




Hamilton

**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	July 9, 2024
<b>SUBJECT/REPORT NO:</b>	Housekeeping Amendments and Strategic Updates to the Urban Hamilton Official Plan and Rural Hamilton Official Plan and Modifications and Updates to City of Hamilton Zoning By-law No. 05-200 and Former City of Hamilton Zoning By-law No. 6593 (PED24113) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Jennifer Allen (905) 546-2424 Ext. 4672 Sebastian Cuming (905) 546-2424 Ext. 3904 Matthew Stavroff (905) 546-2424 Ext. 5716 Liam Tapp (905) 546-2424 Ext. 6884
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **City Initiative CI-24-D – Housekeeping Amendments and Strategic Updates to the Urban Hamilton Official Plan and Rural Hamilton Official Plan**, to amend policies, schedules and maps in Volume 1 – Parent Plan, Volume 2 – Secondary Plans and Rural Settlement Areas, and Volume 3 – Area and Site Specific Policies of the Urban Hamilton Official Plan and Rural Hamilton Official Plan, in order to correct and clarify policies and mapping, be **APPROVED** on the following basis:
- (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED24113, be adopted by Council;
  - (ii) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED24113, be adopted by Council;

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Housekeeping Amendments and Strategic Updates to the Urban Hamilton Official Plan and Rural Hamilton Official Plan and Modifications and Updates to City of Hamilton Zoning By-law No. 05-200 and Former City of Hamilton Zoning By-law No. 6593 (PED24113) (City Wide) - Page 2 of 13**

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- (iii) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement, 2020, and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and the Greenbelt Plan, 2017;
- (b) That **City Initiative CI-24-D – Housekeeping Amendments and Strategic Updates to City of Hamilton Zoning By-law No. 05-200** for modifications and updates, be **APPROVED** on the following basis:
  - (i) That the Draft By-law, attached as Appendix “C” to Report PED24113, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the Draft By-law, attached as Appendix “D” to Report PED24113, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (iii) That the proposed changes in zoning will comply with the Urban Hamilton Official Plan upon approval of the Draft Urban Hamilton Official Plan Amendment No. XX, attached as Appendix “A” to Report PED24113;
  - (iv) That the proposed changes in zoning comply with the Rural Hamilton Official Plan;
  - (v) That the proposed Zoning By-law Amendments are consistent with the Provincial Policy Statement, 2020 and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and the Greenbelt Plan, 2017;
- (c) That the Draft By-law, attached as Appendix “D” to Report PED24113, be held in abeyance until such time as By-law No. 24-052, being a by-law to delete and replace Section 5: Parking of Zoning By-law No. 05-200, is in force and effect;
- (d) That staff be directed to bring forward the Draft By-law, attached as Appendix “D” to Report PED24113, for enactment by Council, once By-law No. 24-052 is in force and effect;
- (e) That **City Initiative CI-24-D – Housekeeping Amendments to Former City of Hamilton Zoning By-law No. 6593**, be **APPROVED** on the following basis:

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- (i) That the Draft By-law attached as Appendix “E” to Report PED24113, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (ii) That the proposed changes in zoning comply with the Urban Hamilton Official Plan;
- (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and the Greenbelt Plan, 2017.

**EXECUTIVE SUMMARY**

The purpose of the amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan is to undertake policy and map changes required to maintain policy intent and ensure clear implementation of the plans which are considered housekeeping amendments. Additionally, some of the amendments will go beyond the scope of a housekeeping amendment to include policy changes necessary as a result of recent provincial initiatives or corrections where inappropriate land use designations or zoning have been identified resulting in implementation issues.

Housekeeping Amendments form part of the ongoing maintenance of the City’s Official Plans and are periodically undertaken to ensure the documents and policy implementation is clear and accurate. The application of the Urban and Rural Hamilton Official Plan policies and mapping, through the development review process, has identified areas where revisions to the existing policies are required to provide clarity of intent or where policy and mapping are in conflict and/or are inconsistent.

Similarly, staff continue to monitor City of Hamilton Zoning By-law No. 05-200 and, where necessary, bring forward amendments to ensure the By-law remains up-to-date, and any clarification and interpretation issues are resolved. In addition, amendments which go beyond the scope of a technical housekeeping amendment are classified as strategic updates. These strategic amendments implement Official Plan policy, update regulations to reflect updated standards, and address other matters of implementation and interpretation.

The purpose of the technical amendments to City of Hamilton Zoning By-law No. 05-200, contained in draft By-laws attached as Appendix “C” and “D” to Report PED24113 are:

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- To correct typographical errors;
- To update terminology for consistency purposes;
- To amend and add certain Special Exceptions and Holding Provisions;
- To update certain Definitions; and,
- To improve policy alignment.

The purpose of the amendment to Former City of Hamilton Zoning By-law No. 6593 (attached as Appendix “E” to Report PED24113) is to delete the Holding Provision on the property known as 1126 Garth Street, Hamilton.

The strategic update amendments to Zoning By-law No. 05-200 are discussed in more detail in the Analysis and Rationale for Recommendation section of this Report. Finally, certain modifications and updates to Zoning By-law No. 05-200 are also subject to the Draft Urban Hamilton Official Plan Amendment attached as Appendix “A” to Report PED24113 and thus are discussed in the Policy Implications and Legislated Requirements section of this Report.

**Alternatives for Consideration – See Page 13**  
**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider Official Plan Amendments to the Urban and Rural Hamilton Official Plans and Zoning By-law Amendments. Notice of these Amendments has been posted in the Hamilton Spectator, as required by the *Planning Act*.

**HISTORICAL BACKGROUND**

1. Official Plan Housekeeping Amendments

The application of the City’s Official Plans through the development review process has resulted in the identification of areas where revisions to the existing policies are required to provide clarity with respect to intent. It has been the Planning Division’s practice to submit housekeeping amendments regularly to incorporate these revisions in the Official Plans.

In December 2023, Bill 150 *Planning Statute Law Amendment Act, 2023 and Official*

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*Plan Adjustments Act, 2023* modified the provincial decisions on Urban Hamilton Official Plan Amendment No. 167 and Rural Hamilton Official Plan Amendment No. 34. Recommendation (b) (ii) of Report PED23252 directed staff to work with the Ministry of Municipal Affairs and Housing to retain the modifications that are supported by Council including minor modifications such as corrections and added definitions that provide clarification or contribute to interpretive conformity with Provincial policies. This recommendation was endorsed by Council on November 22, 2023.

On February 20, 2024, the Provincial Government introduced Bill 162, *Get it Done Act, 2024* which received Royal Assent on May 16, 2024. The legislation, among other things, amends the *Official Plan Adjustments Act, 2023* to retroactively reinstate 10 additional Ministry of Municipal Affairs and Housing modifications to Urban Hamilton Official Plan Amendment No. 167, previously deemed never to have been made. Amendments to reinstate modifications 17, 35, and 40 to 47 are therefore not necessary through this official plan amendment.

## 2. Zoning By-law Housekeeping Amendments

Zoning By-law No. 05-200 is intended to be a “living document” which is monitored and amended on an ongoing basis. Zoning staff continue to work with Sustainable Communities, Development Planning, Zoning and Committee of Adjustment, and Building Division staff, as well as other stakeholders, to identify text and mapping amendments that should be undertaken to provide clarity and consistency in the Zoning By-law. On the same basis, an amendment has been identified to Former City of Hamilton Zoning By-law No. 6593.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Framework**

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020), *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (Growth Plan, 2019, as amended) and the *Greenbelt Plan*, (2017). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Policy Statement and conform to the Growth Plan and the Greenbelt Plan.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal approval of the Urban and Rural Hamilton Official Plans, the City of Hamilton

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has established the local policy framework for the implementation of the Provincial planning policy framework.

Although there are no direct policies within the Provincial plans respecting Housekeeping Amendments, the proposed amendments are meant to correct errors and clarify policies that implement the Provincial policy framework, and as such, the proposed amendments are consistent with Section 3 of the *Planning Act*, consistent with the PPS, and conform to the Growth Plan and the Greenbelt Plan.

Based on the foregoing, it is staff's opinion that these amendments:

- Are consistent with the Provincial Policy Statement (2020);
- Conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended; and,
- Conform to the Greenbelt Plan, 2017.

### **Urban and Rural Hamilton Official Plans**

The policies of Urban Hamilton Official Plan Volume 1, Chapter F – Implementation provide direction for updating the Plan, as follows:

#### **“Official Plan Amendments**

F.1.1.4 Amendments to this Plan shall be undertaken by the City:

- a) To update this Plan to reflect new provincial or municipal planning policies at the time of Official Plan Five-year review or other appropriate time through a City initiative; or,
- b) To update and streamline administration or municipal planning policies.

F.1.1.5 When considering amendments to this Plan, including secondary plans, the City shall have regard to, among other things, the following criteria:

F.1.1.6

- a) The impact of the proposed change on the City's vision for a sustainable community, as it relates to the objectives, policies and targets established in this Plan; and,
- b) The impact of the proposed change on the City's communities,

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environment and economy and the effective administration of the public service.”

Pursuant to Policy F.1.1.4, staff are initiating an Urban Hamilton Official Plan amendment to update municipal planning policies. The proposed changes meet the criteria set out in F.1.1.5 as they are minor in nature and improve policy interpretation.

The policies of the Rural Hamilton Official Plan mirror the policies of the Urban Hamilton Official Plan that speak to the City undertaking official plan amendments to update municipal planning policies (Rural Hamilton Official Plan Volume 1, Chapter F – Implementation, Policy F.1.1.3).

There are two modifications proposed to Zoning By-law No. 05-200 which will implement amendments to the Urban Hamilton Official Plan (as contained in Appendix “A” to Report PED24113). They are:

- **TransCanada PipeLines Ltd. lands (Rymal Road East):** Changing the zoning of the lands from “AA” (Agricultural) and “C/S-1822” (Urban Protected Residential, etc.) Districts under Former City of Hamilton Zoning By-law No. 6593, to the Utility (U2) Zone of Hamilton Zoning By-law No. 05-200 to implement the redesignation of the lands from “Neighbourhoods” to “Utility” in the Urban Hamilton Official Plan.
- **Ground floor office and medical clinic restriction in District Commercial (C6) Zone:** Removing a restriction in the District Commercial (C6) Zone which requires an office or medical clinic to be located above the ground floor in order to align with the recommended amendment to Volume 1, Policy E.4.7.2 which removes the same restriction. Removal of this restriction is intended to provide greater flexibility for incorporating these uses into mixed commercial settings.

These modifications will be in conformity with the Urban Hamilton Official Plan upon approval of draft Urban Hamilton Official Plan Amendment.

The remaining strategic updates and technical amendments comply with the Urban and Rural Hamilton Official Plans.

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## **RELEVANT CONSULTATION**

Consultation has been undertaken with staff in Development Planning, Zoning and Committee of Adjustment, Heritage and Urban Design, Growth Management, and Transportation Planning to discuss any issues that have arisen in the implementation of the Urban Hamilton Official Plan, Rural Hamilton Official Plan, Zoning By-law No. 05-200 and the Former Community Zoning By-laws.

Notice of the proposed amendments was posted in the Hamilton Spectator on June 19, 2024.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. Urban and Rural Hamilton Official Plan Housekeeping Amendments and Strategic Updates:

The purpose of the housekeeping amendments and strategic update amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan is to clarify the intent of the policies in the Plans by:

- Replacing the term Secondary Dwelling Unit and Secondary Dwelling Unit – Detached with Additional Dwelling Unit and Additional Dwelling Unit – Detached;
- Adding a policy to allow minor revisions to Official Plan Amendments between Planning Committee and Council;
- Reinstating 17 Ministry of Municipal Affairs and Housing modifications to Urban Hamilton Official Plan Amendment No. 167 following implementation of Bill 150;
- Redesignating a TransCanada Pipeline property from “Neighbourhoods” to “Utility”;
- Revising the Communal Water and Wastewater Systems policies of the Rural Hamilton Official Plan to align with the Sewage and Water Infrastructure policies of the Greenbelt Plan, 2017;
- Clarifying/correcting policy intent by adding, deleting and/or replacing wording; and,
- Creating consistency between policies and schedules and/or maps and correcting mapping errors.

The recommended Official Plan amendments adjust references to the Provincial Policy Statement and Growth Plan to take into consideration the proposed Provincial Planning Statement, 2024 which was discussed in Report PED23145(a) submitted to Planning



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Committee on May 14, 2024. Staff note that should the proposed Provincial Planning Statement, 2024 come into effect additional city initiated Official Plan Amendment(s) will be required to reflect the new provincial policy framework.

The above-mentioned issues that require correction, and rationale for the proposed amendments are summarized in Appendix “F” and Appendix “F1” attached to Report PED24113 for the text and mapping amendments to the Urban Hamilton Official Plan and Appendix “G” attached to Report PED24113 for the text amendments to the Rural Hamilton Official Plan.

The effect of these amendments is that the Urban Hamilton Official Plan and Rural Hamilton Official Plan will be aligned with Provincial legislation, and policy interpretation will be clearer moving forward. The intent, purpose and effect of the policies and designations are not changed by these technical and administrative amendments.

## 2. Zoning By-law No. 05-200 Technical Housekeeping Amendments

The purpose of the amendments to City of Hamilton Zoning By-law No. 05-200 are to address inconsistencies, clarify regulations, and correct technical and typographic errors which are summarized individually in Appendix “H” attached to Report PED24113.

Section 1.12, Transition Provisions, has been deleted and replaced in its entirety and mirrors the regulations passed under By-law No. 24-051, which is currently under appeal before the Ontario Land Tribunal. As such, this By-law is not yet in full force and effect. Although both By-law Nos. 24-051 and 24-052 have been appealed, Zoning staff review all applications, including *Planning Act* and building permit applications, for compliance with both the old and the new by-law and development must comply with the most restrictive provisions. This has become problematic in that the former Transitional Provision did not include any permissions for the old zoning to apply upon application for a *Planning Act* application or building permit.

Many applicants have been in the *Planning Act* or building permit application stage for some time and may be close to issuance of final approval or building permit. Given that applicants may have to comply with new zoning regulations, they are forced to either revise their plans or apply for a minor variance, causing undue hardship. To have the Transition Provisions, as passed under By-law No. 24-051, come into full force and effect in a more immediate timeframe (rather than wait for a decision from the Ontario Land Tribunal), they have been mirrored into this

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housekeeping amendment.

A separate by-law has been prepared for technical amendments to Section 4: General Provisions, Section 5: Parking, and Schedule C: Special Exceptions, which are dependent upon By-law Nos. 24-051 and 24-052 being in force and effect. The Draft By-law (attached as Appendix “D” to Report PED24113) will be held in abeyance until such time as By-law Nos. 24-051 and 24-052 are in force and effect.

3. Amendment to Former City of Hamilton Zoning By-law No. 6593

The purpose of the amendment to the “RT-20-H” (Townhouse – Maisonette) District, Modified, Holding, is to remove the Holding Symbol from the lands located at 1126 Garth Street so that the property is subject to the “RT-20” (Townhouse – Maisonette) District zoning. The removal of the Holding Symbol is to permit a residential housing development of 10 townhouse units intended to be affordable housing, as noted in Report (PED23099(a)/HSC23028(a)) (see Appendix “E” attached to Report PED24113).

4. Zoning By-law No. 05-200 Strategic Update Amendments

The purpose of the strategic updates to Zoning By-law No. 05-200 are to implement Official Plan policy, update regulations to reflect updated standards, and address other matters of implementation and interpretation that are beyond the scope of a technical update. The strategic updates include:

- **Section 3 (Definitions)**
  - To amend the existing definition of Agritourism to restrict a Farm Labour Residence from forming part of the Agritourism use in order to better reflect that a Farm Labour Residence is only permitted as an accessory use to a principal Agriculture use. Although both an Agritourism use and a Farm Labour Residence are permitted as subordinate uses to Agriculture, this amendment further clarifies that any Farm Labour Residence must be directly related to the primary Agriculture use and thus cannot form an Agritourism use (or part thereof) which is classified as an on-farm secondary use that is not required to be directly related to the primary agricultural use. This amendment further implements the Farm Labour Residence regulations established through By-law No. 24-039 (see Report PED22002(b)).

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- **Section 4** (General Provisions)
  - Under Section 4.23 c). to establish setback requirements specific to TransCanada PipeLines Limited rights-of-way, in a new Subsection 4.23 c) ii), which align with their current standards and regulations.
  
- **Section 9** (Industrial Zones)
  - To implement Official Plan Amendment No. 167, which reduced the maximum permitted gross floor area of an individual office building to 4,000 square metres in the Employment Area – Business Park Designation, the Employment Area – Airport Employment Growth District Designation, and in the West Hamilton Innovation District Secondary Plan (see Urban Hamilton Official Plan Policies Vol 1, E.5.4.5 c), Vol 1, E.5.5.3, and Vol 2, B.6.4.3.1 e)). These changes are required due to Growth Plan limitations on the size of a “major office”.
  
- **Section 10** (Commercial and Mixed Use Zones)
  - To implement Official Plan Amendment No. 167, which reduced the maximum permitted gross floor area of an individual office building from 10,000 square metres to 4,000 square metres in the Mixed Use – High Density and Mixed Use – Medium Density Designations (see Urban Hamilton Official Plan Policies Vol 1, E.4.5.11 and Vol 1, E.4.6.14). These changes are required due to Growth Plan limitations on the size of a “major office”.
  - To remove a restriction with respect to Medical Clinic and Office uses requiring such uses to be located above the first storey in order to provide greater flexibility for incorporating these uses, in alignment with the broader policy framework.
  
- **Section 11** (Transit Oriented Corridor Zones)
  - To implement Official Plan Amendment No. 167, which reduced the maximum permitted gross floor area of an individual office building from 10,000 square metres to 4,000 square metres in the Mixed Use – High Density and Mixed Use – Medium Density Designations (see Urban Hamilton Official Plan Policies Vol 1, E.4.5.11 and Vol 1, E.4.6.14). These changes are required due to Growth Plan limitations on the size of a

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“major office”.

- **Section 13** (Utility Zones)
  - To add new permissions for a Pipeline and Associated Facilities use to the Utility (U2) Zone which reflects the intent of the Zone to permit and regulate utility uses.
- **Schedule “C”** (Special Exceptions)
  - Special Exception 179 (329, 337 and 345 Parkside Drive, Flamborough): To implement Official Plan Amendment No. 167 which removed the lands from the Rural Area, added the lands to the Urban Hamilton Official Plan, and established the “Neighbourhoods” designation; and further, established a site-specific policy in Volume 3, Chapter C – Urban Site Specific Policies, Policy UFN-5 on the lands. Existing Special Exception 179 has been modified to incorporate the Council approved Urban Site Specific Policy (in conjunction with a new Holding Provision – see Schedule “D” Holding Provisions).
- **Schedule “D”** (Holding Provisions)
  - To implement Official Plan Amendment No. 167 with respect to Volume 3, Chapter C – Urban Site Specific Policies, Policy UFN-5 for parts of lands known as 329, 337 and 345 Parkside Drive, Flamborough, by establishing a new Holding Provision for the lands, in conjunction with modifications to existing Special Exception 179.
- **Mapping Amendments**

To amend Schedule “A” – Zoning Maps in conjunction with amendments noted above, specifically:

  - Changing the zoning of lands owned by TransCanada PipeLines Limited known as 1020 Rymal Road East, Hamilton from “AA” (Agricultural) and “C/S-1822” (Urban Protected Residential, etc.) Districts under Former City of Hamilton Zoning By-law No. 6593 to the Utility (U2) Zone of Hamilton Zoning By-law No. 05-200. This change implements a request by TransCanada PipeLines Limited who indicated their intent to maintain these lands for current and future utility operations; and,

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- Changing the zoning of parts of lands known as 329, 337 and 345 Parkside Drive, Flamborough from the Rural (A2, 179) Zone to the Major Institutional (I3, 179, H176) Zone.

**ALTERNATIVES FOR CONSIDERATION**

If the proposed Official Plan Amendments are not approved, inconsistencies in the interpretation and application of the Official Plans may occur.

If the proposed Zoning By-law Amendments are not approved, certain policies contained within Official Plan Amendment No. 167 will not be implemented through zoning, and inconsistencies in the interpretation and application of the Zoning By-laws may occur.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED24113 – Draft Urban Hamilton Official Plan Amendment No. XX

Appendix "B" to Report PED24113 – Draft Rural Hamilton Official Plan Amendment No. XX

Appendix "C" to Report PED24113 – Draft City of Hamilton Zoning By-law No. 05-200 Amendment

Appendix "D" to Report PED24113 – Draft City of Hamilton Zoning By-law No. 05-200 Amendment

Appendix "E" to Report PED24113 – Draft Former City of Hamilton Zoning By-law No. 6593 Amendment

Appendix "F" to Report PED24113 – Urban Hamilton Official Plan Text Changes (All Volumes)

Appendix "F1" to Report PED24113 – Urban Hamilton Official Plan (All Volumes)

Appendix "G" to Report PED24113 – Rural Hamilton Official Plan Text Changes (All Volumes)

Appendix "H" to Report PED24113 – Summary of Proposed Technical Amendments to Zoning By-law No. 05-200

JA/SC/MS/LT:sd