

Proposed Text Amendments – UHOP Volume 1

Grey highlighted strikethrough text = text to be deleted

Bolded text = text to be added

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Volume 1, Chapter A – Introduction			
A.1.3	<p>A.1.3 Function of the Official Plan This Plan projects a long term vision for the physical development of the City over the next 30 years. ...</p> <ul style="list-style-type: none"> is one of the key implementation mechanisms for the City’s Growth Strategy (GRIDS) and other corporate initiatives including Master Plans (Transportation and Infrastructure, Recreational), and the Social Development Strategy. <p>The Urban Hamilton Official Plan applies to lands within the <i>urban area</i>.</p>	<p>A.1.3 Function of the Official Plan This Plan projects a long term vision for the physical development of the City over the next 30 years. ...</p> <ul style="list-style-type: none"> is one of the key implementation mechanisms for the City’s Growth Strategy (GRIDS) and other corporate initiatives including Master Plans (Transportation and Infrastructure, Recreational), and the Social Development Strategy. <p>The Urban Hamilton Official Plan applies to lands within the <i>urban area</i>.</p>	<p>Clarifies that the Urban Hamilton Official Plan applies to lands within the urban area (lands within the urban boundary).</p>
Volume 1, Chapter B – Communities			
B.3.2.4.4	<p>B.3.2.4.4 A Ssecond dwelling units shall be permitted within on a single, and semi-detached dwellings or townhouse lot in all Institutional, Neighbourhoods, Commercial and Mixed Use designations, as shown on Schedule E-1 – Urban Land Use Designations, provided it complies with all applicable policies and shall be subject to zZoning By-law regulations.</p>	<p>B.3.2.4.4 A <i>secondary dwelling unit</i> shall be permitted on a single, semi-detached or townhouse lot in all Institutional, Neighbourhoods, Commercial and Mixed Use designations, as shown on Schedule E-1 – Urban Land Use Designations, provided it complies with all applicable policies and Zoning By-law regulations.</p>	<p>Bill 108 changes to the <u>Planning Act</u> include the requirement that all municipal Official Plans must include policies to permit second dwelling units within a single detached, semi-detached, or row house (townhouse) dwelling.</p>

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B.3.2.4.5	<p>B.3.2.4.5 Subject to the City undertaking a study, in certain conditions it may be appropriate to permit new detached second dwelling units on lots of existing single detached dwellings. The existing stock of housing shall be retained wherever possible and kept in a safe and adequate condition through use of the City’s Demolition Control by-law, Property Standards by-law, and incentive programs financed by the City or by senior levels of government.</p>	<p>B.3.2.4.5 The existing stock of housing shall be retained wherever possible and kept in a safe and adequate condition through use of the City’s Demolition Control by-law, Property Standards by-law, and incentive programs financed by the City or by senior levels of government.</p>	<p>Bill 108 changes to the <u>Planning Act</u> include the requirement that all municipal Official Plans must include policies to permit second dwelling units within a single detached, semi-detached, or row house (townhouse) dwelling. The existing policy is no longer relevant and should be replaced with the subsequent policy (former B.3.2.4.6) in the numbering sequence.</p>
B.3.2.4.6	<p>Delete Policy B.3.2.4.6 in its entirety, as it has been renumbered to B.3.2.4.5, as per above.</p> <p>B.3.2.4.6 The existing stock of housing shall be retained wherever possible and kept in a safe and adequate condition through use of the City’s Demolition Control by-law, Property Standards by-law, and incentive programs financed by the City or by senior levels of government.</p>		<p>Renumbering policy.</p>
B.3.3.2.9	<p>B.3.3.2.9 Urban design plays a significant role in the physical and mental health of our citizens. Community health and well-being</p>	<p>B.3.3.2.9 Urban design plays a significant role in the physical and mental health of our citizens. Community health and well-being</p>	<p>Reversing the order in which the terms appear allows passive recreation to be</p>

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	<p>shall be enhanced and supported through the following actions, where appropriate:</p> <p>b) ensuring an equitable distribution of accessible and stimulating amenity areas, including the development of places for passive active and active passive recreation and use;</p>	<p>shall be enhanced and supported through the following actions, where appropriate:</p> <p>b) ensuring an equitable distribution of accessible and stimulating amenity areas, including the development of places for active and <i>passive</i> recreation and use;</p>	<p>referenced as a defined term within Chapter G – Glossary.</p>
Volume 1, Chapter C – City-Wide Systems and Designations			
C.3.2.2	<p>C.3.2.2 The following uses shall be permitted in the Neighbourhoods, Commercial and Mixed Use, and Institutional designations:</p> <p>d) A second dwelling unit secondary dwelling unit shall be permitted within on a single, and semi-detached or townhouse lot, dwellings provided it complies with all applicable policies and the Zoning By-law.</p>	<p>C.3.2.2 The following uses shall be permitted in the Neighbourhoods, Commercial and Mixed Use, and Institutional designations:</p> <p>d) A <i>secondary dwelling unit</i> shall be permitted on a single, semi-detached or townhouse lot, provided it complies with all applicable policies and the Zoning By-law.</p>	<p>Bill 108 changes to the <u>Planning Act</u> include the requirement that all municipal Official Plans must include policies to permit second dwelling units within a single detached, semi-detached, or row house (townhouse) dwelling.</p>
C.4.5.2	<p>C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:</p> <p>f) Local roads, subject to the following policies:</p> <p>iii) The City recognizes that in older urban built up areas there are existing road right-of-way widths significantly less than 20.117 metres. Notwithstanding the other road right-</p>	<p>C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:</p> <p>f) Local roads, subject to the following policies:</p> <p>iii) The City recognizes that in older urban built up areas there are existing right-of-way widths significantly less than 20.117 metres. Notwithstanding the other right-of-</p>	<p>OPA No. 109 (By-law No. 18-218) changed the term “road widening” to “right-of-way dedication” in other policy references, but inadvertently excluded these references. Proposed changes ensure consistency throughout the UHOP.</p>

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	<p>of-way widening dedication policies of this Plan, it is the intent of the City to increase these existing road rights-of-ways to a minimum of 15.24 metres with daylight triangles at intersections instead of the minimum required 20.117 metre road right-of-way width, provided all the required road facilities, municipal sidewalks and utilities can be accommodated in this reduced road right-of-way width.</p>	<p>way dedication policies of this Plan, it is the intent of the City to increase these existing rights-of-ways to a minimum of 15.24 metres with daylight triangles at intersections instead of the minimum required 20.117 metre right-of-way width, provided all the required road facilities, municipal sidewalks and utilities can be accommodated in this reduced right-of-way width.</p>	
C.4.5.3.1	<p>C.4.5.3.1 The City shall identify, conserve and manage identified heritage roads and associated features. Heritage roads shall be defined as those roads which exhibit one or more of the following attributes: c) scenic amenity with a recognizable sense of position or place either viewed from within the road right-of-way or viewed from an exterior viewpoint.</p>	<p>C.4.5.3.1 The City shall identify, conserve and manage identified heritage roads and associated features. Heritage roads shall be defined as those roads which exhibit one or more of the following attributes: c) scenic amenity with a recognizable sense of position or place either viewed from within the right-of-way or viewed from an exterior viewpoint.</p>	Deleted “road” as a redundant word.
C.4.5.5.3	<p>C.4.5.5.3 Heritage roads shall be conserved and protected by the appropriate road authority without jeopardizing health and safety with a presumption against any works or undertakings that would adversely affect identified heritage attributes. In particular, within the road right-of-way, the City shall endeavour to retain and protect:</p>	<p>C.4.5.5.3 Heritage roads shall be conserved and protected by the appropriate road authority without jeopardizing health and safety with a presumption against any works or undertakings that would adversely affect identified heritage attributes. In particular, within the right-of-way, the City shall endeavour to retain and protect:</p>	Deleted “road” as a redundant word.

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C.4.5.6.1	C.4.5.6.1 The City shall require, as a condition of site plan approval, subdivision approval, condominium approval and land severance consent, that sufficient lands are conveyed to provide for a road right-of-way dedication in accordance with the designated widths as set out in Section C.4.5.2 or Schedule C-2 – Future Right-of-Way Dedications.	C.4.5.6.1 The City shall require, as a condition of site plan approval, subdivision approval, condominium approval and land severance consent, that sufficient lands are conveyed to provide for a right-of-way dedication in accordance with the designated widths as set out in Section C.4.5.2 or Schedule C-2 – Future Right-of-Way Dedications.	OPA No. 109 (By-law No. 18-218) changed the term “road widening” to “right-of-way dedication” in other policy references, but inadvertently excluded this reference. Proposed change ensures consistency throughout the UHOP.

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C.4.5.6.3	<p>C.4.5.6.3 Where a proposed development is subject to site plan approval as detailed in Policy F.1.7 – Site Plan Control, the following provisions shall apply:</p> <p>b) Where feasible, the City shall acquire land through dedication, equally from both sides of the road unless otherwise specified. However, in the built up areas of the City, it may be necessary to acquire more than half of the total dedication from one side of the right-of-way. Where the City requires more than one half of the widening dedication from one side of the right-of-way, the City shall require, from said side of the right-of-way, dedication at no cost to the City of one half of the total proposed widening dedication and shall acquire the remaining land required for the right-of-way dedication through gift, bequeathment bequeath, purchase, expropriation or other methods.</p>	<p>C.4.5.6.3 Where a proposed development is subject to site plan approval as detailed in Policy F.1.7 – Site Plan Control, the following provisions shall apply:</p> <p>b) Where feasible, the City shall acquire land through dedication, equally from both sides of the road unless otherwise specified. However, in the built up areas of the City, it may be necessary to acquire more than half of the total dedication from one side of the right-of-way. Where the City requires more than one half of the dedication from one side of the right-of-way, the City shall require, from said side of the right-of-way, dedication at no cost to the City of one half of the total proposed dedication and shall acquire the remaining land required for the right-of-way dedication through gift, bequeath, purchase, expropriation or other methods</p>	<p>OPA No. 109 (By-law No. 18-218) changed the term “road widening” to “right-of-way dedication” in other policy references, but inadvertently excluded these references. Proposed changes ensure consistency throughout the UHOP.</p> <p>Grammatical error.</p>
Volume 1, Chapter E – Urban Systems and Designations			
E.3.3.3	E.3.3.3 Secondary dwelling units shall not be included in the calculation of residential density.	E.3.3.3 <i>Secondary dwelling units</i> shall not be included in the calculation of residential density.	Research has shown that <i>secondary dwelling units</i> add only a small number of units to the overall land supply and should not be included in the

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			calculation of residential density.
E.3.4.6	E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria: a) Direct access from lots to adjacent to major or minor arterial roads shall be discouraged.	E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria: a) Direct access from lots adjacent to major or minor arterial roads shall be discouraged.	Grammatical error.
E.4.5.9	E.4.5.9 Until the secondary plan is approved, the minimum density for residential and mixed use buildings shall be 100 units per hectare with lower density uses built forms abutting existing low density residential areas.	E.4.5.9 Until the secondary plan is approved, the minimum density for residential and mixed use buildings shall be 100 units per hectare with lower density built forms abutting existing low density residential areas.	Provides greater clarity.
E.4.6	E.4.6 Mixed Use – Medium Density Designation The Mixed Use – Medium Density designation is found within the Community Nodes, <i>Urban Corridors</i> , and Neighbourhood elements of the Urban Structure. The intent of the Mixed Use – Medium Density designation is to permit a full range of retail, service commercial, entertainment, and residential accommodation at a moderate scale and to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial uses at grade. The designation recognizes the	E.4.6 Mixed Use – Medium Density Designation The Mixed Use – Medium Density designation is found within the Community Nodes, <i>Urban Corridors</i> , and Neighbourhood elements of the Urban Structure. The intent of the Mixed Use – Medium Density designation is to permit a full range of retail, service commercial, entertainment, and residential accommodation at a moderate scale and to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial uses at grade. The designation recognizes the traditional	Provides greater clarity. Deleted portion of Policy E.4.6.9 of Volume 1 has been located within this preamble to the Mixed Use – Medium Density designation.

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	<p>traditional mixed use main streets in the City (outside of the Downtown Mixed Use area), as well as other large commercial areas which serve the surrounding community or a series of neighbourhoods and which are intended to evolve and intensify into mixed use, pedestrian oriented areas. Increasing the number of people who work and live within the area designated Mixed Use – Medium Density will also contribute to the planned function of the area as a people place.</p>	<p>mixed use main streets in the City (outside of the Downtown Mixed Use area), as well as other large commercial areas which serve the surrounding community or a series of neighbourhoods and which are intended to evolve and intensify into mixed use, pedestrian oriented areas. Increasing the number of people who work and live within the area designated Mixed Use – Medium Density will also contribute to the planned function of the area as a people place.</p>	
E.4.6.7	<p>E.4.6.7 Lands designated Mixed Use – Medium Density shall contain a range of densities and building heights and densities to a maximum height of six storeys, which shall be set out in the implementing zoning by-law. The specific permitted heights and densities shall depend on the area and be established through secondary plans, where one exists, and the zoning by-law.</p>	<p>E.4.6.7 Lands designated Mixed Use – Medium Density shall contain a range of densities and building heights to a maximum of six storeys, which shall be set out in the implementing zoning by-law. The specific permitted heights and densities shall depend on the area and be established through secondary plans, where one exists, and the zoning by-law.</p>	Provides greater clarity.
E.4.6.9	<p>E.4.6.9 The predominant built form shall be mid rise and low rise mixed use buildings that have retail and service commercial stores uses at grade. The intent is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial stores at grade; however, s Single use commercial</p>	<p>E.4.6.9 The predominant built form shall be mid rise and low rise mixed use buildings that have retail and service commercial uses at grade. Single use commercial buildings and medium density ground related housing forms shall also be permitted, except for <i>pedestrian</i></p>	<p>Provides greater clarity.</p> <p>Deleted portion of Policy E.4.6.9 of Volume 1 provides policy intent and has been located within the preamble to the Mixed Use – Medium Density designation (see</p>

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	buildings and medium density ground related housing forms shall also be permitted, except for <i>pedestrian focus streets</i> as listed by Policy E.4.3.1.	<i>focus streets</i> as listed by Policy E.4.3.1.	proposed change in Policy E.4.6, above).
E.4.6.30	Delete policy in its entirety. E.4.6.30 Notwithstanding the uses permitted in Section E.4.6.5 b) – Mixed Use-Medium Density Designation, drive through facilities within the buildings existing at the date of final approval and coming in to effect of the Sections of this Official Plan shall be permitted on the following properties: (OPA 24) a) 130-136 Kenilworth North, and; b) 473 Concession Street.		New Site Specific Policy UHC-X to be established in Volume 3 (see PED20201, Appendix “C2”), due to the site specific nature of the policy.
E.5.3.9 c)	Delete Subsection E.5.3.9 c) in its entirety. E.5.3.9 In addition to the requirements of Section E.5- Employment Area Designations, the following conditions shall apply to a <i>cannabis growing and harvesting facility</i> : e) notwithstanding E.5.3.2, retail sales shall not be permitted;		The provincial government regulates the retail sales of cannabis through the issuance of licenses. Therefore, zoning regulations that prohibit the sale of cannabis are not enforceable.

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E.5.4.6	E.5.4.6 Retail establishments shall serve the businesses and employees of the Employment Area, shall be limited to 500 square metres of gross floor area per lot , and shall only be permitted where the supporting uses for the business park are permitted by Policy E.5.4.4.	E.5.4.6 Retail establishments shall serve the businesses and employees of the Employment Area, shall be limited to 500 square metres of gross floor area per lot, and shall only be permitted where the supporting uses for the business park are permitted by Policy E.5.4.4.	Provides greater clarity.
E.5.4.9	Delete Subsection E.5.4.9 c) in its entirety. E.5.4.9 In addition to the requirements of Section E.5- Employment Area Designations, the following conditions shall apply to a <i>cannabis growing and harvesting facility</i> : c) notwithstanding E.5.4.3, retail sales shall not be permitted;		The provincial government regulates the retail sales of cannabis through the issuance of licenses. Therefore, zoning regulations that prohibit the sale of cannabis is not enforceable.
E.5.5.10	Delete Subsection E.5.5.10 c) in its entirety. E.5.5.10 In addition to the requirements of Section E.5 – Employment Area-Airport Employment Growth District Designation, the following conditions shall apply to a <i>cannabis growing and harvesting facility</i> : c) notwithstanding E.5.5.1, retail sales shall not be permitted;		The provincial government regulates the retail sales of cannabis through the issuance of licenses. Therefore, zoning regulations that prohibit the sale of cannabis is not enforceable.

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Volume 1, Chapter F – Implementation			
F.1.1	F.1.1 Official Plan The Official Plan provides the direction for managing growth and change in the City for lands within the urban area over a 30 year time frame. Any municipal by-law or public work must comply with the policies of this Plan.	F.1.1 Official Plan The Official Plan provides the direction for managing growth and change in the City for lands within the <i>urban area</i> over a 30 year time frame. Any municipal by-law or public work must comply with the policies of this Plan.	Clarifies that the Urban Hamilton Official Plan applies to lands within the urban area (lands within the urban boundary).
F.1.7.1 b)	F.1.7.1 Site plan control shall be used to achieve the following planning objectives: b) obtain road widenings right-of-way dedications ;	F.1.7.1 Site plan control shall be used to achieve the following planning objectives: b) obtain right-of-way dedications;	OPA No. 109 (By-law No. 18-218) changed the term “road widening” to “right-of-way dedication” in other policy references, but inadvertently excluded this reference. Proposed change ensures consistency throughout the UHOP.
F.1.7.4	F.1.7.4 Council may require, as a condition of site plan approval, the deeding of land for road widening right-of-way dedication purposes in accordance with the policies in Section C.4.0 – Integrated Transportation Network.	F.1.7.4 Council may require, as a condition of site plan approval, the deeding of land for right-of-way dedication purposes in accordance with the policies in Section C.4.0 – Integrated Transportation Network.	OPA No. 109 (By-law No. 18-218) changed the term “road widening” to “right-of-way dedication” in other policy references, but inadvertently excluded this reference. Proposed change ensures consistency throughout the UHOP.
F.1.17.1	F.1.17.7 Public meetings under the Planning Act, R.S.O., 1990 c. P.13 shall not be required for minor administrative amendments to this Plan or the Zoning By-law , such as	F.1.17.7 Public meetings under the Planning Act, R.S.O., 1990 c. P.13 shall not be required for minor administrative amendments to this Plan or the Zoning By-law, such as	Administrative amendments that are necessary to improve clarity and understanding of the Zoning By-law (i.e. formatting, numbering,

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	format changes, typographical errors, grammatical errors and policy or regulation number changes.	format changes, typographical errors, grammatical errors and policy or regulation number changes.	typographical and grammatical and number changes) do not warrant a full public process.
F.3.2.11.1	F.3.2.11.1 Where a request is made by a proponent of a <i>development</i> application to reduce or waive requirements for conveyance of lands for road widenings right-of-way dedications, including or daylight triangles, as set out in Section C.4.5.2, Schedule C-2 – Future Road Widenings Right-of-Way Dedications , or Section C.4.5.7, proponents may be required to prepare a Right of Way Impact Assessment to review potential impacts and provide a rationale for the alternative requirement in accordance with the criteria outlined in Policy C.4.5.6.5 a).	F.3.2.11.1 Where a request is made by a proponent of a <i>development</i> application to reduce or waive requirements for conveyance of lands for right-of-way dedications, including daylight triangles, as set out in Section C.4.5.2, Schedule C-2 – Future Right-of-Way Dedications, or Section C.4.5.7, proponents may be required to prepare a Right of Way Impact Assessment to review potential impacts and provide a rationale for the alternative requirement in accordance with the criteria outlined in Policy C.4.5.6.5 a).	OPA No. 109 (By-law No. 18-218) changed the term “road widening” to “right-of-way dedication” in other policy references, but inadvertently excluded these references. Proposed changes ensure consistency throughout the UHOP.
F.3.9	Add new policy section heading to Section F.3.0 – Other Implementation Tools as Section F.3.9 Property Maintenance and Occupancy By-laws.	F.3.9 Property Maintenance and Occupancy By-laws	The City’s Property Standards By-law is a tool that supports the goals and objectives of the UHOP and should be referenced within Section F.3.0.
F.3.9.1	Add new policies under Section F.3.0 – Other Implementation Tools as Policies F.3.9.1 and F.3.9.2.	F.3.9.1 The City may establish, update and enforce a Property Standards By-law, in accordance with the <u>Building Code Act</u> and the <u>Municipal Act</u> , regarding minimum standards for the maintenance and occupancy of properties, including but not limited to the following:	

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		a) the physical condition of buildings and structures; b) the physical condition of lands; c) the adequacy of heating, plumbing, electrical and lighting systems; and, d) the fitness of buildings for occupancy.	
F.4.1.3	F.4.1.3 In instances where the City is deeded land for public highways, road widening right-of-way dedication , parkland, storm water management, easements, or for any other purpose, the City may require evidence, as a condition of the transfer, that no environmental contamination has occurred on the subject lands or that the lands have been restored to the satisfaction of the City, and/or other conditions as determined by the City.	F.4.1.3 In instances where the City is deeded land for public highways, right-of-way dedication, parkland, storm water management, easements, or for any other purpose, the City may require evidence, as a condition of the transfer, that no environmental contamination has occurred on the subject lands or that the lands have been restored to the satisfaction of the City, and/or other conditions as determined by the City.	OPA No. 109 (By-law No. 18-218) changed the term “road widening” to “right-of-way dedication” in other policy references, but inadvertently excluded this reference. Proposed change ensures consistency throughout the UHOP.

Volume 1, Chapter G – Glossary

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N/A	Add definition of Secondary Dwelling Unit to Chapter G – Glossary	<p>Secondary Dwelling Unit: means a dwelling unit that is accessory to and located on the same lot as the principal dwelling and shall be physically located within the principal dwelling, or located within an accessory building to the principal dwelling.</p>	<p>Bill 108 changes to the <u>Planning Act</u> include the requirement that all municipal Official Plans must include policies to permit second dwelling units within a single detached, semi-detached, or row house (townhouse) dwelling. Therefore, a definition is required to implement the proposed policy changes to the UHOP.</p>