

Summary of changes to Provincial Planning Framework (2024)

Policy	Summary of Policy	Policy Implementation through Recommended Phase 1 Official Plan Amendments
<i>Planning Act, R.S.O. 1990, C. P. 13</i>		
Definition of Employment Area	<p>“Area of Employment” means an area of land designated in an official plan for clusters of business and economic uses, those being uses that meet the following criteria:</p> <ol style="list-style-type: none"> 1. The uses consist of business and economic uses, other than uses referred to in paragraph 2, including any of the following: <ol style="list-style-type: none"> i. Manufacturing uses; ii. Uses related to research and development in connection with manufacturing anything; iii. Warehousing uses, including uses related to the movement of goods; iv. Retail uses and office uses that are associated with uses mentioned in subparagraphs i to iii; v. Facilities that are ancillary to the uses mentioned in i to iv; vi. Any other prescribed business and economic uses. 2. The uses are not any of the following uses: <ol style="list-style-type: none"> i. Institutional uses; ii. Commercial uses, including retail and office uses not referred to in subparagraph iv. 	<p>The Phase 1 Official Plan Amendments implement the <i>Planning Act</i> definition of ‘Area of Employment’ in the Urban Hamilton Official Plan, former City of Hamilton Official Plan, and former Region of Hamilton-Wentworth Official Plan. This ensures conformity with provincial legislation and aligns permitted uses within designated employment areas in the City of Hamilton with the <i>Planning Act</i>.</p>

<p>Transition Provisions for lands in Employment Areas</p>	<p>1.1 An Area of land designated in an official plan for clusters of business and economic uses is an Area of Employment for the purposes of this Act even if the area of land includes one or more parcels of land that are subject to official plan policies authorizing the continuation of a use that is excluded from being a business and economic use under paragraph 2 of definition of “Area of Employment” in subsection (1), provided that the use was lawfully established on the parcel of land before the day subsection (1) of Schedule 6 to the <i>Helping Homebuyers Protecting Tenants Act, 2023</i>, came into force.</p> <p>1.2 For greater certainty, the official plan policies referred to in subsection (1.1) shall not authorize a use that is excluded from being a business and economic use under paragraph 2 of the definition of “Area of Employment” in subsection (1) on any parcels of land in the area on which the use was not lawfully established before the day subsection 1(1) of Schedule 6 to the <i>Helping Homebuyers Protecting Tenants Act, 2023</i>, came into force.</p>	<p>The transition provisions are implemented in the Official Plan through the changes proposed to Volume 1: E – Urban Systems and Designations. The changes permit uses now excluded from locating within an employment area to continue operations provided the use was lawfully established by October 20, 2024.</p> <p>As per the legislation, municipalities are not required to remove lawfully established uses which do not comply with the legislative direction; however, no new uses which do not comply with the definition are permitted to be established.</p>
<p>Employment Land Removal Requests</p>	<p>22. Appeals restricted re certain amendments (7.1) Despite subsection (7) and subsections 17(36) and (40), there is no appeal in respect of,</p> <ul style="list-style-type: none"> a) a refusal or failure to adopt an amendment described in subsection (7.2); or b) a refusal or failure to approve an amendment described in subsection (7.2). <p><i>2006, c. 23, s. 11 (6).</i></p> <p>Same</p>	<p>The Phase 1 Official Plan Amendments are required to ensure that the restrictions to Ontario Land Tribunal appeals set out under these sections are applied to applications to remove designated Employment Areas within the City of Hamilton.</p>

	<p><i>(7.3) If the official plan contains policies dealing with the removal of land from areas of employment, subsection (7.1) also applies in respect of amendments requested under subsection (1) or (2) that proposed to remove any land from an area of employment, even if other land is proposed to be added. 2006, c. 23, s. 11 (6).</i></p>	
	<p>34. Restricted appeals, areas of employment (11.0.5) <i>Despite subsection (11), if the official plan contains policies dealing with the removal of land from areas of employment, there is no appeal in respect of all or any part of an application for an amendment to a by-law if the amendment or part of the amendment proposed to remove any land from an area of employment, even if other land is proposed to be added. 2006, c. 23, s. 15 (5).</i></p>	
<p>Provincial Planning Statement, 2024</p>		
<p>2.8.1 Supporting a Modern Economy</p>	<p>1. Planning authorities shall promote economic development and competitiveness by:</p> <ul style="list-style-type: none"> a. providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs; b. providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, 	<p>Provincial Planning Statement Policy 2.8.1 is not directly implemented verbatim through the official plan amendments; however, when a privately initiated official plan amendment to remove lands from a designated employment area is submitted the application must be consistent with provincial policies.</p>

	<p>and take into account the needs of existing and future businesses;</p> <ul style="list-style-type: none">c. identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;d. encouraging <i>intensification</i> of employment uses and compatible, compact, mixed-use development to support the achievement of <i>complete communities</i>; ande. addressing land use compatibility adjacent to <i>employment areas</i> by providing an appropriate transition to <i>sensitive land uses</i>. <p>2. Industrial, manufacturing and small-scale warehousing uses that could be located adjacent to <i>sensitive land uses</i> without <i>adverse effects</i> are encouraged in <i>strategic growth areas</i> and other mixed-use areas where <i>frequent transit</i> service is available, outside of employment areas.</p> <p>3. In addition to policy 3.5, on lands within 300 metres of <i>employment areas</i>, <i>development</i> shall avoid, or where avoidance is not possible, minimize and mitigate potential</p>	
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	<p>impacts on the long-term economic viability of employment uses within existing or planned <i>employment areas</i>, in accordance with provincial guidelines.</p> <p>4. Major office and major institutional development should be directed to <i>major transit station areas</i> or other <i>strategic growth areas</i> where <i>frequent transit service</i> is available.</p>	
<p>2.8.2 Employment Areas</p>	<p>1. Planning authorities shall plan for, protect, and preserve <i>employment areas</i> for current and future uses, and ensure that the necessary <i>infrastructure</i> is provided to support current and projected needs.</p> <p>2. Planning authorities shall protect <i>employment areas</i> that are located in proximity to <i>major goods movement facilities and corridors</i>, including facilities and corridors identified in provincial transportation plan, for the <i>employment area</i> uses that require those locations.</p> <p>3. Planning authorities shall designate, protect and plan for all <i>employment areas</i> in <i>settlement areas</i> by:</p> <p style="padding-left: 40px;">a. planning for <i>employment areas</i> uses over the long-term that require those locations including manufacturing, research and development in connection with manufacturing,</p>	<p>Without implementing the Phase 1 Official Plan Amendment the City's existing Employment Area designations will not be consistent with the PPS policies and legislative references to 'Employment Areas'.</p> <p>For example, if the city were to receive a privately initiated official plan amendment application to remove a designated employment area it may be argued that the provincial policy tests to consider the application are lower and that all of Section 2.8.2 is not applicable.</p>

	<p>warehousing and goods movement, and associated retail and office uses and ancillary facilities;</p> <ul style="list-style-type: none">b. prohibiting residential uses, commercial uses, <i>public service facilities</i> and other institutional uses;c. prohibiting retail and office uses that are not associated with the primary employment use;d. prohibiting other <i>sensitive land uses</i> that are not ancillary to uses permitted in the <i>employment area</i>; ande. including an appropriate transition to adjacent non-<i>employment areas</i> to ensure land use compatibility and economic viability. <p>4. Planning authorities shall assess and update <i>employment areas</i> identified in official plans to ensure that this designation is appropriate to the planned function of <i>employment areas</i>. In planning for <i>employment areas</i>, planning authorities shall maintain land use compatibility between <i>sensitive land uses</i> and <i>employment areas</i> in accordance with policy 3.5 to maintain the long-term operational and economic viability of the planned uses and function of these areas.</p>	
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	<p>5. Planning authorities may remove lands from <i>employment areas</i> only where it has been demonstrated that:</p> <ul style="list-style-type: none">a. there is an identified need for the removal and the land is not required for <i>employment area</i> uses over the long term;b. the proposed uses would not negatively impact the overall viability of the <i>employment area</i> by:<ul style="list-style-type: none">i. avoiding or where avoidance is not possible, minimizing and mitigating potential impacts to existing or planned <i>employment area</i> uses in accordance with policy 3.5;ii. maintaining access to <i>major goods movement facilities</i> and <i>corridors</i>;c. existing or planned <i>infrastructure</i> and <i>public service facilities</i> are available to accommodate the proposed uses; andd. the municipality has sufficient employment lands to accommodate projected employment growth to the horizon of the approved official plan.	
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<p>3.5 Land Use Compatibility</p>	<ol style="list-style-type: none"> 1. <i>Major facilities</i> and <i>sensitive land uses</i> shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential <i>adverse effects</i> from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of <i>major facilities</i> in accordance with provincial guidelines, standards and procedures. 2. Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other <i>major facilities</i> that are vulnerable to encroachment by ensuring that the planning and <i>development</i> of proposed adjacent <i>sensitive land uses</i> is only permitted if potential <i>adverse affects</i> to the proposed <i>sensitive land use</i> are minimized and mitigated, and potential impacts to industrial, manufacturing or other <i>major facilities</i> are minimized and mitigated in accordance with provincial guidelines, standards, and procedures. 	<p>Provincial Planning Statement Policy 3.5 is not directly implemented into the Urban Hamilton Official Plan through this amendment, as these policies are currently reflected in UHOP Policy E.5.2.7.</p>
<p>Definition of Employment Area</p>	<p>“Means those areas designated in an official plan for clusters of business and economic activities including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. An <i>employment area</i> also</p>	<p>The definition of ‘employment area’ is implemented through Official Plan Amendments to the Urban Hamilton Official Plan, former City of Hamilton Official Plan, and former Region of Hamilton-Wentworth Official Plan.</p>

	<p>includes areas of land described by subsection 1(1.1) of the <i>Planning Act</i>. Uses that are excluded from <i>employment uses</i> are institutional and commercial, including retail and office not associated with the primary employment use listed above.”</p>	<p>This ensures consistency with the Provincial Planning Statement, 2024.</p> <p>The Official Plans must be updated to implement the definition to ensure that the policies in the Provincial Planning Statement for Employment Areas apply to the City of Hamilton.</p>
<p>Definition of Public Service Facilities</p>	<p>“means land, buildings and structures, including but not limited to schools, hospitals and community recreation facilities, for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health, child care and educational programs, including elementary, secondary, post-secondary, long-term care services, and cultural services.</p> <p>Public service facilities do not include infrastructure.”</p>	<p>As per Policy 2.8.2.3 b) Public Service Facilities are prohibited from Employment Areas.</p> <p>Staff note that the definition of Public Service Facilities is broad, ranging from recreational facilities (e.g. ice rinks), cultural facilities (e.g. theatres, art galleries) and emergency service facilities (e.g. police, fire and EMS stations).</p> <p>Apart from the six city owned properties where public service facilities are planned in the near future which are discussed in Section 2.2 of Report PED26034, the recommended Official Plan Amendment removes public service facilities as a permitted use in all Official Plan employment designations.</p> <p>Through Phase 2 of the Employment Area review staff will be undertaking</p>

		a more detailed review of the delivery of emergency services to the City's employment areas.
Bill 17, the <i>Protect Ontario by Building Faster and Smarter Act, 2025</i>		
New Complete Application Submission Requirement	Subsection 17 (12.1) of the Planning Act was amended by Bill 17 which requires municipalities to obtain written approval from the Minister of Municipal Affairs and Housing before adopting official plan amendments related to complete application requirements.	The Urban Hamilton Official Plan Amendment seeking to require Land Use/Employment Needs Impact Assessment has been provided to the Province for their consideration and approval as per Recommendation 3 in Report PED25182.