valley lands, significant wildlife habitat, vegetation protection zones, groundwater seepage areas and springs, and additional</td>
<td>C.2.2.5 Areas of significant habitat of threatened, endangered, and special concern species, fish habitat, significant valley lands, significant wildlife habitat, and groundwater seepage areas and springs or Core Areas outside of the Greenbelt Plan area are not mapped on Schedule B - Detailed Natural Heritage Features, at this time. Areas of significant habitat of threatened or endangered species, fish habitat, significant valley lands, significant wildlife habitat, vegetation protection zones, groundwater seepage areas.</td>
<td>Accept</td>
<td>Technical change</td>
</tr>
<tr>
<td>No.</td>
<td>Draft Modification</td>
<td>Modified Policy/Schedules/Maps as proposed by Province</td>
<td>Recommendation/Rationale</td>
<td>Recommended Revision to Modification</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------</td>
<td>-------------------------------------------------------</td>
<td>--------------------------</td>
<td>------------------------------------</td>
</tr>
<tr>
<td>10g</td>
<td>in subsection C.2.2.6, the addition of the words, &quot;and Linkages,&quot; after the words, &quot;Core Areas identified by provincial policy&quot; in the second line</td>
<td>C.2.2.6 The City shall conduct studies in the future to identify the precise location of Core Areas identified by provincial policy and Linkages, but not presently mapped in this Plan. Schedule B - Natural Heritage System and Schedules B1-8 - Natural Heritage Features shall be amended as these features are identified. The Province is responsible for defining criteria for determining the significance of certain natural heritage features in the Natural Heritage System. The criteria established in this Plan and used by the City to identify natural heritage features shall be updated and amended to reflect provincial direction as required.</td>
<td>Accept</td>
<td>Clarification</td>
</tr>
<tr>
<td>10h</td>
<td>in subsection C.2.3.1, the deletion of this subsection in its entirety and replacement with the following:</td>
<td>C.2.3.1 In accordance with the policies of this Plan, Schedule B – Natural Heritage System, identifies Core Areas to include key natural heritage features and key hydrologic features. Core Areas of the City’s Natural Heritage System also include other locally and provincially significant natural areas. Schedule B – Natural Heritage System shall be amended when new Core Areas are identified.</td>
<td>Accept</td>
<td>Technical change</td>
</tr>
<tr>
<td>10i</td>
<td>in subsection C.2.3.2, the deletion of the first sentence in its entirety and replacement with the following:</td>
<td>C.2.3.2 Core Areas include local natural areas that are more specifically identified by Schedules B1-8 – Detailed Natural Heritage Features. Core Areas include key natural heritage features, key hydrologic features and provincially significant and local natural areas that are more specifically identified by Schedules B1-8 – Detailed Natural Heritage Features.</td>
<td>Accept</td>
<td>Clarification</td>
</tr>
<tr>
<td>10j</td>
<td>in subsection C.2.5.1, the deletion of the preamble in its entirety and replacement with the following:</td>
<td>C.2.5.1 Permitted uses within Core Areas as identified on Schedule B – Natural Heritage System, as shown on Schedules B1-8 – Detailed Natural Heritage System and which may be further refined by the completion of an Environmental Impact Statement, including any associated vegetation protection zone shall include: Development and site alteration is not permitted within Core Areas as identified on Schedule B – Natural Heritage System, as shown on</td>
<td>Accept with changes</td>
<td>Permitted uses are defined by land use designations of Chapter E. Core Areas policies provide guidance for specific land use designations and appropriate permitted uses. The wording proposed by staff is more consistent.</td>
</tr>
<tr>
<td>No.</td>
<td>Draft Modification</td>
<td>Modified Policy/Schedules/Maps as proposed by Province</td>
<td>Recommendation/Rationale</td>
<td>Recommended Revision to Modification</td>
</tr>
<tr>
<td>-----</td>
<td>-----------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>10k</td>
<td>in subsection C.2.5.9 b), the deletion of the word, “native”</td>
<td>C.2.5.9 An Environmental Impact Statement shall propose a vegetation protection zone which:</td>
<td>Accept</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>a) ...</td>
<td>Technical change. The Province prefers the term “natural self-sustaining vegetation” rather than “natural self-sustaining native vegetation”.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>b) is established to achieve, and be maintained as natural self-sustaining native vegetation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Section C.2.5.10. is hereby modified:</td>
<td>C.2.5.10 h) Significant Valleylands – As required by the relevant Conservation Authority.</td>
<td>Accept</td>
<td></td>
</tr>
<tr>
<td></td>
<td>in subsection h), the addition of the word, “Significant” before the word, “Valleylands”</td>
<td></td>
<td>Clarification</td>
<td></td>
</tr>
<tr>
<td>11b</td>
<td>the addition of a new subsection after subsection h):</td>
<td>C.2.5.10 i) Significant Habitat of Threatened or Endangered Species and Significant Wildlife Habitat: the minimum vegetation protection zone will be determined through Environmental Impact Statements, dependent on the sensitivity of the feature.</td>
<td>Accept with changes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot;i) Significant Habitat of Threatened or Endangered Species and Significant Wildlife Habitat: the minimum vegetation protection zone will be determined through Environmental Impact Statements, dependent on the sensitivity of the feature.&quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Section C.2.7.5 is modified by adding the word, “Generally,” at the start of the first sentence and adding the following new sentence at the beginning of this subsection:</td>
<td>C.2.7.5 Permitted uses within a vegetation protection zone will be dependent on the sensitivity of the feature, and determined through approved studies. Generally, permitted uses within a vegetation protection zone shall be limited to low impact uses, such as ....</td>
<td>Accept with changes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“Permitted uses within a vegetation protection zone will be dependent on the sensitivity of the feature, and determined through approved studies.”</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Section C.2.7.5 is deleted in its entirety and replaced with the following:</td>
<td>C.2.7.5 Since Linkages are best enhanced and protected through larger-scale planning processes, Secondary Plans shall identify and evaluate Linkages identified in Schedule B - Natural Heritage System in greater detail. Linkages shall be mapped in Secondary Plans and policies for their protection and</td>
<td>Accept</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“Since linkages are best enhanced and protected”</td>
<td></td>
<td>Provides more flexibility to evaluate Linkages if the original mapping of</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Draft Modification</td>
<td>Modified Policy/Schedules/Maps as proposed by Province</td>
<td>Recommendation/Rationale</td>
<td>Recommended Revision to Modification</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------</td>
<td>--------------------------------------------------------</td>
<td>--------------------------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td></td>
<td>through larger-scale planning processes, Secondary</td>
<td>Linkages are best enhanced and protected through larger-scale</td>
<td></td>
<td>Linkages in a secondary plan did not</td>
</tr>
<tr>
<td></td>
<td>Plans shall identify and evaluate Linkages in greater</td>
<td>planning processes, Secondary Plans shall identify and evaluate Linkages</td>
<td></td>
<td>capture all of them.</td>
</tr>
<tr>
<td></td>
<td>detail, including Linkages currently identified in</td>
<td>in greater detail, including Linkages currently identified in Schedule B –</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Schedule B – Natural Heritage System and those that</td>
<td>Natural Heritage System and those that may be newly identified through the</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>may be newly identified through the planning process.</td>
<td>planning process. Linkages shall be mapped in Secondary Plans and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Linkages shall be mapped in Secondary Plans and</td>
<td>policies for their protection and enhancement included.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Section C.2.9.1, is modified by deleting the words,</td>
<td>The City shall pursue partnerships to rehabilitate Core Areas and re-</td>
<td>Accept</td>
<td>The modification is difficult to interpret so clearer</td>
</tr>
<tr>
<td></td>
<td>“native indigenous vegetation” and replacing with the words, “natural</td>
<td>establish and strengthen Linkages. The City shall encourage naturalization, or</td>
<td>Technical change. The Province prefers</td>
<td>wording is suggested below:</td>
</tr>
<tr>
<td></td>
<td>self-sustaining vegetation” in the third line.</td>
<td>the reestablishment of native indigenous vegetation natural self-sustaining</td>
<td>the term natural self-sustaining vegetation</td>
<td>Where the City is undertaking infrastructure work,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>vegetation throughout the Natural Heritage System to maintain ecological</td>
<td>rather than natural self-sustaining native</td>
<td>existing woodland resources shall be protected and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>functions.</td>
<td>vegetation.</td>
<td>preserved, where feasible. If it is necessary for</td>
</tr>
<tr>
<td>15</td>
<td>Section C.2.11.3, is modified by adding the words, “ensure</td>
<td>Where the City is undertaking infrastructure work, existing woodland</td>
<td>Accept with changes</td>
<td>Where the City is undertaking infrastructure work,</td>
</tr>
<tr>
<td></td>
<td>that the trees are not listed as threatened or endangered</td>
<td>resources shall be protected and preserved, where feasible. If it is necessary for</td>
<td></td>
<td>existing woodland resources shall be protected and</td>
</tr>
<tr>
<td></td>
<td>species, and the City will” after the words, “the City shall” in the</td>
<td>infrastructure works to destroy any trees, the City shall ensure that the trees</td>
<td></td>
<td>preserved, where feasible. If it is necessary for</td>
</tr>
<tr>
<td></td>
<td>third line.</td>
<td>are not listed as threatened or endangered species, and the City will</td>
<td></td>
<td>infrastructure works to destroy any trees, excluding</td>
</tr>
<tr>
<td></td>
<td></td>
<td>endeavour to compensate by re-planting on site and/or planting trees</td>
<td></td>
<td>trees that are listed as threatened or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>elsewhere.</td>
<td>elsewhere.</td>
<td>endangered species, the City shall endeavour to</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>compensate by re-planting on site and/or planting trees</td>
</tr>
<tr>
<td>16</td>
<td>Section C.3.2, Urban Area General Provisions (Policies),</td>
<td>is hereby modified:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16a</td>
<td>in subsection C.3.2.1 b), the deletion of the word, “wind</td>
<td>C.3.2.1 b) utilities, municipal infrastructure and transportation facilities, corridors</td>
<td>Accept</td>
<td>Changes made as a result of the Green Energy and Green Economy Act</td>
</tr>
<tr>
<td></td>
<td>turbines” in the second line</td>
<td>and easements, wind turbines, electrical facilities used directly for the</td>
<td></td>
<td>Act.</td>
</tr>
<tr>
<td>16b</td>
<td>the deletion of subsection C.3.2.3 in its entirety</td>
<td>C.3.2.3 Small-scale wind turbines, accessory to a single residential dwelling unit</td>
<td>Accept</td>
<td>Changes made as a result of the Green Energy and Green Economy Act</td>
</tr>
<tr>
<td></td>
<td>and replacement with the following:</td>
<td>for domestic use, shall be permitted where residential dwellings are permitted in</td>
<td></td>
<td>Act.</td>
</tr>
<tr>
<td></td>
<td>&quot;3.2.3 Renewable energy undertakings are exempted from</td>
<td>accordance with the other relevant policies of this Plan and subject to the</td>
<td></td>
<td>Act. (This policy may be amended once the Green</td>
</tr>
<tr>
<td></td>
<td>Planning Act approvals as per Schedule K of the Green</td>
<td>provisions of the Zoning By-law. (This policy may be amended once the Green</td>
<td></td>
<td>Energy Act is adopted).</td>
</tr>
<tr>
<td></td>
<td>Energy and Green Economy Act, 2009. These undertakings</td>
<td>Energy and Green Economy Act, 2009. These undertakings shall be subject to the</td>
<td></td>
<td>C.3.2.3 Renewable energy undertakings are exempted from Planning Act</td>
</tr>
<tr>
<td></td>
<td>shall be subject to the Green Energy and Green Economy</td>
<td>Green Energy and Green Economy Act, 2009 and other provincial approvals.&quot;</td>
<td>Accept</td>
<td>approvals as per Schedule K of the Green Energy and Green Economy</td>
</tr>
<tr>
<td>16c</td>
<td>the deletion of subsection C.3.2.4 in its entirety</td>
<td>C.3.2.4 Large scale wind turbines, wind turbines servicing more than one</td>
<td>Accept</td>
<td>Act, 2009 and other provincial approvals.</td>
</tr>
<tr>
<td></td>
<td>C.3.2.4 Large scale wind turbines, wind turbines servicing more than one</td>
<td>residential dwelling unit or a non-residential use on site, or wind turbines</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>residential dwelling unit or a non-residential use on site, or wind turbines</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Draft Modification</td>
<td>Modified Policy/Schedules/Maps as proposed by Province</td>
<td>Recommendation/Rationale</td>
<td>Recommended Revision to Modification</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------</td>
<td>--------------------------------------------------------</td>
<td>--------------------------</td>
<td>----------------------------------</td>
</tr>
</tbody>
</table>
| 17  | Section C.3.4. Utility Designation. is hereby modified | C.3.4.3 notwithstanding C.3.2.1(b), any individual turbine which is used for commercial purposes beyond an individual property shall meet the following conditions:  
   a) the use shall not be permitted on lands designated as Niagara Escarpment Plan Natural Area, or Protection Area on Schedule A – Provincial Plans;  
   b) the use shall address location of structures, height control, and any other measures as may be deemed to be appropriate by the City;  
   c) the use shall not have negative impacts on surrounding land uses; and  
   d) the proponent shall apply for and receive approval of:  
      i) a Zoning by-law amendment to address setbacks, the location and maximum height of wind energy facilities and related buildings and structures;  
      ii) a site plan to address, matters such as access, parking, lighting, drainage, landscaping, buffering and screening; and,  
      iii) any application for a Zoning By-law amendment or site plan approval adjacent to the Niagara Escarpment Plan boundaries shall be submitted to the Niagara Escarpment Commission for review.  
   (This policy may be amended once the Green Energy Act is adopted). | Accept Changes made as a result of the Green Energy and Green Economy Act | |
| 17a | the deletion of subsection C.3.4.3 in its entirety and the proceeding subsections are renumbered accordingly | C.3.4.3 notwithstanding C.3.2.1(b), any individual turbine which is used for commercial purposes beyond an individual property shall meet the following conditions:  
   a) the use shall not be permitted on lands designated as Niagara Escarpment Plan Natural Area, or Protection Area on Schedule A – Provincial Plans;  
   b) the use shall address location of structures, height control, and any other measures as may be deemed to be appropriate by the City;  
   c) the use shall not have negative impacts on surrounding land uses; and  
   d) the proponent shall apply for and receive approval of:  
      i) a Zoning by-law amendment to address setbacks, the location and maximum height of wind energy facilities and related buildings and structures;  
      ii) a site plan to address, matters such as access, parking, lighting, drainage, landscaping, buffering and screening; and,  
      iii) any application for a Zoning By-law amendment or site plan approval adjacent to the Niagara Escarpment Plan boundaries shall be submitted to the Niagara Escarpment Commission for review.  
   (This policy may be amended once the Green Energy Act is adopted). | Accept Changes made as a result of the Green Energy and Green Economy Act | |
| 17b | in subsection C.3.4.9, the addition of the words, “and in accordance with the Green Energy and Green Economy Act, 2009” at the end | C.3.4.8 Utilities shall integrate with the general character of the surrounding uses through the provision of landscaping, screening and buffering, siting of structures, height control, and any other measures as may be deemed to be appropriate by the City and in accordance with the Green Energy and Green Economy Act, 2009. | Accept Changes made as a result of the Green Energy and Green Economy Act | |
| 18  | Section C.4.2, is modified by adding the following new subsection after subsection C.4.2.16:  
   “4.2.17 The City shall plan for and protect corridors and rights-of-way for transportation, transit and infrastructure facilities to meet current and projected needs and not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.” | C.4.2.17 The City shall plan for and protect corridors and rights-of-way for transportation, transit and infrastructure facilities to meet current and projected needs and not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified. | Accept This policy originates from Growth Plan for the Greater Golden Horseshoe and given its significance, the province would like this Policy included in the OP to protect provincial and municipal corridors. | |
| 19  | Section C.4.8.5, is modified by adding the following new subsection after subsection c):  
   d) development that is noise or land use sensitive to airport operations or will limit the opportunities for expansion of airport operations are restricted.” | C.4.8.5 The City shall minimize future conflicts between operation of the Airport and surrounding land uses to ensure:  
   a) there shall be no negative impact on the long-term operations of the Airport;  
   b) the opportunities for expansion of airport operations shall not be limited; and,  
   c) there are no land uses in the vicinity which may cause a potential aviation hazard; and, | Accept |
<table>
<thead>
<tr>
<th>No.</th>
<th>Draft Modification</th>
<th>Modified Policy/Schedules/Maps as proposed by Province</th>
<th>Recommendation/Rationale</th>
<th>Recommended Revision to Modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>Section C.5.5, is modified by adding the words, “waste management system” before the word, “methods” in the second line.</td>
<td>C.5.5 The City is responsible for the residential waste generated within its boundaries. Waste is managed through a variety of waste management methods including landfill sites, composting household organics, and recycling.</td>
<td>Accept</td>
<td>The wording does not change the intent of the policy.</td>
</tr>
<tr>
<td>21</td>
<td>Section E.2.7.5, is modified by adding the words, “; however they shall be restricted in function and scale.”</td>
<td>E.2.7.5 Smaller scale office buildings shall be permitted within all Employment Areas; however they shall be restricted in function and scale.</td>
<td>Accept</td>
<td>The wording reflects the new comprehensive zoning by-law which contains specific regulations for offices.</td>
</tr>
<tr>
<td>22</td>
<td>Section E.4.4.4, is hereby modified:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22a</td>
<td>in subsection a), delete “auto and home centres”</td>
<td>E.4.4.4 a) commercial uses such as retail stores, <strong>auto and home centres</strong>, home improvement supply stores, offices including major offices, personal services, live work units, artist studios, financial establishments, and restaurants;</td>
<td>Do not accept.</td>
<td>This definition applies to such retail developments as a Canadian Tire. Recently, Canadian Tire and similar companies have been established in downtown areas (Bay Street, Toronto) in a building format that meets the intent of our Downtown Secondary Plan. Similarly, the new format Canadian Tires would fit into the urban fabric of high density areas as well.</td>
</tr>
<tr>
<td>22b</td>
<td>in subsection d), add the words, “; conference and convention centres” after the word, “motel”</td>
<td>E.4.4.4 d) accommodation, such as hotels, motels, <strong>conference and convention centres</strong>; and,</td>
<td>Accept</td>
<td>Additional use is appropriate.</td>
</tr>
<tr>
<td>23</td>
<td>Section E.4.5.5, is hereby modified:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23a</td>
<td>in subsection a), delete the words, “auto and homes centres”</td>
<td>E.4.5.5 a) commercial uses such as retail stores, <strong>auto and home centres</strong>, home improvement supply stores, offices, personal services, financial establishments, live work units, artist studios, restaurants, and gas bars;</td>
<td>Do not accept.</td>
<td>See modification 22a</td>
</tr>
<tr>
<td>23b</td>
<td>in subsection d), add the words, “; conference and convention centres” after the word, “hotels”</td>
<td>E.4.5.5 d) hotels, <strong>conference and convention centres</strong>;</td>
<td>Accept</td>
<td>Additional use is appropriate</td>
</tr>
<tr>
<td>24</td>
<td>Section E.4.8, is modified by adding the following new subsection after subsection E.4.8.1 and renumbering the proceeding subsections accordingly:</td>
<td>E.4.8.2 Mineral aggregate resources are present in the Ancaster Business Park/Wilson-Garner area. The City supports and encourages the recovery of these resources through the sequential use of the developable land in this area, whereby mineral aggregate resources are extracted prior to, or in conjunction with, development of the area.</td>
<td>Accept with change</td>
<td>The location of this policy in Section E.4.8 should be shifted to the end of section E.4.8 and add a new subheading “Other Policies”: The policy location proposed by the Province does not fit in with the policy framework of the section.</td>
</tr>
</tbody>
</table>

**Other Policies**
<table>
<thead>
<tr>
<th>No.</th>
<th>Draft Modification</th>
<th>Modified Policy/Schedules/Maps as proposed by Province</th>
<th>Recommendation/Rationale</th>
<th>Recommended Revision to Modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>Section E.5.1.2.</td>
<td>E.5.1.2 Maintain an adequate supply of zoned and serviced employment lands of varying parcel sizes, and particularly larger parcels in various locations to meet the City’s projected employment growth forecast and to promote economic development and competitiveness.</td>
<td>Do not accept</td>
<td>The policy is clear as it is which allows for a range of parcel sizes.</td>
</tr>
<tr>
<td>26</td>
<td>Section E.5.1.4.</td>
<td>E.5.1.4 Protect lands designated Employment Area from non-employment functions uses and to support the employment functions of the City’s Downtown, nodes and corridors. New major retail uses shall be prohibited and office uses shall be restricted in function and scale.</td>
<td>Accept Clarification</td>
<td>Add the word “other” before the word “sensitive” for clearer wording.</td>
</tr>
<tr>
<td>27</td>
<td>Section E.5.2.6.</td>
<td>E.5.2.6 The following uses shall be prohibited on lands designated Employment Area on Schedule E-1 – Urban Land Use Designations: a) major retail uses; and, b) residential uses and sensitive land uses.</td>
<td>Accept with minor change Technical change</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>Section E.5.3.2 c)</td>
<td>E.5.3.2 c) ancillary uses which primarily support industry, businesses and employees within the Employment Area, including hotels, health and recreational facilities, financial establishments, restaurants, personal services, motor vehicle service stations, retail establishments, labour association halls, conference and convention centres, trade schools, commercial parking facilities, commercial motor vehicle and equipment sales, and commercial rental establishments; 1. Do not accept in part</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2. Accept in part with change | 1. The deletion of hotels since they serve an important function to the industries within employment areas to provide hotel space for visitors to the industries. 2. Change the word “recreational facilities” to “fitness centres”. This term restricts the type of facilities that support the employees of the business park as an ancillary use. |
| 29  | Section E.5.3.3.  | E.5.3.3 Office uses within the Employment Area – Industrial Land designation shall be restricted in function, scale and type and shall be limited in size through the Zoning By-law. Office uses within the Employment Area – Industrial Land designation may be allowed up to 2,000 square metres gross floor area per free-standing building. | Do not accept | The new comprehensive Zoning By-law included a square footage limit of 3,000 sq m on free standing office buildings. The Zoning By-law is an appropriate planning tool to regulate office size. |
| 30  | Section E.5.4.  | E.5.4.3 Mineral aggregate resources are present in the Ancaster Business Park/Wilson-Garner area. The City supports and encourages the recovery of these resources through the sequential use of the developable land in development with, the development of the area.” | Accept with change | The location of this policy in Section E.5.4 should be shifted to the end of section E.5.4 and add a new subheading “Other Policies”. |
| 30a | the addition of the following new subsection after subsection E.5.4.2 and renumbering the proceeding subsections accordingly: | E.5.4.3 Mineral aggregate resources are present in the Ancaster Business Park/Wilson-Garner area. The City supports and encourages the recovery of these resources through the sequential use of the developable land in development with, the development of the area.” | Accept with change | |

**APPENDIX “B” to Report PED09164(c)**

**Draft Decision (Provincial Modifications) for Urban Hamilton Official Plan – January 25, 2010**

Page 11 of 19
<table>
<thead>
<tr>
<th>No.</th>
<th>Draft Modification</th>
<th>Modified Policy/Schedules/Maps as proposed by Province</th>
<th>Recommendation/Rationale</th>
<th>Recommended Revision to Modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.4.3</td>
<td>“Mineral aggregate resources are present in the Ancaster Business Park/Wilson-Garner area. The City supports and encourages the recovery of these resources through the sequential use of the developable land in this area, whereby mineral aggregate resources are extracted prior to, or in conjunction with, development of the area.”</td>
<td>this area, whereby mineral aggregate resources are extracted prior to, or in conjunction with, development of the area.</td>
<td>The policy location proposed by the Province does not fit in with the policy framework of the section.</td>
<td>Other Policies: “5.4.9 Mineral aggregate resources are present in the Ancaster Business Park/Wilson-Garner area. The City supports and encourages the recovery of these resources through the sequential use of the developable land in this area, whereby mineral aggregate resources are extracted prior to, or in conjunction with, development of the area.”</td>
</tr>
</tbody>
</table>

| 30b | In subsection E.5.4.5 a), the addition of the words, “may be allowed up to 2,000 square metres gross floor area per free-standing building” before the words, “, excluding industrial administrative offices” in the first line | E.5.4.5 Offices within the Employment Area – Business Park designation shall comply with the following criteria: a) Offices may be allowed up to 2,000 square metres gross floor area per free-standing building, excluding industrial administrative offices and consulting offices related to land development services, such as surveying, engineering, planning or design, shall be permitted where prestige uses for a business park are permitted by Policy E.5.4.7 c), and where the ancillary uses which serve the businesses and employees of the business park are permitted by Policy E.5.4.4. | Do not accept | See modification 29 |

| 30c | The deletion of subsection b) in its entirety and renumbering the proceeding subsections accordingly | E.5.4.5... b) Offices, excluding industrial administrative offices and consulting offices related to land development services, such as surveying, engineering, planning or design, shall be restricted in function, scale and type and shall be limited in size through the Zoning By-law. c) Industrial administrative offices shall be limited to a maximum gross floor area of 9,999 square metres per free standing building and shall only be permitted where prestige uses for a business park are permitted by Policy E.5.4.7 c). | Do not accept | The intent of this policy is to allow for certain types of offices, which has, as part of their operation outside storage. These types of uses generally cannot locate in the Downtown or nodes. |

| 31 | Section F.1.0, Planning Act Implementation Tools, is hereby modified: | F.1.2.9 When secondary plans are updated, opportunities for achieving the growth management targets of Policy A.2.3.3 shall be considered as part of the development review process. | Accept with changes | Delete the words “development review” and replace with “secondary plan”. This clause is referring to two different processes. |

| 31a | The addition of the following new subsection after subsection F.1.2.8: | F.1.2.9 When secondary plans are updated, opportunities for achieving the growth management targets of Policy A.2.3.3 shall be considered as part of the development review process. | Accept with changes | Delete the words “development review” and replace with “secondary plan”. This clause is referring to two different processes. |

<p>| 31b | In subsection F.1.6, the addition of the words, “and minor variance” after the words, “site plan control” in the fourth line | F.1.6 Development Permit System The Development Permit System is an additional implementation tool that may be used to ensure the City’s goals, objectives and policies of this Plan are realized. The Development Permit system is intended to be a flexible planning tool which combines zoning and site plan control and minor variance into one process. | Accept | Technical change |</p>
<table>
<thead>
<tr>
<th>No.</th>
<th>Draft Modification</th>
<th>Modified Policy/Schedules/Maps as proposed by Province</th>
<th>Recommendation/Rationale</th>
<th>Recommended Revision to Modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>31c</td>
<td>in subsection F.1.7.5 a), the addition of the word, “sustainable” before the words, “design features of buildings” in the third line</td>
<td>F.1.7.5 To achieve the objectives in Policy F.1.7.1, the City shall, as part of the site plan approval: a) consider matters relating to exterior design, including but not limited to the character, scale, material, and appearance, including fenestration, colour and shape and sustainable design features of buildings;</td>
<td>Accept</td>
<td>Clarification</td>
</tr>
<tr>
<td>31d</td>
<td>the addition of the following new subsections after subsection F.1.14.1.5</td>
<td>F.1.14.1.5 Council may, by By-law, deem any Plan of Subdivision, or part thereof, not to be a registered plan of subdivision, subject to the provisions of the Planning Act. F.1.14.1.6 If approval of a draft plan of subdivision lapses, opportunities for achieving the growth management targets of Policy A.2.3.3 shall be considered as part of the development review process. F.1.14.1.7 If a plan of subdivision or part thereof has been registered for eight years or more and does not conform to the policies of this Plan, the City may use its authority under section 50(4) of the Planning Act to deem it not to be a registered plan of subdivision.”</td>
<td>Accept (F.1.14.6) with changes</td>
<td>Change the word “shall” to “may” to allow the City to determine which sites/areas for a change to the type and number of units are appropriate. Delete the words “section 50(4) of”. The OP does not reference sections of any Act since changes would render it out of date.</td>
</tr>
<tr>
<td>32</td>
<td>Section F.3.1.6.2, is modified by deleting the words, “wherever possible” in the third line of the preamble.</td>
<td>F.3.1.6.2 Once a Watershed or Sub-watershed plan is endorsed by City Council and approved by the relevant Conservation Authority, the City shall implement its recommendations, wherever possible, through:</td>
<td>Accept</td>
<td>Stronger language</td>
</tr>
<tr>
<td>33</td>
<td>Section F.3.2.1.4, is modified by deleting the first paragraph of this subsection in its entirety and replacing with the following:</td>
<td>F.3.2.1.4 For proposals outside of the Greenbelt Plan area, an EIS shall be required for development and site alteration proposed within or adjacent to a Core Area. Adjacent lands for features are defined in Table F.3.2 below. The distances for adjacent lands provided in Table F.3.2 are guidelines only and the City may require an EIS for development proposed outside of the adjacent area if it is anticipated that impacts may be far-reaching.”</td>
<td>Accept</td>
<td>Clarification</td>
</tr>
<tr>
<td>34</td>
<td>Table F.3.2, is modified by adding the words, “(For lands outside the Greenbelt Plan Area)” to the end of the title to the table.</td>
<td>Table F.3.2: Adjacent Land Distances to Trigger an Environmental Impact Statement (For lands outside the Greenbelt Plan Area)</td>
<td>Accept</td>
<td>Technical change</td>
</tr>
<tr>
<td>35</td>
<td>Chapter G – Glossary, is hereby modified:</td>
<td>Planned Corridors: means corridors identified through provincial plans or preferred alignment(s) determined through the Environmental Assessment Act process which are required to meet projected needs (PPS, 2005). Waste Management System: means sites and facilities to accommodate</td>
<td>Accept</td>
<td>New defined terms were added to the policies so definitions must be added to the glossary.</td>
</tr>
</tbody>
</table>
## Waste Management System

*Waste Management System:* means sites and facilities to accommodate solid waste from one or more municipalities and includes landfill sites, recycling facilities, transfer stations, processing sites and hazardous waste depots (PPS, 2005).

### 35b Growth Plan for the Greater Golden Horseshoe

**Growth Plan for the Greater Golden Horseshoe:** means a Provincial plan prepared under the Places to Grow Act, 2005. It is a framework for implementing the Government of Ontario’s vision for building stronger, prosperous communities by better managing growth in this region to 2031.

### 35c Significant Habitat of Threatened, Endangered, and Special Concern Species

**Significant Habitat of Threatened, Endangered, and Special Concern Species:** means the habitat, as approved by the Ministry of Natural Resources, that is necessary for the maintenance survival and/or recovery of naturally occurring or reintroduced populations of species at risk and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle. To identify which species are threatened, endangered, special concern, or provincially rare, the City will refer to species lists that are prepared and updated by the Ministry of Natural Resources (MNR), and Environment Canada’s Committee on the Status of Endangered Wildlife in Canada (COSEWIC). An updated list of locally rare species will be maintained through periodic updates to the Natural Heritage Database, co-owned by the Hamilton Naturalists’ Club and the City of Hamilton (PPS, 2005).

### 35d Environmentally Significant Areas (ESAs)

**Environmentally Significant Areas (ESAs):**

1. The site contains a significant earth science feature (distinctive and unusual landform).
2. The site contains a regionally significant earth science Area of Natural and Scientific Interest (ANSI).

<table>
<thead>
<tr>
<th>No.</th>
<th>Draft Modification</th>
<th>Modified Policy/Schedules/Maps as proposed by Province</th>
<th>Recommendation/Rationale</th>
<th>Recommended Revision to Modification</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Waste Management System</td>
<td>solid waste from one or more municipalities and includes landfill sites, recycling facilities, transfer stations, processing sites and hazardous waste depots (PPS, 2005).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>35b</td>
<td>the deletion of the definition for the Growth Plan for the Greater Golden Horseshoe and replacement with the following:</td>
<td>Growth Plan for the Greater Golden Horseshoe: The Ontario government’s program to manage growth and development in Ontario in a way that supports economic prosperity, protects the environment and helps communities achieve a high quality of life.</td>
<td>Accept</td>
<td>Clarification</td>
</tr>
<tr>
<td>35c</td>
<td>the deletion of the definition for Significant Habitat of Threatened, Endangered, and Special Concern Species and replacement with the following:</td>
<td>Significant Habitat of Threatened, Endangered, and Special Concern Species: means the habitat, as approved by the Ministry of Natural Resources, that is necessary for the maintenance survival and/or recovery of naturally occurring or reintroduced populations of species at risk and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle. To identify which species are threatened or endangered, the City will refer to the Species at Risk in Ontario list that is prepared and updated by the Ministry of Natural Resources. The City may collaborate with the Province during the early stages of the planning process, to ensure that the significant habitat of threatened or endangered species on lands affected by or contiguous to any proposed development or site alteration is properly evaluated and identified.</td>
<td>Accept</td>
<td></td>
</tr>
<tr>
<td>35d</td>
<td>in the definition for Environmentally Significant Areas (ESAs), the deletion of subsection f) and replacement with the following:</td>
<td>f) the site contains a regionally significant earth science Area of Natural and Scientific Interest (ANSI);</td>
<td>Accept</td>
<td>Technical change</td>
</tr>
<tr>
<td>No.</td>
<td>Draft Modification</td>
<td>Modified Policy/Schedules/Maps as proposed by Province</td>
<td>Recommendation/Rationale</td>
<td>Recommended Revision to Modification</td>
</tr>
<tr>
<td>-----</td>
<td>-----------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------</td>
<td>--------------------------------------</td>
</tr>
</tbody>
</table>
| 35e | In the definition for Alternative Energy Systems, the addition of the following new sentence at the end:  
“Alternative Energy Systems undertakings do not include renewable energy undertakings as defined in the Green Energy and Green Economy Act, 2009.” | Alternative Energy Systems: means sources of energy or energy conversion processes that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems. Alternative Energy Systems undertakings do not include renewable energy undertakings as defined in the Green Energy and Green Economy Act, 2009. | Accept | Changes made as a result of the Green Energy and Green Economy Act |
| 35f | In the definition for Renewable Energy Systems, the addition of the following new sentence at the end:  
“These systems have the same meaning as a renewable energy undertaking under the Green Energy and Green Economy Act, 2009.” | Renewable Energy Systems: means the production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy. These systems have the same meaning as a renewable energy undertaking under the Green Energy and Green Economy Act, 2009. | Accept | Changes made as a result of the Green Energy and Green Economy Act |

B Volume 1 – Mapping Changes

1 Schedule B – Natural Heritage System, is modified by applying and delineating the Area Specific Policy USC-1 in Volume 3 to the entire Feeder Area as identified in Figure 2 to the Eramosa Karst ANSI report (Buck, Worthington, and Ford, 2003).  

Do not accept  
The entire Eramosa Karst feeder areas spans the Rural and urban Areas. (see Appendix “B-1” to the staff report PED09164(c)). Therefore, there is no legislated authority to include lands outside the urban area within this OP.  
The area delineated in USC-2 is smaller than the Buck report. The portion of the land north of Highland Road and some lands on the south side are fully developed; therefore, the policy to protect the karst feature no longer applies.

2 Schedule B-7 – Detailed Natural Heritage Features, Local Natural Area Earth Science ANSI, is modified by applying and delineating the Area Specific Policy USC-1 in Volume 3 to the entire Feeder Area as identified in Figure 2 to the Eramosa Karst ANSI report (Buck, Worthington, and Ford, 2003).  

See Appendices “B-2” and “C-2”  

Do not accept  
See Modification B. 1

D Volume 2 – Secondary Plan Changes

1 Section B.7.5.11.3, Nash Neighbourhood, is modified by deleting the words, “and the Province” in the last line.  

B 7.5.11.3 Development proposals for residential or institutional uses located within 500 metres of the Taro East Quarry/Landfill site and former Taro West Quarry/Landfill site may be required to submit studies demonstrating that there are no adverse effects on the development or that the effects can be mitigated. Said studies may include but not be limited to hydrogeology, traffic, air quality, noise, etc. subject to the requirements of the City and the Province.  

Accept  
Technical change
<table>
<thead>
<tr>
<th>No.</th>
<th>Draft Modification</th>
<th>Modified Policy/Schedules/Maps as proposed by Province</th>
<th>Recommendation/Rationale</th>
<th>Recommended Revision to Modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>2a</td>
<td>in subsection b), the addition of the words, “the existing licence to extract mineral aggregate resource issued under the Aggregate Resources Act,” after the words, “Section 14 of the Environmental Assessment Act dated July 15, 1996;”</td>
<td>B.7.5.14.2 b) Site Specific Policy - Area B is ultimately intended for open space and/or recreational uses and may include a golf course. However, these lands may be used for landfill and quarry operations in accordance with the Terms and Conditions of the Agreement among the Corporation of the former City of Stoney Creek, Taro Aggregates Ltd. and Philip Environmental Inc. dated February, 1997; the Provisional Certificate of Approval for a Waste Disposal Title No. A181008 dated September 6, 1996; and Notice of Approval to proceed with the undertaking under Section 14 of the Environmental Assessment Act dated July 15, 1996; the existing licence to extract mineral aggregate resource issued under the Aggregate Resources Act and any amendments to the aforementioned documents.</td>
<td>Accept</td>
<td>Technical change</td>
</tr>
<tr>
<td>2b</td>
<td>in subsection c), the addition of the words, “and surrender of the Aggregate Resources Act licence” at the end</td>
<td>B.7.5.14.2 c) Final closure of this site, and the after-use of this site for recreational and open space uses, such as a golf course, will require the approval of the Minister of Environment pursuant to the provisions of the Environmental Protection Act, as amended, and surrender of the Aggregate Resources Act licence.</td>
<td>Accept</td>
<td>Clarification</td>
</tr>
<tr>
<td>2c</td>
<td>the deletion of subsection d) and replacement with the following:</td>
<td>B.7.5.14.2 d) Recreational and open space uses, when approved by the Minister, can occur without amendment to this Plan subject to any necessary Site Plan and Development Agreements being approved by the City. Recreational and open space uses, when approved by the Minister of Environment, can occur without amendment to this Plan subject to the surrender of the Aggregate Resource Act licence and any necessary Site Plan and Development Agreements being approved by the City.</td>
<td>Accept</td>
<td>Clarification</td>
</tr>
<tr>
<td>3</td>
<td>Section B.7.6.1.3, West Mountain Area (Heritage Green), is modified by deleting the words, “and the Province” in the last line.</td>
<td>B.7.6.1.3 Proponents of development proposals for residential and other sensitive land uses located within 500 metres of the Taro East quarry/Landfill site and former Taro West Quarry/Landfill site shall be required to submit studies demonstrating there are no adverse effects on the development or that the effects can be mitigated. These studies may include, but not be limited to, ground and surface water, leachate migrating onto the subject lands, traffic, air quality, noise, soil contamination and hazardous waste and landfill generated gases, subject to the requirements of the City and the Province.</td>
<td>Accept</td>
<td>Technical change</td>
</tr>
</tbody>
</table>

E  Volume 3

1 Volume 3, Chapter B, Urban Area Specific Policy USC-1, is modified by revising the title and first paragraph of Section 1.0 to describe the entire Feeder Area as identified in Figure 2 to the Eramosa Karst ANSI Report By Buck, Worthington, And Ford, 2003. Title Change to the figure title mentioned in the Eramosa Karst ANSI Report By Buck, Worthington, And Ford, 2003. | Do not accept | See Modification B. 1 |

2 Volume 3, Chapter B, Urban Area Specific Policy USC-1, subsection 1.0 c), is modified by adding the words, “the” USC-1 c) Notwithstanding Section C.2.0 – Natural Heritage System of Volume 1, no development shall occur within the Feeder Area unless it can be shown, | Accept |
<table>
<thead>
<tr>
<th>No.</th>
<th>Draft Modification</th>
<th>Modified Policy/Schedules/Maps as proposed by Province</th>
<th>Recommendation/Rationale</th>
<th>Recommended Revision to Modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Volume 3, Map SC-1 - Area Specific Policies, is modified by applying and delineating the Area Specific Policy USC-1 to the entire Feeder Area as identified in Figure 2 to the Eramosa Karst ANSI report (Buck, Worthington, and Ford, 2003).</td>
<td>through technical studies completed to the satisfaction of the City, the Province, and the Conservation Authority, that these objectives shall be met. Individuals who review these studies must have expertise in environmental hydrology and geomorphology, and civil engineering.</td>
<td>Do not accept</td>
<td>See Modification B. 1</td>
</tr>
<tr>
<td>F</td>
<td>Deferrals</td>
<td></td>
<td></td>
<td>Accept</td>
</tr>
<tr>
<td>1</td>
<td>Volume 2, Section B.6.5, West Harbour (Setting Sail) Secondary Plan and Maps B.6.5-1 to B.6.5-6 inclusive.</td>
<td></td>
<td>Area remains under appeal. However, should there be changes to the existing OP policies which require modifications to the policies in this Plan, it is requested the Ministry make the necessary changes to the Urban Hamilton Official Plan to effect the changes stemming from the OMB hearing, prior to the deferral being lifted.</td>
<td></td>
</tr>
</tbody>
</table>
**Eramosa Karst Area of Natural and Scientific Interest (ANSI)**

- **Sinkpoint**
- **Spring**
- **Small spring**
- **Olmsted Cave**

**Surface Areas (ha)**

- **Core Area**: 53.4 ha
- **Developed Area**: 18.3 ha
- **Feeder Area (excluding Buffer)**: 117.3 ha
- **Buffer**: 6.7 ha
- **Entire ANSI**: 195.7 ha

**Map Features**

- **Stream**: perennial or intermittent
- **Gully**: with occasional streamflow
- **Former stream**: now eliminated by urban development
- **Traced karst conduit**
- **Drainage divide**
- **Boundary of the ANSI**
- **Boundaries between the Core, Developed and Feeder Areas within the ANSI**
- **Buffer within the Feeder Area**
- **Recommended corridor between Core Area and Olmsted Cave**
## City Requested Modifications to the Urban Hamilton Official Plan, 2010

<table>
<thead>
<tr>
<th>No.</th>
<th>Draft Modification</th>
<th>Modified Policy/Schedules/Maps as proposed by City</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Policy B.3.6.3.7 c) – Road and Railway Traffic Noise and Vibration</td>
<td>B.3.6.3.7 c) 400 metres of a truck route, as identified on Appendix B – Major Transportation Facilities</td>
<td>Truck routes may be identified in a number of plans or studies so wording requiring identification on Appendix B is inappropriate.</td>
</tr>
<tr>
<td>2</td>
<td>Policy C.4.8.8 - Airport</td>
<td>See Appendix “C-1”</td>
<td>Enables more accurate policy references</td>
</tr>
<tr>
<td>3</td>
<td>Policy E.3.8.2 c) – Local Commercial</td>
<td>c)... in accordance with Policy E.3.8.9 E.3.8.10</td>
<td>Correct policy reference</td>
</tr>
<tr>
<td>4</td>
<td>Policy E.3.8.8 a) – Local Commercial</td>
<td>E.3.8.8 Local commercial uses shall comply with the following provisions: a) The gross floor area for any individual retail use shall not exceed 50% of the total permitted gross floor area of all local commercial uses. b) The gross floor area for any individual office shall not exceed 500 square metres. c) The total maximum gross floor area and height for a development located on a particular site shall be determined through secondary plans or corridor studies where applicable, and Zoning By-laws.</td>
<td>Implementation is problematic. Other policy sections adequately address the intent of subsection a).</td>
</tr>
<tr>
<td>5</td>
<td>Policy E.3.8.16 – Local Commercial</td>
<td>E.3.8.16 Notwithstanding Policy E.3.8.14 E.3.8.15 conversions of dwellings to accommodate offices identified in Policy E.3.8.2 a) may be permitted provided the following criteria shall be met:...</td>
<td>Correct policy reference</td>
</tr>
<tr>
<td>6</td>
<td>Section E.4 – Pedestrian Predominant Streets</td>
<td>Table E.4.3.1</td>
<td>Correct inconsistency between Volume 1 and secondary plan.</td>
</tr>
<tr>
<td>7</td>
<td>Policy E.4.5.14 – Mixed Use – High Density Designation</td>
<td>E.4.5.14 Applications for new development shall demonstrate how the policies for a pedestrian predominant street where applicable, ...</td>
<td>Clarification of policy. Not all applications will be in an area designated as a pedestrian predominant street.</td>
</tr>
<tr>
<td>8</td>
<td>Policies E.4.5.15 – Mixed Use – High Density Designation and E.4.6.23 – Mixed Use – Medium Density Designation</td>
<td>E.4.5.18 In the absence of a secondary plan or the designation of pedestrian predominant streets, each applicant for new development shall submit a concept plan for the property that addresses how: E.4.6.23 In the absence of a secondary plan or the designation of pedestrian predominant streets, each applicant for new development shall submit a concept plan for the property that addresses how:</td>
<td>Clarify policy to recognize that pedestrian predominant streets may not be identified in advance of development proposals; however, there is a need to begin to plan for pedestrian oriented streets in Mixed Use-Medium and High Density areas immediately.</td>
</tr>
<tr>
<td>9</td>
<td>Subsection E.4.5.18 a) – Mixed Use – High Density Designation</td>
<td>E.4.5.18 a) the policies for a pedestrian predominant street and at the beginning of the clause</td>
<td>Clarify policy to recognize that pedestrian predominant streets may not be identified in advance of development proposals; however, there is a need to begin to plan for pedestrian oriented streets in sub-regional nodes immediately.</td>
</tr>
</tbody>
</table>
City Requested Modifications to the Urban Hamilton Official Plan, 2010

<table>
<thead>
<tr>
<th>No.</th>
<th>Draft Modification</th>
<th>Modified Policy/Schedules/Maps as proposed by City</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Subsection E.4.8.2 c) – Arterial Commercial Designation Add the words “commercial entertainment uses,” after the words “commercial recreational uses.”</td>
<td>c) commercial recreational uses, commercial entertainment uses, excluding theatres; Adding appropriate uses</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Subsection E.5.2.5 – Employment Area Designations - General Policies a) Delete Clause a) and replace it with the following new clause b) Delete Clause b) in its entirety</td>
<td>5.2.5 A building and lumber supply establishment may be permitted provided it meets the following criteria: a) it shall be located along arterial roads, excluding sites that are adjacent to provincial highways or sites that are located along arterial roads that are adjacent to provincial highways; and, b) In addition to the requirements of Sections E.5.3.5 and E.5.4.7 – Design, sites located on the exterior of the Employment Area or at or along strategic entrance points to the Employment Area shall be required to meet additional design standards, such as enhanced landscaping and screening of outdoor storage and assembly areas, which shall be implemented through the Zoning By-law. Outdoor storage in the front yard shall be discouraged. b) There are no secondary plans for many Employment Areas. The reference to the Zoning By-law has now been included in the new clause a).</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Subsection E.5.3.2 a) – Employment Area - Industrial Land Designation - Permitted Uses and E.5.4.3 a) – Employment Area - Business Park Designation - Permitted Uses Add building and lumber supply establishments as a permitted use within both the Industrial Land and Business Park designations</td>
<td>E.5.3.2 The following uses shall be permitted on lands designated Employment Area – Industrial Land on Schedule E-1 – Urban Land Use Designations: a) full range of manufacturing uses, warehousing, repair service, building or contracting supply establishments, building and lumber supply establishments, transport terminals, research and development, communication establishment, private power generation, dry cleaning plants, salvage/storage yards, and motor vehicle repair and wrecking; E.5.4.3 The following uses shall be permitted on lands designated Employment Area – Business Park on Schedule E-1 – Urban Land Use Designations: a) manufacturing, warehousing, repair service, building or contracting supply establishments, building and lumber supply establishments, transportation terminals, research and development, office, communication establishment, and private power generation. Salvage yards and other uses which are unsightly or otherwise incompatible with the design policies and image for business parks shall be prohibited; This use is permitted under the general policies Section E.5.2.5 and should have been included in the list of permitted uses within these sections.</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Draft Modification</td>
<td>Modified Policy/Schedules/Maps as proposed by City</td>
<td>Rationale</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------</td>
<td>---------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td></td>
<td><strong>Volume 1 - Schedule Changes</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td><strong>Schedule B – Natural Heritage System</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) Remove the linkage from the property at 560 Grays Road</td>
<td>See Appendix &quot;C-2&quot;</td>
<td>a) Natural features on this property consist of some wet meadow and succession areas which appear to be of low ecological importance and are isolated from other natural habitat.</td>
</tr>
<tr>
<td></td>
<td>b) Designate lands “Core Areas” in the vicinity of Pritchard Road and Governor’s Road</td>
<td></td>
<td>b) Mapping error. Inconsistency with Schedule B-6. Core Areas was removed initially due to Draft Plan of Subdivision approval, but development has not proceeded. Will be addressed through any subsequent development applications processes.</td>
</tr>
<tr>
<td></td>
<td>c) Add Stream in the vicinity of Mountain Brow Road in south Waterdown</td>
<td></td>
<td>c) Stream identified through watershed study</td>
</tr>
<tr>
<td></td>
<td>d) Reverse “Parks and General Open Space” and “Core Areas” designation in a number of areas (examples only shown on Appendix “1”)</td>
<td></td>
<td>d) GIS mapping error. Some of the Parks and General Open Space GIS layer covered the Core Areas layer. The majority of the lands affected are in public ownership.</td>
</tr>
<tr>
<td></td>
<td>e) remove the hatching from the lands north of Highland Road (Eramosa karst)</td>
<td></td>
<td>e) Mapping error. The area specific policy USC-2 does not apply to the lands north of Highland Road</td>
</tr>
<tr>
<td></td>
<td><strong>Schedule B – Natural Heritage System</strong></td>
<td>Delete and replace Schedule B as per Appendix “2”</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Schedule B-6 – Detailed Natural Heritage Features – Local Natural Area – Environmentally Significant Areas</strong></td>
<td>Remove ESAs as shown on Appendix “C-4”</td>
<td>Mapping error. Inconsistency with Schedule B. Development has been completed on lands on which ESAs are being removed.</td>
</tr>
<tr>
<td></td>
<td><strong>Schedule B-8 – Detailed Natural Heritage Features – Key Hydrologic Feature - Streams</strong></td>
<td>Stream added in vicinity of Mountain Brow Road in south Waterdown as shown on Appendix “C-5”</td>
<td>Stream identified through watershed study</td>
</tr>
<tr>
<td></td>
<td><strong>Schedule C-2 – Future Road Widening</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) Change the ROW width for West 5th Street from Mohawk to 90 m south of Stone Church Road from “26.213 m” to “30.48 m”</td>
<td>Road                         From                                    To</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) Change the ROW width for West 5th Street from “90 m south of Stone Church Road to Rymal” from “30.48m” to “26.213m”</td>
<td>a) West 5th Street Mohawk Road 90m south of Stone Church Road 26.213m 30.48m</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) Add a new line in table as follows:</td>
<td>b) West 5th Street 90m south of Stone Church Road Rymal Road 30.48m 26.213m</td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) Delete the following lines from the “Roads With Offset Road Allowances Section”</td>
<td>c) King Street East Wellington Street North Victoria Avenue North 26.213m</td>
<td>a) Future road widenings accidentally inverted</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>b) Future road widenings accidentally inverted</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>c) Correct mapping error in determining edge of Downtown Secondary Plan boundary</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>d) Duplicate and already addressed in Secondary Plan.</td>
</tr>
</tbody>
</table>
City Requested Modifications to the Urban Hamilton Official Plan, 2010

<table>
<thead>
<tr>
<th>No.</th>
<th>Draft Modification</th>
<th>Modified Policy/Schedules/Maps as proposed by City</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Survey Plan</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Road</th>
<th>From</th>
<th>To</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bay Street</td>
<td>Main Street</td>
<td>Cannon Street</td>
<td>P-600 Surveys</td>
</tr>
<tr>
<td>Cannon Street</td>
<td>Barton Street</td>
<td>P-140(A) Surveys</td>
<td></td>
</tr>
<tr>
<td>James Street</td>
<td>Hunter Street</td>
<td>Main Street</td>
<td>P-817(A) Surveys</td>
</tr>
<tr>
<td></td>
<td>Main Street</td>
<td>Rebecca St</td>
<td>P-579 Surveys</td>
</tr>
<tr>
<td></td>
<td>Rebecca Street</td>
<td>Barton Street</td>
<td>P-818(A) Surveys</td>
</tr>
<tr>
<td>King Street West</td>
<td>Dundurn Street</td>
<td>Queen Street</td>
<td>P-900(A) Surveys</td>
</tr>
<tr>
<td></td>
<td>Bay Street</td>
<td>James Street</td>
<td>P-752(A) Surveys</td>
</tr>
<tr>
<td>King Street East</td>
<td>Mary Street</td>
<td>Victoria Avenue</td>
<td>P-823(A) Surveys</td>
</tr>
</tbody>
</table>

18 Schedule E – Urban Structure

a) Lands to be redesignated from “Neighbourhoods” to “Employment Areas” for the property at 35 Brant Street
b) Lands to be redesignated from “Neighbourhoods” to “Employment Areas” for the property at 480 & 500 Centennial Parkway North & 20 Warrington Street – Deferred
c) Lands to be redesignated from “Neighbourhoods” to “Employment Areas” for the property underlying the highway interchange

See Appendix “C-6”

a) Minor rounding out. The site is surrounded on all sides by Employment uses and is currently designated Industrial. Site has been used as Industrial in the past.
b) Deferred pending resolution of the OMB hearing
c) Correction to designation underlying the highway interchange

19 Schedule E-1 – Urban Land Use Designations

a) Lands to be redesignated from “Neighbourhoods” to “Employment Areas” for the property at 35 Brant Street
b) Lands to be redesignated from “Neighbourhoods” to “Mixed Use – Medium Density” for lands on the north side of Dundas Street, east of Spring Creek Drive In Waterdown
c) Change the designation from “Neighbourhoods” to “Mixed Use - Medium Density” for the fairgrounds in Binbrook
d) Change the designation from “Mixed Use - Medium

See Appendix “C-7”

a) Minor rounding out. The site is surrounded on all sides by Employment uses and is currently designated Industrial. Site has been used as Industrial in the past.
b) Mapping error. Expansion of the designation to the proper size will make it consistent with the existing Commercial designation in the Flamborough OP.
c) Correct inconsistency between Secondary Plan Map B.5.1-1 and Schedule E-1
d) Correct inconsistency between Secondary Plan Map B.7.6-1 and
## City Requested Modifications to the Urban Hamilton Official Plan, 2010

<table>
<thead>
<tr>
<th>No.</th>
<th>Draft Modification</th>
<th>Modified Policy/Schedules/Maps as proposed by City</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Density to &quot;Neighbourhoods&quot; for lands north and west of Highland Road West and Upper</td>
<td>Schedule E-1</td>
<td>e) The designation on the existing West Hamilton Innovation</td>
</tr>
<tr>
<td></td>
<td>Mount Albion</td>
<td></td>
<td>Secondary Plan is more accurate reflected as &quot;District Commercial&quot;</td>
</tr>
<tr>
<td></td>
<td>e) Change the designation from &quot;Arterial Commercial&quot; to &quot;District Commercial&quot; for</td>
<td></td>
<td>rather than &quot;Arterial Commercial&quot;</td>
</tr>
<tr>
<td></td>
<td>lands on the west side of Dundurn Street South, south of Main Street West</td>
<td></td>
<td>f) Correct mapping error – inconsistency with secondary plan</td>
</tr>
<tr>
<td></td>
<td>f) Change the designation from &quot;Neighbourhoods&quot; to &quot;District Commercial&quot; for lands</td>
<td></td>
<td>g) Correct mapping error – inconsistency with secondary plan</td>
</tr>
<tr>
<td></td>
<td>municipally known as 499 Mohawk Road East</td>
<td></td>
<td>h) Deferred pending resolution of the OMB hearing</td>
</tr>
<tr>
<td></td>
<td>g) Change the designation from &quot;Mixed Use – Medium Density&quot; to &quot;Neighbourhoods&quot; for</td>
<td></td>
<td>i) Correction to designation underlying the highway interchange</td>
</tr>
<tr>
<td></td>
<td>lands municipally known as 845 King Street West</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>h) Lands to be redesignated from &quot;District Commercial&quot; to &quot;Employment Area –</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot;Neighbourhoods&quot; for lands municipally known as 845 King Street West</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>i) Lands to be redesignated from &quot;Arterial Commercial&quot; to &quot;Employment Area –</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot;Neighbourhoods – Business Park&quot; for the property underlying the highway</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>interchange</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Volume 2: Secondary Plans – Text Changes</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Ancaster - Meadowlands Mixed Use, Policy 2.4.5.1</td>
<td>a) 2.4.5.1 b) iv) The maximum building height shall be <strong>three six</strong> storeys.</td>
<td>a) Correct the inconsistency between the Mixed Use -Medium Density policies (Section E.4.6 of Volume 1) and the secondary plan.</td>
</tr>
<tr>
<td></td>
<td>a) In Subsection b) iv) delete the word “three” and replace with the word “six”</td>
<td>b) 2.4.5.1 c) ii) 1. &quot;... 70 units per hectare and <strong>three six</strong> storeys in height.”</td>
<td>b) Correct the inconsistency between the Mixed Use -Medium Density policies (Section E.4.6 of Volume 1) and the secondary plan.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Ancaster – Meadowlands Neighbourhood III Secondary Plan</td>
<td>a) 2.5.7 Area and Site Specific Policies 2.5.7.1 Not withstanding Subsection B.2.5.1.2 c) i) of this secondary plan, for lands located north of Gamer Road East and west of Kitty Murray Lane, and identified on Map B.2.5-1 - Meadowlands Neighbourhood III Secondary Plan – Land Use Plan as Area Specific Policy – Area A, the lot frontages shall be a minimum of 9.0 metres.</td>
<td>a) Gives effect to OPA 129(A) effective July 9, 2009.</td>
</tr>
<tr>
<td></td>
<td>a) Add a new Section 2.5.7 Area and Site Specific Policies and a new Policy</td>
<td>b) 2.5.1.2 b) i) the lot frontages shall be a minimum of <strong>5 15</strong> metres; and,</td>
<td>b) Typographical error</td>
</tr>
<tr>
<td></td>
<td>2.5.7.1 Area Specific Policy - Area A</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) Policy 2.5.1.2 b) ii) replace the word “5” with the word “15”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Ancaster – Meadowlands Neighbourhood V Secondary Plan</td>
<td>a) 2.7.1.3 b) ii) the lot frontages for <strong>single detached dwellings</strong> shall be a minimum of 9.1 metres; and,</td>
<td>a) Clarification – frontage minimum only applies to single in existing Plan</td>
</tr>
<tr>
<td></td>
<td>a) Policy 2.7.1.3 b) ii) Add the words “for single detached dwellings” after</td>
<td>b) 2.7.1.3 c) i) the permitted uses shall be street townhouses, block townhouses, courtyard townhouses, <strong>low rise apartments</strong>, and other innovative ground-oriented attached housing forms;</td>
<td>b) Typographical error</td>
</tr>
<tr>
<td></td>
<td>the words “lot frontages”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Draft Modification</td>
<td>Modified Policy/Schedules/Maps as proposed by City</td>
<td>Rationale</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------</td>
<td>-----------------------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>b) Policy 2.7.1.3 c) i)</td>
<td>Add the words &quot;low rise apartments,&quot; after the words &quot;courtyard townhouses&quot;</td>
<td>c) the lot frontages shall be a minimum of 9.1 metres; and,</td>
<td>c) Typographical (cut and paste) error</td>
</tr>
<tr>
<td>c) Delete Policy 2.7.1.3 c) ii), add the word &quot;and,&quot; to the end of the previous subsection b), and reletter subsequent subsection c)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Glanbrook - Rymal Road Secondary Plan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Policy B.5.2.3.3 b)</td>
<td>Delete the words &quot;Medium-high density residential&quot; and replace with the words &quot;Medium Density Residential 2c&quot;</td>
<td>A.5.2.3.3 b) Permitted uses shall include a range of retail stores including a supermarket (but excluding a department store) as well as service commercial uses, restaurants, and community and institutional uses. Medium-high density residential Medium Density Residential 2c uses may also be permitted in a co-ordinated development format.</td>
<td>a) Typographical error. Medium-High Density Residential is a designation from the old secondary plan.</td>
</tr>
<tr>
<td>b) Add a new &quot;Area Specific Policy – Area B&quot; as Policy B.5.2.14.2, as shown adjacent:</td>
<td>b) B.5.2.14.2 In addition to the uses permitted on the lands identified on Map B.5.2.1 – Rymal Road – Land Use Plan as Area Specific Policy – Area B, live-work units containing grade-related commercial uses shall be permitted on lands abutting Trinity Church Road and Dakota Boulevard subject to provision of an acceptable site plan and building elevations which illustrate the nature and function of the development and demonstrate compatibility with adjacent development and adequate provisions for on-street parking. Permitted commercial uses within the live-work units shall include retail, personal services, and offices.</td>
<td>b) Gives effect to OPA 68(G) effective November 12, 2008</td>
<td></td>
</tr>
<tr>
<td>c) Add a new &quot;Area Specific Policy – Area C&quot; as Policy B.5.2.14.3, as shown adjacent:</td>
<td>c) B.5.2.14.3 Notwithstanding Policy B.5.2.2.4 b) ii), for the lands identified on Map B.5.2.1 – Rymal Road – Land Use Plan as Area Specific Policy – Area C, the minimum density shall be 48 units per net residential hectare.</td>
<td>c) Gives effect to OPA 76(G) effective July 9, 2009</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Glanbrook - North-West Glanbrook Secondary Plan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Policy B.5.3.2.3</td>
<td>Add a new subsection b) as shown adjacent and renumber subsequent subsections</td>
<td>B.5.3.2.3 b) Notwithstanding Policy E.3.4.3 of Volume 1, the permitted uses on lands designated Low Density Residential 2 shall primarily consist of single detached dwellings, duplex, semi-detached and triplex dwellings.</td>
<td>Clarification – Policy exists in existing Plan, but was mistakenly not included in the new.</td>
</tr>
<tr>
<td>24</td>
<td>Glanbrook - Mount Hope Secondary Plan, Policy B.5.4.9.1</td>
<td>a) Add new subsection d) &quot;notwithstanding Policy C.4.8.8, Table C.4.8.1, Subsection 2) of Volume 1, for lands at or above the 28 NEF Contour, and designated Institutional or Residential on Map B.5.4-1 – Mount Hope Secondary Plan – Land Use Plan, the provisions of Table C.4.8.1, Subsection 3) shall apply.&quot;</td>
<td>The new Urban Hamilton Official Plan Volume 1, Policy C.4.8.8 prohibits all new sensitive land uses above 28 NEF, but the existing Mount Hope Secondary Plan already designates residential and other sensitive land uses above 28 NEF. The modification recognizes the existing permitted uses, while ensuring the PPS and all other noise guidelines apply to new development and infill of sensitive land uses.</td>
</tr>
<tr>
<td>b) Delete &quot;and,&quot; at the end of subsection b), and add to the end of subsection c)</td>
<td>b) All new development and redevelopment shall conform to all relevant legislation, policies, standards and guidelines; and,</td>
<td>d) notwithstanding Policy C.4.8.8, Table C.4.8.1, Subsection 2) of Volume 1, for lands at or above the 28 NEF Contour and at or below the 30 NEF Contour, and designated Institutional or Residential on Map B.5.4-1 – Mount Hope Secondary Plan – Land Use Plan, the provisions of Table C.4.8.1, Subsection 3) shall apply.</td>
<td></td>
</tr>
<tr>
<td>5.4.9.1 Mount Hope Secondary Plan area is in the vicinity of John C. Munro International Airport, Highway 6, and the Airport Business Park. All of these uses have the potential to cause negative impacts on nearby sensitive land uses. To ensure that negative impacts on sensitive land uses are minimised and the operations of John C. Munro International Airport, Highway 6, and the Airport Business Park are not compromised:</td>
<td>a) Sections B.3.6.3 – Noise, Vibration and Other Emissions and C.4.8 – Airport of Volume 1, shall apply to the Mount Hope Secondary Plan area;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) all new development and redevelopment shall conform to all relevant legislation, policies, standards and guidelines; and,</td>
<td>a) All new development and redevelopment shall conform to all relevant legislation, policies, standards and guidelines; and,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) future residents of residential development shall be advised of the potential for noise nuisance through appropriate warning clauses included in lease or rental agreements, agreements of purchase and sale, and within required development agreements; and,</td>
<td>b) future residents of residential development shall be advised of the potential for noise nuisance through appropriate warning clauses included in lease or rental agreements, agreements of purchase and sale, and within required development agreements; and,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) notwithstanding Policy C.4.8.8, Table C.4.8.1, Subsection 2) of Volume 1, for lands at or above the 28 NEF Contour and at or below the 30 NEF Contour, and designated Institutional or Residential on Map B.5.4-1 – Mount Hope Secondary Plan – Land Use Plan, the provisions of Table C.4.8.1, Subsection 3) shall apply.</td>
<td>c) The new Urban Hamilton Official Plan Volume 1, Policy C.4.8.8 prohibits all new sensitive land uses above 28 NEF, but the existing Mount Hope Secondary Plan already designates residential and other sensitive land uses above 28 NEF. The modification recognizes the existing permitted uses, while ensuring the PPS and all other noise guidelines apply to new development and infill of sensitive land uses.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Draft Modification</td>
<td>Modified Policy/Schedules/Maps as proposed by City</td>
<td>Rationale</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------</td>
<td>---------------------------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>26</td>
<td>Hamilton – Chedmac Secondary Plan, Policy B.6.3.2.3 b) Add the word &quot;a)&quot; after the words &quot;Policy 6.3.2.3&quot;</td>
<td>B.6.3.2.3 b) Notwithstanding Policy B.6.3.2.3 a), for the lands designated....</td>
<td>Correct policy reference</td>
</tr>
<tr>
<td>27</td>
<td>Hamilton – West Hamilton Innovation District, Policy B.6.4.3.2 a) Delete the word &quot;Arterial&quot; and replace with the word &quot;District&quot; and with the words &quot;Section E.4.7 – District&quot; b) Delete the words &quot;Policy E.4.8 – Arterial&quot; and replace with the words &quot;Section E.4.7 – District&quot;</td>
<td>Lands designated Arterial District Commercial on Map B.6.4.1 - West Hamilton Innovation District Land Use Plan, shall be subject to Policy E.4.8 – Arterial Commercial Section E.4.7 District Commercial Designation and all other applicable Commercial and Mixed Use designations policies of Volume 1.</td>
<td>The designation in the existing West Hamilton Innovation District Secondary Plan is more accurately reflected as the &quot;District Commercial&quot; rather than the &quot;Arterial Commercial&quot; designation.</td>
</tr>
<tr>
<td>28</td>
<td>Stoney Creek – Western Development Area, Policy B.7.1.1.3 a) Delete the words &quot;, row houses, stacked and block townhouses and innovative forms of attached housing&quot; and replace with the words &quot;and town house dwellings&quot;</td>
<td>B.7.1.1.3 a) the permitted uses shall be low rise apartments, row houses, stacked and block townhouses and innovative forms of attached housing and town house dwellings; and,</td>
<td>Correct inconsistency with original secondary plan</td>
</tr>
<tr>
<td>29</td>
<td>Stoney Creek - Old Town, Policy B.7.2.4.2 a) Delete the words &quot;B.7.1.1 – Western Development Area Land Use Map&quot; and replace with the words &quot;B.7.2-1 – Old Town Land Use Plan&quot;</td>
<td>7.2.4.2 a) Section E.4.6 – Mixed Use – Medium Density Designation shall apply to the lands designated Mixed Use - Medium Density on Map: B.7.1-1 – Western Development Area – Land Use Plan B.7.2-1 Old Town - Land Use Plan.</td>
<td>Correct map reference</td>
</tr>
<tr>
<td>30</td>
<td>Stoney Creek – Urban Lakeshore Area a) Policy B.7.3.1.1 add the words &quot;Low Density Residential 2,&quot; after the word &quot;designated,&quot; and &quot;Low Density Residential 3,&quot; after the word &quot;2e,&quot; b) Add a new policy B.7.3.1.2 as shown adjacent and renumber subsequent policies in Section 7.3.1 c) Add a new policy B.7.3.1.5 as shown adjacent and renumber subsequent policies in Section 7.3.1 d) Policy 7.3.1.4 (7.3.1.6 with new numbering – LDR 3c Designation) a) Delete the words &quot;, row houses, stacked and block townhouses and innovative forms of attached housing&quot; and replace with the words &quot;town house dwellings&quot; e) Policy B.7.3.3.2 - Delete the words “Old Town” and replace with the words “Urban Lakeshore” f) Section 7.3.6 Area and Site Specific Policies, to be deleted in its entirety and replace with text on Appendix ‘C-8’</td>
<td>a) B.7.3.1.1 The residential areas are designated Low Density Residential 2, Low Density Residential 2b, Low Density Residential 2e, Low Density Residential 3, Low Density Residential 3c and Medium Density Residential 3 as identified on Map B.7.3-1 – Urban Lakeshore Area – Land Use Plan. b) B.7.3.1.2 Low Density Residential 2 Designation Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2 on Map B.7.3-1 – Urban Lakeshore Area - Land Use Plan: a) the permitted uses shall include a wide variety of dwelling types such as single detached, semi-detached and townhouse dwellings; and, b) the density shall not exceed 32 units per net residential hectare. c) B.7.3.1.5 Low Density Residential 3 Designation Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 3 on Map B.7.3-1 – Urban Lakeshore Area - Land Use Plan: a) the permitted uses shall be single-detached, semi-detached, and townhouses; and, b) the density shall range from 40 to 60 units per net residential hectare. d) B.7.3.1.4 a) the permitted uses shall be low rise apartments and row houses, stacked and block townhouses and innovative forms of attached housing and townhouse dwellings; and, e) B.7.3.3.2 The open space system of the Old Town Urban Lakeshore Secondary Plan area includes the following:</td>
<td>All changes - Correct inconsistencies with original secondary plan</td>
</tr>
<tr>
<td>No.</td>
<td>Draft Modification</td>
<td>Modified Policy/Schedules/Maps as proposed by City</td>
<td>Rationale</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------</td>
<td>--------------------------------------------------</td>
<td>-----------</td>
</tr>
</tbody>
</table>
| 31  | Stoney Creek – Nash Neighbourhood, Policy 7.5.14.4 – Site Specific Policy – Area D | 7.5.14.4 – Site Specific Policy – Area D For lands shown as Site Specific Policy – Area D on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan, the following policies shall apply:  
   a) The development of lands designated Low Density Residential 2h and Medium Density Residential 2 shall be subject to the following site specific provisions:  
      i) future development approval shall provide for full municipal servicing connection and vehicular access to the Low Density Residential 2h lands east of the flood plain;  
      ii) the location of such connection and access shall be to the satisfaction of the Hamilton Conservation Authority and the City of Hamilton; and,  
      iii) the said vehicular access shall be aligned with the crossing of the flood plain approved by the Hamilton Conservation Authority. | Gives effect to site specific policies from OMB decision PL061085, Nov. 12, 2009 |
| 32  | Stoney Creek – Nash Neighbourhood, Policy 7.5.14.5 – Site Specific Policy – Area E | 7.5.14.5 – Site Specific Policy – Area E For lands shown as Site Specific Policy – Area E on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan, the following policies shall apply:  
   a) In addition to the uses permitted in Section E.4.8 of Volume 1, District Commercial uses shall also be permitted in accordance with Policy E.4.7 of Volume 1. | Correct inconsistency with original uses permitted in secondary plan |
| 33  | Stoney Creek - West Mountain (Heritage Green), Policies B.7.6.3.2 and B.7.6.3.4 a) Delete the words “Local Commercial,” after the word “designated, delete the words “, and Arterial Commercial” after the word “Medium”, and add the word “Density” after the word “Medium” | 7.6.3.2 Sections E.3.8 – Local Commercial of Volume 1 shall apply to lands designated Local Commercial, Mixed Use Medium Density, and Arterial Commercial on Map 7.6-1 – West Mountain Area (Heritage Green) – Land Use Plan (make in the same mod)  
   B.7.6.3.4 a) Sections E.4.6 – Mixed Use - Medium Density Designation of Volume 1 shall apply to lands designated Local Commercial, Mixed Use Medium Density, and Arterial Commercial on Map 7.6-1 – West Mountain Area (Heritage Green) – Land Use Plan | Correct typographical error - inclusion of in applicable designations |
| 34  | Stoney Creek - West Mountain (Heritage Green), B.7.6.2.2 b) i) Delete the words “not exceed 29) and replace with the words “be approximately 30 to 49” | 7.6.2.2 The density shall not exceed 29 be approximately 30 to 49 units per net residential hectare. | Correct typographical error (maintains permitted density in existing secondary plan) |

**Volume 2: Secondary Plans – Map Changes**

<table>
<thead>
<tr>
<th>No.</th>
<th>Draft Modification</th>
<th>Modified Policy/Schedules/Maps as proposed by City</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>35</td>
<td>Ancaster – Meadowlands Neighbourhood III Secondary Plan (Map B.2.5.-1) Delete and replace identified area</td>
<td>See Appendix “C-9”</td>
<td>Gives effect to OPA 129(A) effective July 9, 2009</td>
</tr>
</tbody>
</table>
| 36  | Glanbrook - Rymal Road Secondary Plan (Map B.5.2-1) a) Add new Area Specific Policy “B” | See Appendix “C-10” | a) Gives effect to OPA 68(G) effective November 12, 2008  
   b) & c) Gives effect to OPA 76(G) effective July 9, 2009 |
<table>
<thead>
<tr>
<th>No.</th>
<th>Draft Modification</th>
<th>Modified Policy/Schedules/Maps as proposed by City</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>37</td>
<td>b) Add new Area Specific Policy “C”</td>
<td>See Appendix “C-11”</td>
<td>Correct mapping error – inconsistency with Schedule E-1</td>
</tr>
<tr>
<td></td>
<td>c) Lands to be redesignated from “Medium Density Residential 2b” to “Medium Density Residential 2c”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>Hamilton – Ainslie Wood Westdale Secondary Plan (Map B.6.2-1)</td>
<td>See Appendix “C-12”</td>
<td>The designation on the existing West Hamilton Innovation Secondary Plan is more accurately reflected as “District Commercial” rather than “Arterial Commercial”</td>
</tr>
<tr>
<td></td>
<td>Lands to be redesignated from “Local Commercial” to “District Commercial”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>Hamilton – West Hamilton Innovation District (Map B.6.4-1)</td>
<td>See Appendix “C-13”</td>
<td>Clarification and refinement of mapping</td>
</tr>
<tr>
<td></td>
<td>Lands to be redesignated from “Arterial Commercial” to “District Commercial” for lands on the west side of Dundurn Street South, south of Main Street West on Map B.6.4.1-1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>Stoney Creek – Western Development Area (B.7.1-1)</td>
<td>See Appendix “C-14”</td>
<td>Correct mapping error</td>
</tr>
<tr>
<td></td>
<td>Lands to be redesignated from “Low Density Residential 2b” to “District Commercial”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>Stoney Creek – Urban Lakeshore Secondary Plan (B.7.2-1)</td>
<td>See Appendix “C-15”</td>
<td>All changes - Correct inconsistencies with original secondary plan</td>
</tr>
<tr>
<td></td>
<td>a) Lands to be redesignated from “Low Density Residential 2b” to “Low Density Residential 2”</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) Lands to be redesignated from “Low Density Residential 2b” to “Low Density Residential 3”</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) Boundary of Area Specific Policy Area – Area A to be revised</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) Boundary of Area Specific Policy Area – Area B to be revised</td>
<td></td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>Stoney Creek – Nash Neighbourhood (B.7.5-1)</td>
<td>See Appendix “C-16”</td>
<td>a &amp; b) Upon further reflection “Arterial Commercial” uses do not reflect the intent of the existing Nash Neighbourhood Secondary Plan</td>
</tr>
<tr>
<td></td>
<td>a) Lands to be redesignated from “Arterial Commercial” to “District Commercial”</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) Add new Area Specific Policy - Area “E” to permit “District Commercial” uses in the “Arterial Commercial” designation</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) Remove symbol from map and legend item “Subject to future OMB Hearing”</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>c &amp; d) Map changes as a result of OMB decision PL061085, Nov. 12, 2009.</td>
</tr>
</tbody>
</table>
City Requested Modifications to the Urban Hamilton Official Plan, 2010

<table>
<thead>
<tr>
<th>No.</th>
<th>Draft Modification</th>
<th>Modified Policy/Schedules/Maps as proposed by City</th>
<th>Rationale</th>
</tr>
</thead>
</table>
| 43  | d) Adjust eastern boundary of Site Specific Policy - Area D to include portion of the Medium Density Residential 2 designation. | See Appendix “C-17” | a) Correct mapping error  
b) Give effect to OPA 151(S) adopted September 16, 2009  
c) Correct inconsistency with original permitted uses |
|     | Stoney Creek – West Mountain Area (B.7.6-1) | | |
|     | a) Lands to be redesignated from "Institutional" to "Arterial Commercial" | | |
|     | b) Delete and replace identified area | | |
|     | c) Add a new Area Specific Policy – Area C | | |
| 44  | UDOS-1 | a) Revise Site Specific Area location map as attached | All - Correct inconsistencies with original policies |
|     | | b) Policy 1.0 a) v) - Delete all of the words after "primary uses" | |
|     | | c) Policy 1.0 – Add a new subsection b) as follows and renumber subsequent subsections: “Permitted uses listed in Subsection a) shall not destroy the essentially open space nature of the land.” | |
| 45  | UF-1 – Amend policies in Area Specific UF-1 as shown in Appendix “C-19” | See Appendix “C-19a” | To correct changes to combined maximum gross floor area and clarify terminology |
|     | Delete and replace Map F-1 | | |
| 46  | UHC-4 | a) Add Site Specific Area location map as attached | Deferred pending resolution of the OMB hearing |
|     | b) Delete and replace all policies in Section UHC-4 | See Appendix “C-19a” | |
| 47  | USC-3, 1.1 b) iii) 1. Delete the word “14,000” and replace with the word “17,000”, and add the words “, of which a maximum gross floor area of 4,180 square metres for the sale and display of food shall be permitted” after the word “metres”. | USC-3, 1.1 b) iii) 1. The maximum amount of gross floor area permitted for one department store shall be 14,000 17,000 square metres, of which a maximum gross floor area of 4,180 square metres for the sale and display of food shall be permitted. | City Council modified the permitted gross floor area and added additional restriction at the July 09, 2009 Council Meeting |
Table C.4.8.1: Requirements for Development in the Vicinity of John C. Munro International Airport

<table>
<thead>
<tr>
<th>Locational Criteria</th>
<th>Requirements</th>
</tr>
</thead>
</table>
| 1) 35 NEF and greater, and/or within the Airport Influence Area | a) All new development of residential and other sensitive land uses, including infill development and redevelopment, shall be prohibited.  
   b) New land uses which may cause a potential aviation hazard shall be prohibited. |
| 2) 28 NEF and greater, but less than 35 NEF | a) All new development of residential and other sensitive land uses, including infill development and redevelopment, shall be prohibited.  
   b) New land uses which may cause a potential aviation hazard shall be prohibited.  
   c) All development applications approved prior to approval of this Plan may proceed. |
| 3) 25 NEF and greater, but less than 28 NEF | a) All development and redevelopment proposals for residential and other sensitive land uses shall be required to submit a detailed noise study, employ noise mitigation measures and include appropriate warning clauses in accordance with Section B.3.6.3 - Noise, Vibration and Other Emissions, and Policy C.4.8.6.  
   b) New land uses which may cause a potential aviation hazard shall be prohibited. |
Legend

- **Core Areas**
- **Area Specific Policy - USC-1 and USC-2 in Volume 3**
- **Linkages**
- **Parks & General Open Space (Excluding Parkettes)**
- **Streams**

**Other Features**

- **Rural Area**
- **John C. Munro Hamilton International Airport**
- **Niagara Escarpment**
- **Urban Boundary**
- **Municipal Boundary**
- **Subject to Future OMB Hearing**

**Urban Hamilton Official Plan**

**Schedule B**

**Natural Heritage System**

CITY MODIFICATIONS

February 2010

Note: For Rural Natural Heritage Features refer to Schedule B of the Rural Hamilton Official Plan.

**Date:**

July 9, 2009

**Note:**

Key Map

N.T.S.

For Rural Natural Heritage Features refer to Schedule B of the Rural Hamilton Official Plan.

- Lands to be redesignated "Parks & General Open Space" (Mud St. W., North Side)
- "Linkages" designation to be removed from lands (560 Gray Road)
- Example general areas where "Parks & General Open Space" mistakenly overlayed on top of "Core Areas"

- Lands to be redesignated "Core Areas (Governors Road)"
- Lands to be designated "Core Areas (Pritchard Road)"
- "Streams to be Added"
- Lands to be designated "Core Areas (Mud St. W., North Side)"
- "Streams to be Added (USC-2 Core Areas)"
DRAFT PROVINCIAL MODIFICATIONS
February 2010

Repeal and Replace Schedule B to give effect to changes on Schedule B - Modifications as attached.

Legend
- Core Areas
- Area Specific Policy - USC-1 and USC-2 in Volume 3
- Linkages
- Parks & General Open Space (Excluding Parkettes)
- Streams
- Other Features
- Rural Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary
- Subject to Future OMB Hearing

Urban Hamilton Official Plan
Schedule B
Natural Heritage System

Note: For Rural Natural Heritage Features refer to Schedule B of the Rural Hamilton Official Plan.

For Rural Natural Heritage Features refer to Schedule B of the Rural Hamilton Official Plan.

APPENDIX "C-3" to Report PED09164(c)
Page 13 of 40
Key Map

Legend
- Neighbourhoods
- Open Space
- Institutional
- Utility
- Arterial Commercial
- District Commercial
- Mixed Use - Medium Density
- Employment Business Park
- Industrial Land
- Downtown Mixed Use Area
- Mixed Use - High Density
- Mixed Use - Low Density
- Airport Business Park
- Shipping & Navigation

CITY MODIFICATIONS
February 2010

Urban Hamilton Official Plan
Schedule E-1
Urban Land Use Designations

Note: For Rural Land Use Designations, refer to Schedule D of the Rural Hamilton Official Plan.

Urban Land Use Designations

- For Rural Land Use Designations, refer to Schedule D of the Rural Hamilton Official Plan.

- Lands to be redesignated from "Neighbourhoods" to "Open Space" - Deferral No ___

- Lands to be redesignated from "Arterial Commercial" to "Employment Business Park"

- Lands to be redesignated from "Arterial Commercial" to "Employment Area Designations" - Deferral No ___

- Subject to Future OMB Hearing

- Not To Scale

- "C-7" to Report PED09164(c)
Area Specific Policy – Area A

7.3.6.1 Fifty Point Neighbourhood – East of Fifty Road

To maintain the unique character of the Fifty Point Neighbourhood, special design features shall be provided on lands designated Low Density Residential 3 west of Fifty Road. These lands are shown as an Area Specific Policy – Area A on Map B.7.3 -1 – Urban Lakeshore Area – Land Use Plan and the following policies shall apply:

a) Notwithstanding Policy 7.3.1.5 b) of this secondary plan, a maximum of 637 dwelling units shall be permitted within the lands shown as Area Specific Policy – Area A on Map B.7.3 -1 – Urban Lakeshore Area – Land Use Plan.

b) A geographic gradation of densities and lot sizes shall be established the lowest densities located closer to Lake Ontario and the higher densities interspersed throughout the area, but with a greater concentration closer to the Queen Elizabeth Way.

c) To create a strong neighbourhood identity along the edge of the neighbourhood, a minimum frontage of 18 metres for single detached lots along McCollum Road and 15 metre lots along Fifty Road shall be required. In no case shall lots with a lot frontage less than 15 metres be permitted. A lot having less than 18 metres of frontage shall only be permitted within 500 metres of Baseline Road.

d) An open space landscaped buffer shall be provided between the boundary of the Fifty Point Conservation Area and lands designated Area Specific Policy Area – Area A. In this regard, a minimum 9.0 metre wide landscaped buffer strip of which at least 4.5 metres shall be situated on Conservation lands and at least 4.5 metres on residential lands shall be implemented. Further, a landscaped buffer strip having a minimum width of 4.5 metres shall be provided on commercial designated lands when abutting residential uses.

e) Design features shall include but not be limited to decorative street lamps, enhanced boulevard landscaping, special intersection treatments, entrance features, and traffic circle islands with pedestrian amenities, decreased front yards, front porches, and recessed or detached garages. The actual yard requirements shall be determined by the City at the time of its review of zoning and subdivision applications.

f) Provisions shall be made to incorporate cultural heritage resources within the overall design of the Fifty Point Neighbourhood to minimize adverse effects that may detract from these resources and provide for their preservation.

g) Architectural and urban design guidelines shall be prepared by a “qualified architectural consultant”. The guidelines are intended to achieve and attractive and
coordinated built form and community design with features to enhance the
eighbourhood and create architecturally complementary streetscapes.

h) The architectural and urban design guidelines shall address but not be limited to the
prescription of architectural designs and forms to ensure distinctive and high quality
buildings and a strong neighbourhood character, and provision of appropriate
architectural and landscape design concepts along and at key intersections of entry
roads with McCollum Road, Fifty Road, and Baseline Road to ensure proper
streetscaping and landscape buffers to create an identifiable prestige gateway into
this neighbourhood.

Area Specific Policy – Area B
7.3.6.2 Fifty Point Neighbourhood – West of Fifty Road

The following policies shall apply to the lands designated Low Density Residential 2 and
shown as Area Specific Policy – Area B on Map B.7.3-1 – Urban Lakeshore Area –
Land Use Plan:

a) Architectural and Urban Design Guidelines shall be required for any Plan for
Development and shall be prepared to the satisfaction of the City.

b) Design features shall include but not be limited to decorative street lamps and
increased front yards. A variety of house styles with different architectural details
shall be encouraged and reviewed during the draft plan of subdivision process. 
Actual yard requirements shall be determined by the City at the time of its review of
zoning and subdivision applications.

c) Provisions shall be made to incorporate cultural heritage resources within the overall
design of the Fifty Point Neighbourhood to minimize adverse effects that may detract
from these resources and provide for their preservation.
Not To Scale

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

THIS IS NOT A PLAN OF SURVEY

Date:

Arterial Commercial Employment Area - Research District Utility

Area or Site Specific Policy

Area Subject to OMB Hearing

Buildings of Historical Interest

Future Road Extensions (Exact location to be determined through Environmental Study Report)

Railways

Secondary Plan Boundary

Lands within Generic Regulated Area of the Hamilton Conservation Authority

Lands to be Redesignated from "Arterial Commercial" to "District Commercial"

Legend

Arterial Commercial
Employment Area - Research District
Utility
Area or Site Specific Policy
Lands within Generic Regulated Area of the Hamilton Conservation Authority
Area Subject to OMB Hearing
Buildings of Historical Interest
Future Road Extensions (Exact location to be determined through Environmental Study Report)
Railways
Secondary Plan Boundary

Urban Hamilton Official Plan
West Hamilton Innovation District
Secondary Plan
Land Use Plan
Map B.6.4-1

CITY MODIFICATION
December 2009

APPENDIX "C-12" to Report PED09164(c)
## Residential Designations
- Low Density Residential 2b
- Low Density Residential 3c
- Medium Density Residential 3

## Commercial and Mixed Use Designations
- Local Commercial
- Mixed Use - Medium Density
- District Commercial

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

## Other Designations
- Institutional
- ES: Elementary School
- SS: Secondary School

## Other Features
- Area or Site Specific Policy
- Secondary Plan Boundary

### Legend
- Lands to be redesignated from "Low Density Residential 2b" to "District Commercial"
CITY MODIFICATIONS
January 2010

Legend
Residential Designations
- Low Density Residential 2b
- Low Density Residential 2e
- Low Density Residential 3c
- Medium Density Residential 3

Parks and Open Space Designations
- Parkette
- Neighbourhood Park
- City Wide Park
- General Open Space
- Natural Open Space

Other Designations
- Local Commercial
- Institutional
- ES Elementary School
- Utility
- SWM Storm Water Management

Other Features
- Area or Site Specific Policy
- On Street Bikeway
- Off Street Bikeway / Walkway
- Municipal Boundary
- Secondary Plan Boundary

Urban Hamilton Official Plan
Urban Lakeshore Area
Secondary Plan
Land Use Plan
Map B.7.3-1

APPENDIX "C-15" to Report PED06164(c)

Page 26 of 40
RESIDENTIAL DESIGNATIONS

- Low Density Residential 2b
- Low Density Residential 3c
- Medium Density Residential 3

COMMERCIAL AND MIXED USE DESIGNATIONS

- Local Commercial
- Mixed Use - Medium Density
- Arterial Commercial

PARKS AND OPEN SPACE DESIGNATIONS

- Neighbourhood Park
- Community Park
- City Wide Park
- General Open Space
- Natural Open Space

OTHER DESIGNATIONS

- Institutional
- Elementary School
- Employment
- Utility
- Storm Water Management

OTHER FEATURES

- Area or Site Specific Policy
- On Street Bikeway
- Off Street Bikeway / Walkway
- Secondary Plan Boundary
- Land Use Designations within the boundary except Natural Open Spaces to be updated by future East and West Secondary Plans.
Site Specific Area UDOS-1: Cootes Drive and King Street East

Site Specific Area UHC-4: 480 & 500 Centennial Pky N & 40 Warrington St

Lands to be removed from UDOS-1

Lands to be removed from Area "B-1" and shown as part of Area "D"
Amendments to Area Specific Policy UF-1 in Urban Hamilton Official Plan

Flamborough

UF-1 Lands located east of Highway 6, west of the pipeline easement, north of the Niagara Escarpment and south of Borer’s Creek (part of Clappison’s Corners)

1.0 In addition to Notwithstanding Section E.4.7 – District Commercial of Volume 1, the following policies shall apply to lands located east of Highway 6, west of the pipeline easement, north of the Niagara Escarpment and south of Borer’s Creek (part of Clappison’s Corners), and shown as sub areas A, B (B-1 and B-2), C and D on Area Specific UF-1 on Map F-1:

a) a combined maximum of 118,354 square metres of retail and service commercial space gross floor area shall be permitted in areas A, B and C excluding a hotel and motel for area C of UF-1; and,

b) residential uses shall not be permitted.

Area A

1.1 In addition to Policy E.4.7.2 but notwithstanding Policies E.4.7.2, E.4.7.3, and E.4.7.7 – District Commercial of Volume 1, the lands west of the pipeline easement and south of Highway 5, shown as Area A on Area Specific UF-1 on Map F-1, shall be subject to the following policies:

a) The following additional uses shall be permitted:

   i) Hotel/motel;

   ii) Government service buildings such as fire halls and ambulance stations;

   iii) Recreational and entertainment facilities;

   iv) Wholesale and/or retail warehouses; and,

   v) Home improvement, household furniture and/or appliance outlet and/or lawn and garden centre.

b) The maximum total combined gross floor area of retail space shall not exceed 2,500 square metres.

c) Minimum unit sizes of retail establishments shall be 465 square metres.

Area B

1.2 In addition to Policy E.4.7.2 but notwithstanding Policies E.4.7.2, E.4.7.3, E.4.7.7 – District Commercial of Volume 1, the lands east of Highway 6, and south of Highway 5 shown as Area B in Area Specific UF-1 on Map F-1, including B-1 and B-2, shall be subject to the following policies:

a) The following additional uses shall be permitted:
i) Hotel/motel;  
ii) Government service buildings such as firehalls and ambulance stations;  
iii) Recreational and entertainment facilities;  
iv) Wholesale and/or retail warehouses;  
v) Home improvement, household furniture and/or appliance outlet and/or lawn and garden centre; and,  
vii) Department store.

b) Area B, including B-1 and B-2, shall be developed in accordance with the following policies:

i) The maximum gross floor area for all uses combined, excluding a hotel, motel, community centre and public uses, shall not exceed 60,114 square metres, and shall generally be distributed equally between B-1 and B-2;  
ii) Individual retail establishments shall generally have a minimum size of 1,858 square metres. However, subject to a Retail Impact Analysis, the Zoning-By-law may permit smaller store areas, including retail establishments without further amendment to this Plan;  
iii) A maximum of 6 individual wholesale and retail warehouse facilities or retail establishments each having a gross floor area of between 465 square metres and 700 square metres.  
iv) A “gateway” feature shall be required to establish the site as a focal point to one of the major entrances to the Waterdown urban area;  
v) Enhanced landscaping and tree planting shall be required especially as the site relates to Highway 5 and 6 and the internal road pattern;  
vi) Development must ensure adequate traffic infrastructure both on the site and at the access points; and development shall be phased-in accordingly with road improvements; and,  
vii) Buffering and screening of the site relative to the lands to the south shall be required. Consideration shall be required to identify and provide for a suitable barrier or fence to prevent trespassing on lands to the south.

Area C

1.3 In addition to Policy E.4.7.2 but notwithstanding Policies E.4.7.2 and E.4.7.3, 4.7.7 - District Commercial of Volume 1, the land south of Borer’s Creek, east of Highway 6, north of Highway 5 and west of the pipeline easement shown as Area C in Area Specific UF-1 on Map F-1, shall be subject to the following policies:

a) The following additional uses shall be permitted:
i) Hotel/motel and conference/convention facilities;
ii) Government service buildings such as fire halls, community centres, ambulance stations and other public uses;
iii) Recreational and entertainment facilities;
iv) Wholesale and/or retail warehouses;
v) Home improvement, household furniture and/or appliance outlet and/or lawn and garden centre;
v) Department store; and,
vii) Automobile service station and gas bar.

b) Area C shown on UF-1 on Map F-1, shall be developed in accordance with the following policies:

i) Retail uses exceeding a combined gross floor area of 39,110 square metres shall require a market impact study to ensure that there are no significant detrimental impacts on other planned commercial functions within the City, but no amendment to this Plan shall be required;

ii) The maximum gross floor area for all uses combined, excluding a hotel, motel, community centre and public uses, shall be 55,740 square metres;

iii) A maximum of thirty-five percent of the total gross floor area of all wholesale and/or retail warehouses and other retail uses equal to or greater than 1,858 square metres each in gross floor area may be comprised of individual retail establishments between 465 square metres and 1,857 square metres each in gross floor area;

iv) A “gateway” feature shall be required to establish the site as a focal point to one of the major entrances to the Waterdown urban area;

v) Enhanced landscaping and tree planting shall be required especially as the site relates to Highway 5 and 6 and the internal road pattern;

vi) As part of the staging of development, all required transportation improvements must be secured to properly service the extent of development permitted by the implementing Zoning By-law.

Area D

1.4 In addition to Section E.4.7 – District Commercial of Volume 1, the lands located on the north and south side of Highway 5, shown as Area D in Area Specific UF-1 on Map F-1, redevelopment of the lands within Area D shall only be permitted following the completion of a traffic impact study to the satisfaction of the City and the Ministry of Transportation.
Amendments to Site Specific Area UHC-4 in Urban Hamilton Official Plan  
February 18, 2010  
Case No: PL090764  

UHC-4 Lands located at 480 and 500 Centennial Parkway North and 20 Warringtion Street, former City of Hamilton

1.0 In addition to the uses permitted in Policy E.4.7.2 – District Commercial of Volume 1, the lands designated District Commercial, located at 480 and 500 Centennial Parkway North and 20 Warringtion Street as Parcel A in Urban Site Specific Area UHC-4, shall be developed with a mix of retail and non-retail uses and serve as a mixed use gateway into the City. The following uses shall also be permitted:

a) one department store;
b) hotel and convention centre;
c) entertainment uses; and,
d) arts and cultural uses.

1.1 Notwithstanding Policies E.4.7.2 b) and E.4.7.8 - District Commercial of Volume 1, main floor offices and stand alone office buildings shall be permitted in accordance with the Zoning By-law.

1.2 Notwithstanding Policy E.4.7.2 c) - District Commercial of Volume 1, no residential uses shall be permitted.

1.3 Notwithstanding Policies E.4.7.3 c) and E.4.7.7 – District Commercial of Volume 1, the maximum amount of gross floor area for one department store shall not exceed 18,581 square metres for the lands identified as Parcel A in Urban Site Specific Area UHC-4:

2.0 Notwithstanding the uses permitted in Policy E.5.4.3 of Volume 1, on the lands designated Employment Area-Business Park, located at 480 and 500 Centennial Parkway North and 20 Warringtion Street, shown as Parcel B in Urban Site Specific Area UHC-4, the following uses shall not be permitted:

a) retail establishments as ancillary uses, except as provided in Policy 2.1;
b) waste processing facilities and waste transfer facilities.
2.1 Notwithstanding Policies E.5.4.5 and E.5.4.6 of Volume 1, on the lands designated Employment Area-Business Park, located at 480 and 500 Centennial Parkway North and 20 Warrington Street, shown as Parcel B in Urban Site Specific Area UHC-4, the following provisions shall apply:

a) office buildings with a minimum gross floor area of 2,000 sq. m and a maximum gross floor area of 9,999 sq.m. shall be permitted; and,

b) limited ancillary uses and convenience retail, as defined in the Zoning By-law, shall be permitted on the ground floor of an office building with a minimum gross floor area of 2,000 sq. m and a maximum gross floor area of 9,999 sq.m.

3.0 Notwithstanding Policies E.4.7.3 c) and E.4.7.7 – District Commercial and Section E.5.4.6 and E.5.4.7-Employment Area-Business Park Designation of Volume 1, the following provisions shall apply to Parcels A and B in Urban Site Specific Area UHC-4:

a) The maximum gross floor area for all development shall not exceed 45,058 square metres.

b) Development of the site shall be completed in a phased manner consisting of an initial permitted development of 23,226 square metres of retail and service uses. An additional 1 square metre of retail and service uses shall be permitted on Parcel A for every 1 square metre of non-retail, employment and service uses, as identified in the Zoning By-law for Parcels A and B, for which construction has substantially commenced on the site.

Urban Design Guidelines

4.0 Prior to development of 480 and 500 Centennial Parkway North and 20 Warrington Street, shown as UHC-4, the proponent shall complete urban design guidelines for the development of the site, to the satisfaction of the City. Urban design guidelines shall be in accordance with the Urban Design Principles and Policies in Policies 4.1 and 4.2 of UHC-4:

4.1 Urban Design Principles

The Centennial Parkway North site is a gateway location in the City of Hamilton, arriving from the Queen Elizabeth Way along Centennial Parkway North. The site shall evolve as a mixed-use area with a physical form that is human-scaled, pedestrian-friendly, and transit-supportive. The following urban design principles shall direct the development of the site:

a) Notwithstanding Section B.3.3 - Urban Design and Policies E.4.7.11 to E.4.7.17-District Commercial Design, the site shall:
Appendix “C-20” to Report PED09164c
Page 35 of 40

i) Have a high quality form of urban design including streetscapes, views and vistas, gateways, walkways, and amenity spaces;

ii) Be a “gateway” location into the City that promotes a sense of arrival;

iii) Be a mixed-use area with a range of commercial uses, employment uses, and amenity spaces;

iv) Have a concentration and arrangement of uses and buildings that encourages comfortable pedestrian activity on and surrounding the site, and which facilitates public transit ridership;

v) Have a connected circulation system internally that comfortably and efficiently links all buildings, transit facilities, parking areas, and amenity spaces to the bounding public streets;

vi) Have a prominent multi-storey building, or buildings, of high quality architectural design at the intersection of Centennial Parkway North and the South Service Road;

vii) Have a strong edge and frame facing the bounding public streets, including the placement and design of buildings and high quality landscaping;

viii) Have an incorporation of framing views and vistas within the site by aligning buildings and building elements to create terminus views; and,

ix) Have an appropriate transition to surrounding properties in terms of buffering and screening.

4.2 Design Policies

The Centennial Park North site shall be developed in accordance with the following urban design policies. In the event that conditions and/or restrictions arise as a result of the Record of Site Condition, specific design solutions shall be incorporated in consultation with the City through the Site Plan approvals process.

a) Entrance Gateways

i) Entrance Gateways are access points to a site, and provide a sense of arrival to a development. Two types of Entrance
Gateways shall be provided at the site: Primary Entrance Gateways, and Secondary Entrance Gateways.

ii) Primary Entrance Gateways identify the principal vehicular and pedestrian entry point to the site, and may include information signage for traffic circulation through the site. There should be one Primary Entrance Gateway to the site, from Centennial Parkway North.

iii) Secondary Entrance Gateways serve as secondary vehicular and pedestrian entry points to the site. There could be multiple Secondary Entrance Gateways to the site, from South Service Road and Warrington Street.

iv) All Entrance Gateways should be given special built form and landscape treatment, including the consideration of appropriate positioning of buildings, adequate sight lines, and the inclusion of both vertical and horizontal elements, including signage and landscape features. Given their principal function, the Primary Entrance Gateway should be more visually prominent than the Secondary Entrance Gateway(s) in terms of scale and design.

b) Built Form

i) For all buildings on the site, the following policies apply:

1. Buildings shall be sited and designed to enhance the public nature of streets, amenity spaces, and pedestrian routes.

2. Buildings should be generally sited parallel to the public street.

3. The principal building façade shall be the building wall containing the primary building entrance. The principal building façade shall be varied and articulated, through the use of elements such as bay projections, canopies and/or varied roof lines, in order to provide visual interest and to break up long walls to create the impression of smaller building units.

4. Principal building entrances shall be located at grade, and shall be easily accessed from the public sidewalk on the bounding public streets and the pedestrian walkways internal to the site.
5. Principal building entrances shall be emphasized on the building’s façade through architectural treatments.

6. Other building façades shall be designed in a similar fashion to the principal building façade, in regards to colour, material, and articulation.

7. All building signage shall be designed in a manner integral to the building design in terms of size, form, material, and colour.

8. Roof-top mechanical equipment shall be enclosed or screened, particularly in a manner integral with the overall building design in terms of form, material, and colour.

9. Canopies over doorways, arcades and other treatments are encouraged in the design of a building façade, particularly along pedestrian routes, to provide a comfortable pedestrian environment for walking.

10. Stacking lanes and order stations for drive-through facilities shall not be located between a building wall and the road allowance of a bounding public street.

ii) For buildings that are located abutting Centennial Parkway North and South Service Road, the following additional policies apply:

1. Buildings along Centennial Parkway North shall be located close to the edge of the respective road allowance so as to frame the streetscape.

2. Buildings along the South Service Road may be located further from the street edge with landscape treatment to define the street edge, which may contain a tiered design of lawn, low hedges, trees, masonry, and decorative metal fences and gates culminating in taller plantings.

3. The streetscape shall create a positive community image, which may include the coordinated use of high quality paving materials, wide sidewalks, street furniture, pedestrian-scale lighting and signage, and enhanced landscaping.

iii) For buildings abutting Warrington Street, the rail line, and the hydro corridor, the following additional policies apply:
1. Loading and service areas shall be adequately screened with the use of a landscaped buffer, which may contain landscape berms, evergreen and deciduous trees and shrubs, and fencing.

2. Facades that face a loading area or service area shall be finished with material and architectural features consistent with the principal facade of the building.

iv) For the prominent buildings at the Centennial Parkway North and South Service Road intersection, the following policies shall apply:

1. Buildings shall be placed so the tallest buildings are at the corner of Centennial Parkway North and the South Service Road.

2. Buildings shall have a distinct architectural appearance, including a high level of architectural detailing, given their prominence on the site. Detailing may include varied rooflines, canopies, decorative architectural details, and projecting bays. Large blank walls and a continuous, repetitive facade shall not be permitted.

3. Buildings shall have articulated facades facing both the bounding public streets and the interior of the site.

4. A high quality of landscape design along the edges of the property and within the interior shall provide a setting that is pedestrian-friendly and visually attractive.

5. Design of the buildings shall complement the landscape design between the building wall and the road allowances at the corner, in order to promote a sense of entry into the site and into the City from the Queen Elizabeth Way.

6. Loading areas and service areas shall not be located between a building’s wall and the road allowance of Centennial Parkway North or South Service Road.

7. Buildings and their landscape features are encouraged to have feature lighting to signify and highlight these buildings during night-time.

c) Pedestrian Realm
i) Pedestrian routes that connect to buildings, transit stops or facilities, and pedestrian routes in the surrounding community shall be provided. Internal walkways and linkages shall be designed as a condition of Site Plan Approval.

ii) Pedestrian walkways that connect parking areas to building entrances shall be provided. These walkways shall be designed to contribute to the safety and visual continuity of the entire pedestrian system, and may include such elements as special paving materials, trees, and lighting.

iii) Barrier-free design of buildings, streets, and publicly accessible exterior spaces shall be implemented.

iv) Crosswalks and differentiated paving materials and patterns shall be constructed at primary crossings of principal internal streets to provide connectivity between the site’s different areas.

v) Parking areas, servicing lanes, utility and mechanical equipment, and drop off and loading zones shall be designed and located in a manner that has minimal physical impact on public sidewalks and accessible exterior spaces. Shared driveways and service lanes at the side and rear of buildings are to be provided for these functions.

d) Landscaped Areas

i) Landscaping shall be used to enhance the overall aesthetic qualities of the development with a high quality design. This design may include a range of different hard and soft landscape elements and features to create pedestrian comfort, soften the site’s edges, highlight Entrance Gateways, prominent buildings, screen loading and service areas, and buffer the site from neighbouring uses, as necessary.

ii) Landscaped areas shall be provided as a screen or buffer to address the interface with the publicly accessible or visual areas of the site.

iii) Landscaped buffers and/or visual barriers shall be provided to screen loading and service areas from users using the bounding public streets or internal drive aisles.

iv) Landscaped islands shall be provided throughout parking lots to identify, reinforce and connect pedestrian routes, separate
roads from parking areas, define edges, and to visually and physically divide large parking areas into smaller sections.

e) Parking Entrances, Loading Zones and Service Lanes

i) The location of entrances to parking areas, loading zones, and service lanes shall be coordinated with the location of pedestrian routes to limit vehicular and pedestrian movement conflicts on the site.

ii) A landscaped strip shall be provided between any surface parking area that abuts a public street to define the street edge and screen the parking area. The minimum width of the landscaped strip shall be set out in the implementing Zoning By-law.

iii) All loading zones and service lanes shall be screened and landscaped. Screens shall be designed to complement the materials and details of the associated building facades.

iv) Wherever possible, on-site loading zones and service lanes shall be consolidated and shared at the rear or side of buildings.

v) On-street parking along internal drive aisles is encouraged to provide the ‘look and feel’ of a public street.

f) Vehicular Access

i) The number and location of vehicular access points shall be limited so as to minimize disruption to traffic flow and to minimize the impact on local streets.