



## City of Hamilton

# Report for Consideration

**To:** Chair and Members  
Planning Committee

**Date:** March 24, 2026

**Report No:** PED26034

**Subject/Title:** City Initiated Official Plan Amendments for Phase 1 of the  
Employment Area Review

**Ward(s) Affected:** City Wide

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## Recommendations

- a) That City Initiative CI-25-F, respecting amendments to the Employment Area Designations of the Urban Hamilton Official Plan to amend policies and schedules to align the land use permissions with the *Planning Act* **BE**

**APPROVED** on the following basis:

- i. That Urban Hamilton Official Plan Amendment, attached as Appendix A to Report PED26034 which has been prepared in a form satisfactory to the City Solicitor, be adopted by Council; and
  - ii. That the proposed Amendment to the Urban Hamilton Official Plan is consistent with the Provincial Planning Statement, 2024.
- b) That City Initiative CI-25-F, respecting amendments to the Employment Area Designations in Volume 1 of the Urban Hamilton Official Plan to amend the

complete application requirements for privately initiated official plan amendments attached as Appendix A1 to Report PED26034 be held in abeyance until such time as written approval is received from the provincial Ministry of Municipal Affairs and Housing, in accordance with subsection 17(21.2) of the *Planning Act*.

- c) That City Initiative CI-25-F respecting amendments to the Shipping and Navigation Designations in the former City of Hamilton Official Plan to amend policies applicable to the West Harbour (Setting Sail) Secondary Plan to align the land use permissions with the *Planning Act* **BE APPROVED** on the following basis:
- i. That the City of Hamilton Official Plan Amendment, attached as Appendix B to Report PED26034 which has been prepared in a form satisfactory to the City Solicitor, be adopted by Council; and
  - ii. That the proposed amendment to the former City of Hamilton Official Plan is consistent with the Provincial Planning Statement, 2024.
- d) That City Initiative CI-25-F respecting amendments to the former Region of Hamilton-Wentworth Official Plan to amend policies applicable to the West Harbour (Setting Sail) Secondary Plan to align the land use permissions with the *Planning Act* **BE APPROVED** on the following basis:
- i. That the Region of Hamilton-Wentworth Official Plan Amendment, attached as Appendix C to Report PED24036 which has been prepared in a form satisfactory to the City Solicitor, be adopted by Council; and
  - ii. That the proposed amendment to the former Region of Hamilton-Wentworth Official Plan is consistent with the Provincial Planning Statement, 2024.
- e) That the Terms of Reference for Land Use/Employment Needs and Impact Assessment (Privately Initiated Official Plan Amendments to Remove Lands from

Designated Employment Areas) attached as Appendix G to Report PED26034

**BE APPROVED.**

- f) That Planning Division staff **BE DIRECTED** to proceed with Phase 2 of the Employment Area Review and undertake public consultation in accordance with the Consultation and Engagement Plan attached as Appendix E of Report PED26034.

## Key Facts

- The purpose of this Report is to bring forward amendments to the Urban Hamilton Official Plan, former City of Hamilton Official Plan, and former Region of Hamilton-Wentworth Official Plan to update the policies, land use permissions, and definitions for designated employment areas to ensure that Official Plan policies conform to the *Planning Act* and are consistent with the Provincial Planning Statement, 2024.
- The recommended Official Plan Amendments are intended to protect the City's existing designated employment areas from future loss and fragmentation by:
  - Limiting potential appeals of applications to the Ontario Land Tribunal to remove lands from designated employment areas; and
  - ensuring that all Provincial Planning Statement, 2024 policies respecting the protection of employment areas are applied to applications to remove lands from designated employment areas.
- Approval of the recommended Official Plan Amendments will conclude Phase 1 of the City's Employment Area Review. Staff are seeking direction to immediately proceed with Phase 2 which will comprehensively review the City's employment area policies, including potential revisions to employment area boundaries, zoning regulations, exploring permissions for employment uses in strategic growth areas, and preparing supporting studies and background reports.

## Financial Considerations

There are no financial impacts associated with the recommendations for Phase 1 of the Employment Area Review. Staff anticipate costs may be associated with Phase 2 of the Employment Area Review, as several studies consisting of technical work are required to inform changes to designated employment area boundaries and policies. This work will be funded by the Planning Division's existing Urban and Rural Official Plan Five Year Review capital account (Project ID 8121755705).

## Background

The City's last employment area review occurred through the Growth-Related Integrated Development Strategy (GRIDS2) project which concluded with the Province approving Urban Hamilton Official Plan Amendment No. 167 in November 2022. This Official Plan Amendment established the City's employment forecast and employment growth strategy to the year 2051. The Land Needs Assessment completed for GRIDS2 determined there was a small surplus of 60 net hectares of employment land, of which 59 hectares were converted for nonemployment uses through Urban Hamilton Official Plan Amendment No. 167.

Planning Committee previously received Report PED25182 on November 14, 2025, which detailed the change to the definition of Area of Employment in the *Planning Act* and to the definition of Employment Area in the Provincial Planning Statement (2024).

To address the changes to the provincial planning framework, a two phased implementation plan was introduced for conformity purposes:

- Phase 1 aligns Official Plan policies with provincial legislation to implement the changes to the permitted uses and permit the continuation of lawfully established but no longer permitted uses. This interim measure is designed to protect the integrity of established employment areas from future loss or fragmentation.

- Phase 2 will consist of a comprehensive policy review and update of all designated employment areas within the City. This process may include revisions to existing employment area boundaries, a review of the 14 Industrial Zones within Zoning By-law No. 05-200, consideration of potential amendments to the commercial designation policies, and consideration of whether industrial, manufacturing, and small-scale warehousing could be permitted within strategic growth areas.

Planning Committee received Report PED25182 on November 14, 2025, and held the Statutory Public Meeting on the proposed Phase 1 Official Plan Amendments. The City has received eight submissions from landowners with comments respecting the Official Plan Amendments which are attached as Appendix H to Report PED26034

## **Analysis**

### **1. Legislative and Policy Context**

The following section details the recent legislative and policy changes affecting Areas of Employment within the City of Hamilton.

#### **1.1 Planning Act**

In October 2024, a new definition of “Area of Employment” came into effect and was amended in a manner which narrowed and reduced permitted uses, explicitly excluding institutional and stand-alone commercial and office uses. Under the *Planning Act* landowners cannot appeal Council’s refusal or lack of decision of Official Plan Amendment applications that seek to remove designated employment lands in an Official Plan that meets this definition to the Ontario Land Tribunal.

To address the change in permitted uses, the *Planning Act* also contains two new transition provisions which allow municipalities to:

- Establish Official Plan policies recognizing lawfully established uses which do not meet the new definition of uses permitted in areas of employment continue to be permitted in a designated Area of Employment; and,
- To create policies clarifying and confirming that parcels containing an excluded, but lawfully established, use remain and form part of a designated Area of Employment.

Excerpts from the *Planning Act* for Areas of Employment are attached as Appendix F to Report PED26034.

## **1.2 Provincial Planning Statement, 2024**

In October 2024, the Provincial Planning Statement (PPS) came into effect, introducing a revised definition of “Employment Area” aligned with recent *Planning Act* amendments and further restricted land use permissions for public service facilities, which includes police and fire protection facilities. The PPS now permits individual landowners to submit privately initiated official plan amendments to remove lands from designated employment areas at any time. Under the PPS 2020, such requests were only considered through a city initiated Municipal Comprehensive Review (MCR).

While the PPS permits privately initiated official plan amendments to be submitted at any time, there are criteria that must be met including that there is a need for the removal and the land is not required for employment area uses over the long term. However, the policies only apply to employment areas that are aligned with the PPS definition. It has been argued at the Ontario Land Tribunal that based on the existing employment policies within the Urban Hamilton Official Plan, that the City of Hamilton has no employment areas as defined under the PPS and therefore these removal criteria do not apply.

By aligning the Official Plans with the PPS direction for Employment Areas, the city will prioritize the long-term protection of the employment land supply. Relevant excerpts from the Provincial Planning Statement for Employment Areas are attached as Appendix F.

## 2. Rationale for Recommendation of Phase 1 Official Plan Amendments

Phase 1 of the Employment Area Review includes amendments to the Urban Hamilton Official Plan, the former City of Hamilton Official Plan, and the former Region of Hamilton-Wentworth Official Plan. The amendments serve as an interim measure to protect existing employment lands from potential future loss and fragmentation resulting from privately initiated official plan amendments seeking to remove lands from designated employment areas.

In the absence of the Phase 1 amendments, the City may experience loss and fragmentation of employment lands, which could negatively impact the long-term economic viability of the larger employment area and/or the ability of the City to accommodate demand for employment lands over the long term. Employment areas within the City are finite due to the firm urban boundary, and once lands are removed to permit a more sensitive land use, they do not return to their original economic function, thereby reinforcing the urgency for employment lands to be protected through strong Official Plan policies.

The Phase 1 Official Plan Amendments seek to:

- Implement the *Planning Act* definition of “Area of Employment” and the Provincial Planning Statement definition of “Employment Area” to conform to the provincial planning framework to ensure that the policies for Employment Areas in the PPS remain applicable to designated employment areas within the City.
- Introduce policy language to allow lands containing any use(s) within designated employment areas that are excluded from the new definition of “area of employment” in the *Planning Act* to continue as an “area of employment” if the use(s) were lawfully established prior to October 20, 2024.
- Require applicants to submit a Land Use/Employment Needs and Impact Assessment for privately initiated official plan amendments to remove lands from employment areas. The amendment, which is to implement the

application requirement attached as Appendix A1 to Report PED26034 has been provided to the Ministry of Municipal Affairs and Housing for approval, and the Terms of Reference for the assessment is attached as Appendix G to Report PED26034.

## 2.1 Individual Landowner Requests to be removed from designated Employment Areas

At the time of writing this report, staff have received eight written public submissions, which are attached as Appendix H to Report PED26034. The submissions request the City consider amending the Official Plan to exclude the following properties as being within a designed Employment Area:

<b>Private Request for Removal of Land from Designated Employment Area</b>	<b>Land Area (ha)</b>	<b>Staff Recommendation</b>
128 Tope Crescent (Ward 1)	0.10	No change to Phase 1 Official Plan Amendments. Consider through Phase 2.
386 Wilcox Street (Steelport)(Ward 3)	285	No change to Phase 1 Official Plan Amendments. Consider through Phase 2.
510 Beach Road (Ward 4)	0.17	No change to Phase 1 Official Plan Amendments. Consider through Phase 2.
600 Pritchard Road (Ward 6)	6.9	No change to Phase 1 Official Plan Amendments. Consider through Phase 2.

<p>Twenty Road West Lands (Ward 11)</p> <ul style="list-style-type: none"> <li>• 555 Glancaster Road</li> <li>• 9751, 9575, 9625, 9511, 9445, 9285 Twenty Road West</li> <li>• 2060 Upper James Street</li> </ul>	<p>389  (portion of lands)</p>	<p>Defer consideration of the request until Ontario Land Tribunal urban boundary expansion appeals have been resolved.</p>
<p>700 Garner Road (Ward 12)</p>	<p>21</p>	<p>Change recommended in Official Plan Amendment to allow existing Institutional land use permissions to continue.</p>
<p>105 Clappison Avenue (Ward 15)</p>	<p>1.6</p>	<p>No change to Phase 1 Official Plan Amendments. Consider through Phase 2.</p>

An additional letter was submitted by MHBC Planning on behalf of the landowner of 1400 South Service Road requesting changes to Appendix G of Report PED25182 to implement Ontario Land Tribunal decision OLT-23-001146 issued on July 22, 2025. The OLT decision amended the Urban Hamilton Official Plan as follows:

- Removed the southern portion of the property from the designated Employment Area – Business Park in the Fruitland-Winona Secondary Plan to allow medium density residential uses; and,
- Established site specific permissions for stand-alone office on the northern portion of the property.

The southern portion of the lands removed from the designated Employment Area is not subject to the recommended Official Plan Amendment. Staff have modified the recommended Official Plan Amendment to continue to allow stand-alone office on the northern portion of the property.

## **2.2 Public Service Facilities**

To be consistent with the Provincial Planning Statement, 2024 which prohibits public service facilities from locating within employment areas, the recommended Phase 1 Official Plan Amendment will remove this as a permitted use in employment designations. This includes new police, fire and emergency service facilities. In its review of the draft Provincial Planning Statement, 2024, staff did not support this exclusion, noting that it could impact the response time of emergency services to industrial properties.

In the preparation of this Report, staff identified six City owned properties where new emergency service facilities are planned in the near term. Staff are recommending that public service facilities continue to be permitted on these specific properties through the recommended Official Plan Amendment to avoid risks which could delay planning and construction of these facilities.

## **3. Transition Policies & Future Updates to Hamilton Zoning By-laws**

As previously discussed, subsections 1(1.1) and (1.2) of the *Planning Act* came into effect on October 20, 2024, which provided municipalities a transition provision for lands within employment areas that are occupied by uses excluded under paragraph 2 of the new definition (institutional and commercial uses). The transition of employment areas to an “area of employment” per the new definition may occur so long as the official plan policies for those areas restrict excluded uses on and after the effective date, and lands occupied by uses excluded from the new definition were lawfully established prior to the effective date.

The transition provision permissions differ from those established for legal non-conforming uses as lawfully established uses will continue to be permitted on the property even after the building in which it is located is demolished and replaced.

It is important to note that current as-of-right zoning provisions allowing the establishment of uses recommended to be removed from the Official Plans remain in

place through Phase 1. Staff intend to undertake a review and update to the City's Employment Zones in Zoning By-law No. 05-200 following completion of Phase 2.

If a development application is submitted for lands that are currently under development or that have been identified for future development under the *Planning Act* (e.g. minor variance, consent to sever, draft plan of condominium/subdivision, etc.) there may be challenges in demonstrating conformity with the Provincial Planning Statement in accordance with Section 3 of the *Planning Act*.

#### **4. Phase 2 of the Employment Area Review – Scope of Work**

Phase 2 of the Review will include a comprehensive assessment of the City's existing employment area policies, with particular consideration of the uses permitted within each designation. All four existing employment area designations in the Urban Hamilton Official Plan currently permit uses that are no longer allowed under the *Planning Act*. As a result, a new employment land use framework in the Official Plan is anticipated to be introduced to recognize uses that support employment growth and are most appropriately located in proximity to employment areas, including non-traditional employment-supportive uses such as office, commercial, and institutional uses.

##### **4.1 Components of Phase 2**

Phase 2 of the Employment Area Review will consist of several studies and strategic reviews which may include, but not be limited to:

- Employment Area Inventory
  - An Employment Area Inventory identifies the existing use of each parcel within all designated employment areas and establishes an initial analysis of land uses. The Inventory will be utilized in Phase 2 to determine where existing clusters of employment uses are located.
- Review of Employment Area Land Supply
  - A review of the existing employment area land supply to the current planning horizon of 2051 will be completed. This will allow staff to

determine if there is a deficit of lands required to accommodate employment growth and uses over the long-term.

- Review of Existing Employment Area Designation Boundaries
  - Based on the analysis completed as part of the employment area inventory and review of the land supply, revisions to the employment area designation boundaries may be required.
- Review of Permissions for Employment Uses in Strategic Growth Areas
  - Limited land use permissions for uses now prohibited from locating within an employment area may be introduced in strategic growth areas. Should new permissions be introduced, appropriate transitions between employment uses and sensitive land uses to avoid negative impacts on the long-term economic viability of the employment use must be implemented.

## **Alternatives**

1. Staff could be directed to undertake the Employment Area Review in one phase, rather than a two-phased approach. A singular phase would require staff to undertake background studies and work currently proposed in Phase 2 prior to implementing any official plan amendments. This approach is not supported by staff as the City's employment areas would remain vulnerable to official plan amendments seeking to remove lands from designated employment areas to permit alternative land uses.
2. Staff could be directed to amend the proposed Official Plan Amendments. This approach is not supported by staff as the intent of the Phase 1 review is to limit potential removals of designated employment lands until Phase 2 is completed.

## **Relationship to Council Strategic Priorities**

1. Sustainable Economic & Ecological Development

- 1.1. Facilitate the growth of key sectors
2. Responsiveness & Transparency
  - 2.1. Prioritize customer service and proactive communication
  - 2.2. Get more people involved in decision making and problem solving

## Previous Reports Submitted

- [Report PED23145](#) - Bill 97, Proposed Helping Homebuyers, Protecting Tenants Act, 2023 and Proposed Provincial Planning Statement, 2023.
- [Report PED24203](#) – Implementation Plan for Area of Employment Changes Under the *Planning Act* and Provincial Planning Statement, 2024.
- [Report PED25182](#) - City Initiated Official Plan Amendments for Phase 1 of the Employment Area Review (City Wide).

## Consultation

### Input from City Departments on the Official Plan Amendments

In preparation of this Report, including the recommended Official Plan Amendments, the following City Divisions were consulted:

- Legal and Risk Management Services
- Economic Development
- Planning
- Growth Management
- Public Engagement Office

There have been decisions by the Ontario Land Tribunal dealing with the changes to the definition of Area of Employment in the Planning Act and the definition of

Employment Area in the Provincial Planning Statement (2024). Please see attached Confidential Appendix “K” to Report PED26034 prepared by Legal Services on this item.

In preparation of the recommended Official Plan Amendments, planning staff consulted with municipal planning staff from nearby municipalities and met with staff at the Ministry of Municipal Affairs and Housing.

For information, the proposed consultation and engagement plan was developed in consultation with the Public Engagement Office and is appended as Appendix E to Report PED26034. While the details of the plan may be refined following the retention of a consultant for Phase 2, staff intend to ensure that the consultation and engagement process is comprehensive. It is important that staff consult with individual landowners, community organizations, and the public to discuss questions and concerns regarding the project. As such, multiple opportunities for engagement in various locations of the City will be provided.

### **Statutory Public Meeting**

The City held the Statutory Public Meeting on the proposed Official Plan Amendments on November 14, 2025. Notice of the Statutory Public Meeting was published in the Hamilton Spectator on November 5, 2025, posted on the Employment Area Review Webpage, and circulated to members of the public and development industry on the project mailing list via email. In addition, staff provided a presentation on the Employment Area Review project to the City Builder’s Group on October 28, 2025.

All public submissions made to the City respecting the proposed Official Plan Amendments are included in Appendix H to Report PED26034.

Staff circulated notice to the project mailing list via email prior to Report PED26034 coming to Planning Committee.

### **Appendices and Schedules Attached**

Appendix “A”: Urban Hamilton Official Plan Amendment

Appendix “A1”: Urban Hamilton Official Plan Amendment (new submission requirement)  
(for information purposes)

Appendix “B”: Former City of Hamilton Official Plan Amendment

Appendix “C”: Former Region of Hamilton-Wentworth Official Plan Amendment

Appendix “D”: Urban Hamilton Official Plan Amendment with Rationale

Appendix “E”: Draft Phase 2 Consultation and Engagement Plan

Appendix “F”: 2024 Provincial Planning Framework Changes

Appendix “G”: Land Use/Employment Needs Impact Assessment - Terms of Reference

Appendix “H”: Public Comments

Appendix “I”: Location of Non-Employment Uses in Existing Employment Areas

Appendix “J”: Review of Publicly Submitted Removal Requests

Appendix “K”: Confidential Memorandum from Legal Services

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