

ISSUE DATE:

August 16, 2013



PL110331
PL090779
PL101381
PL120574

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

The Ontario Municipal Board has received appeals under subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from a decision of the City of Hamilton to approve Official Plan Amendment No. 35 to the Region of Hamilton-Wentworth Official Plan

OMB File No.: PL090779 (See Schedule "1")

OMB Case No.: PL090779

The Ontario Municipal Board has received appeals under subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from a decision of the City of Hamilton to approve Official Plan Amendment No. 128 to the Town of Ancaster Official Plan (PL090780); Official Plan Amendment No. 18 to the Town of Dundas Official Plan (PL090781); Official Plan Amendment No. 118 to the Town of Flamborough Official Plan (PL090782); Official Plan Amendment No. 75 to the Township of Glanbrook Official Plan (PL090783); Official Plan Amendment No. 220 to the City of Hamilton Official Plan (PL090784); Official Plan Amendment No. 149 to the City of Stoney Creek Official Plan (PL090785)

OMB File Nos.: PL090780-PL090785 (See Schedule "1")

OMB Case No.: PL090779

The Ontario Municipal Board has received appeals under subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from the failure of the Minister of Municipal Affairs and Housing to announce a decision respecting the City of Hamilton Urban Official Plan

OMB File No.: PL101381 (See Schedule "2")

OMB Case No.: PL101381

The Ontario Municipal Board has received appeals under subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from the decision of the Minister of Municipal Affairs and Housing to approve the new City of Hamilton Urban Official Plan

OMB File No.: PL110331 (See Schedule "3")

OMB Case No.: PL110331

Auburn Developments Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal to enact a proposed amendment to Zoning By-law 6593 of the City of Hamilton to rezone lands respecting 17 Ewen Road from "J" (Light and Limited Heavy Industrial, etc.) District to the "E-3" (High Density Multiple Dwellings) District to permit a 10 storey student residential building

Approval Authority File No. ZAC-07-062

OMB File No.: PL120574

OMB Case No.: PL120574

Auburn Developments Inc. has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal to enact a proposed amendment to the Official Plan for the City of Hamilton to redesignate land at 17 Ewen Road from "Industrial" to "High Density Residential" to permit a 10 storey student residential building
 Approval Authority File No. OPA-07-016
 OMB File No.: PL120575
 OMB Case No.: PL120574

Schedule "1"

Appellants to the amendments to the in-force Official Plans of the former Region of Hamilton-Wentworth, Towns of Ancaster, Dundas and Flamborough, Township of Glanbrook and Cities of Hamilton and Stoney Creek (OMB Case No. PL090779)

OMB FILE NO.	APPELLANT NAME
PL090779	TDL Group Corp.
PL090780	TDL Group Corp.
PL090781	TDL Group Corp.
PL090782	TDL Group Corp.
PL090783	TDL Group Corp.
PL090784	Shawcor Ltd.
	TDL Group Corp.
PL090785	TDL Group Corp.

Schedule "2"

Appellants to the failure of the Minister of Municipal Affairs and Housing to announce a decision respecting the City of Hamilton Urban Official Plan (OMB Case No. PL101381)

OMB FILE NO.	APPELLANT NAME
PL101381	A. DeSantis Developments Ltd.
	LIUNA Group Corp.
	St. Joseph's Villa

Schedule "3"

Appellants to the new City of Hamilton Urban Official Plan (OMB Case No. PL110331)

OMB FILE NO.	APPELLANT NAME
PL110331	1800615 Ontario Inc. and 1536708 Ontario Inc.
	2000963 Ontario Inc.
	2051206 Ontario Inc.
	2084696 Ontario Inc.

	2188410 Ontario Inc.
	456941 Ontario Ltd., 1263339 Ontario Ltd., and Lea Silvestri
	909940 Ontario Inc.
	Artstone Holdings Limited
	Carmen Chiaravelle, 1694408 Ontario Ltd., John Edward Demik, Peter Demik, Demik Brothers Hamilton Ltd., and Elaine Vyn
	City of Hamilton
	Confederation Park Shopping Centres Limited, Confederation Park Shopping Centres II Limited
	Corpveil Holdings Limited
	DiCenzo Construction Company Limited and DiCenzo (Golf Club Road) Holdings Inc.
	Flamborough Power Centre Inc., Flamborough South Centre Inc., Clappison Five Six Properties Inc.
	Freeland Developments Limited
	Gino and Olindo DalBello
	Hamilton Mountain Development Inc.
	Landmart Homes and Landmart Realty Corp.
	Lynmount Developments Limited
	Mondelēz Canada Inc. (formerly Kraft Canada Inc.)
	Mud and First Inc.
	Multi-Area Developments Inc.
	Norman Vartanian
	Paletta International Corporation
	Paletta International Corporation (re: Elfrida)
	Parkside Hills Inc.
	Sister Servants of Mary Immaculate
	Spallacci & Sons Limited
	Sullstar Twenty Limited
	TDL Group Corp. Inc.
	Twenty Road Developments Inc.
	Upper Centennial Developments Ltd.
	Waterdown Bay Ltd.

APPEARANCES:

Parties

Counsel*/Agent

City of Hamilton

M. Kovacevic*, M. Minkowski*
and L. Magi*

1507565 Ontario Inc.

D.C.K. Tang*

2000963 Ontario Inc., 2084696 Ontario Inc.,
2188410 Ontario Inc., Mud and First Inc., Multi-
Area Developments Inc. and Paletta International
Corporation (known as Elfrida Landowners)

J. Drake*

456941 Ontario Ltd., 1263339 Ontario Ltd. and
Lea Silvestri

T. Naylor* as agent for P.
Pickfield*

Artstone Holdings Limited, Corpveil Holdings
Limited, Paletta International Corporation,
Waterdown Bay Ltd., LIUNA Group Corp., St.
Joseph's Villa, A. DeSantis Developments Ltd.,
Shawcor Ltd. and Larry Freeman

S. Snider*

Carmen Chiaravalle, 1694408 Ontario Ltd., John
Edward Demik, Peter Demik, Demik Brothers
Hamilton Ltd. and Elaine Vyn (known as Twenty
Road Landowners East)

T. Naylor*

Confederation Park Shopping Centres Limited,
Confederation Park Shopping Centres II Limited,
and Hamilton Mountain Developments Inc.
Mondelēz Canada Inc. (formerly Kraft Canada
Inc.)

M. Bull*

M. Bull*

Flamborough Power Centre Inc., Flamborough
South Centre Inc., Clappison Five Six Properties
Inc.

M. Bull*

Gino and Olindo DalBello and Norman Vartanian

M. Rudolph*

TDL Group Corp., A&W Food Services of Canada
Inc., McDonald's Restaurants of Canada Limited
and Wendy's Restaurants of Canada Inc.

L. Townsend*

1800615 Ontario Inc., 1536708 Ontario Inc.,
DiCenzo Construction Company Limited,

P. Morley*

DiCenzo (Golf Club Road) Holdings Inc. and
Upper Centennial Developments Ltd.

Auburn Developments Inc.

S. Snider*

Domenico Bozzo, Carmine Bozzo, Frank Veltri &
Giuseppe Gervasi;

Bruce Stam and Ilona Skeba

Stephen Carlo Morelli and Jessie May Morelli;

Johan Voortman and Aledia Voortman;

Herbert Fisher, Manfred Fischer & Eugenie
Fischer;

Bruce Allen Stam and Valeria Florence Stam;

Ilona Skeba and Christopher Mario Skeba;

Braun Nursery Ltd. And Braun Farm Properties
Inc.;

Jack Boers and Hilly Boers;

Ingrid Elise Irene Bartels;

Akke Lodewyks, Jan Lodewyks, Jack Lodewyks,

Ronald John Lodewyks, Brian Edward Lodewyks

and David Christopher Lodewyks;

Vyn Flowers Inc., Ralph Vyn and Joyce Vyn;

Hendrik Wilhelm Holzel and Leonie Jacoba

Holzel;

Charles Reginald James Pottruff and Dorothy

Harriet Pottruff;

Grasal Holdings Inc.

DECISION DELIVERED BY SUSAN de AVELLAR SCHILLER AND ORDER OF THE BOARD

[1] The matters before the Board are appeals related to the new City of Hamilton (“City”) Urban Hamilton Official Plan (“UHOP”) adopted by the City on July 9, 2009, and approved by the Minister of Municipal Affairs and Housing (“MMAH”) with modifications on March 16, 2011, appeals of the failure of the MMAH to make a decision regarding the UHOP, prior to March 16, 2011, and appeals related to amendments to the in-force official plans of the former Region of Hamilton-Wentworth, Towns of Ancaster, Dundas and Flamborough, Township of Glanbrook and Cities of Hamilton and Stoney Creek.

[2] Also before the Board are appeals by Auburn Developments Inc. (“Auburn”) regarding a proposed official plan amendment and associated zoning by-law amendment to permit a 10 storey student residence on lands zoned and designated for industrial uses.

[3] At the parties' request, the Board agreed to divide the hearing into several segments. Each hearing segment will deal with one or more specific topic areas.

[4] The Board initially set four weeks for the hearing of the appeals related to the Natural Heritage System ("NHS") in the UHOP.

[5] As a result of witness illness and special family circumstances, the Board agreed to delay the start of this hearing segment and reduce the time available to three weeks.

[6] Prior to the start of the hearing, the City advised the Board that discussions were still underway with several parties on a variety of issues, including those with a particular focus on the NHS.

[7] Recognizing that the NHS hearing segment may be further shortened, the Board agreed to the City's request to hear other UHOP matters within the time originally scheduled for the NHS hearing segment, subject to appropriate notice.

[8] Three matters came forward to the Board on this basis:

1. a possible settlement of appeals related to drive-through facilities ("DTF"),
2. a motion for directions from Auburn in preparation for the Auburn/Mondelez hearing segment that is scheduled to commence in the fall, and
3. a motion by the City to bring into effect those portions of the UHOP no longer under appeal.

NATURAL HERITAGE SYSTEM

[9] The Board heard from Catherine Plosz, a natural heritage planner who had been qualified previously in these proceedings to give the Board independent expert opinion evidence.

[10] At this appearance, Ms. Plosz testified in three natural heritage matters: the appeal by Norman Vartanian, the appeal by Gino and Olindo DalBello, and the appeal by Paletta International Corporation ("Paletta").

Vartanian

[11] A site specific environmental impact statement (“EIS”) was prepared for the lands of Norman Vartanian that are the subject of this appeal. As a result of materials filed in association with the EIS, and field work, the mapped boundaries of certain NHS features needed to be adjusted to reflect what is on the ground.

[12] The mapping changes are contained in Exhibit 24, as filed in these proceedings.

[13] No one appeared in opposition to these changes.

[14] Section 2 of the *Planning Act*, R.S.O. 1990, c.P.13 (“Act”) sets out matters of provincial interest and s. 2(a) specifically cites:

...the protection of ecological systems, including natural areas, features and functions...

[15] Section 2.1 of the Provincial Policy Statement (“PPS”) deals with natural heritage. Section 2.1.1 states that:

...natural features and areas shall be protected for the long term...

[16] Section 2.1.2 states:

The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing the linkages between and among *natural heritage features and areas, surface water features and ground water features*...

[17] Section 4.2.1.3 of the Growth Plan for the Greater Golden Horseshoe (“GGH”) states:

...Planning authorities are encouraged to identify natural heritage features and area that complement, link, or enhance natural systems...

[18] The Board finds that these mapping changes appropriately implement matters of provincial interest, are consistent with the PPS and conform to the GGH.

[19] The appeal by Norman Vartanian is allowed in part. The Board modifies the UHOP in accordance with Exhibit 24, as filed in these proceedings and found in Attachments 8, 9, 10, 11, 12 and 13.

[20] At the request of the parties, the Board’s Order is withheld.

DalBello

[21] Gino and Olindo DalBello own 860 and 884 Barton Street in Stoney Creek. The woodland on these properties was initially mapped as a linkage within the NHS.

[22] The size of the woodland and confirmation of the presence of rare species led the City to conclude that the more appropriate designation was as a core area rather than a linkage.

[23] Three species of interest were found in the woodland: two birds (the Tufted Titmouse and the Wood Thrush) and one plant (the Hairy-Leaved Sedge).

[24] Ms. Plosz testified that the Wood Thrush has been recommended as a threatened species at the federal level; the province is currently reviewing its status. The Tufted Titmouse is locally rare in the City. The Hairy-Leaved Sedge is both provincially and locally rare and had never before been found in the City.

[25] As a result of the presence of these species, the woodland now met a key criterion for designation as an Environmentally Sensitive Area (“ESA”), specifically Significant Ecological Function.

[26] The size of the woodland, however, did not meet the Regional Woodland Conservation By-law (“By-law”) requirements since that By-law looks solely at the forestry characteristics of the size and number of trees and does not consider ecological functions and features or the presence of rare species.

[27] Gino and Olindo DalBello clear cut the entire woodland.

[28] With no woodland in existence, there is no longer any ESA with a Significant Ecological Function to protect the three identified species of interest.

[29] With no woodland in existence, there is no longer any point in maintaining the earlier mapped designation of a NHS linkage.

[30] The appeal by Gino and Olindo DalBello is allowed. The Board modifies Schedule B in accordance with Exhibit 24 as filed in these proceedings and found at Attachment 8 to this decision, and as shown in detail in Exhibit 25, as filed in these proceedings, and found at Attachment 14 to this decision, to delete the mapped designation of linkage from 860 and 884 Barton Street.

[31] At the request of the parties, the Board's Order is withheld.

[32] A question arose during the cross-examination of Ms. Plosz as to whether any particular setback on the DalBello lands would be required as a result of NHS features on adjacent lands.

[33] The question of whether a particular setback on the DalBello lands is appropriate is a question whose answer is best informed by the specifics of any development proposal on the DalBello lands, the details of any NHS feature or features on adjacent lands, and the impact of any DalBello development proposal on the NHS feature or features at the time any DalBello development proposal is considered.

[34] Since no such proposal is before the Board in these proceedings, the Board makes no finding on the question of setbacks on the DalBello lands from NHS features on adjacent lands.

Paletta

[35] Paletta had appealed certain implementation policies and definitions for the natural heritage policies in the UHOP.

[36] The City and Paletta have now reached a partial settlement on this appeal. The revised language is set out in Exhibit 26, as filed in these proceedings.

[37] The proposed changes in wording remove duplication, provide greater clarity and specificity, recognize the site-specific nature of any particular EIS and the decisions that may arise therefrom, and remove or adjust references that are appropriately contained in other planning instruments such as the Rural Hamilton Official Plan.

[38] No one appeared in opposition to these proposed modifications.

[39] The Board finds that the proposed modifications set out in Exhibit 26, as filed in these proceedings, appropriately implements matters of provincial interest as set out in s. 2(a) of the Act, are consistent with the PPS particularly s. 2.1.1 and s. 2.1.2, and conform to the GGH particularly s.4.2.1.3.

[40] The appeal by Paletta is allowed in part. The Board modifies the UHOP in accordance with Exhibit 26, as filed in these proceedings and found at Attachment 15, except for those items noted as being still in dispute.

[41] At the request of the parties, the Board's Order is withheld.

[42] The Board was advised that discussions continue between the City and Paletta regarding the remaining matters in the Paletta NHS appeal that are still in dispute.

[43] At the request of the parties, the Board adjourns the matters that remain in dispute between the City and Paletta to the Board's next appearance in these proceedings, which is scheduled for September 18, 2013.

[44] September 18, 2013 has already been scheduled as a pre-hearing conference with certain matters already identified to be dealt with on that date. Time permitting, the Board will reconvene the NHS hearing segment on that day to deal with the parts of the Paletta NHS appeal that have not been dealt with at this appearance.

DRIVE-THROUGH FACILITIES

[45] TDL Group Corp., A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Limited and Wendy's Restaurants of Canada Inc. all have drive-through facilities. The Board was advised that these parties have now reached a settlement with the City.

[46] As directed by the Board, the settlement was circulated to all parties at least 30 days in advance of this appearance. No party appeared in opposition to the settlement.

[47] The Board heard from Joanne Hickey-Evans, previously qualified by the Board in these proceedings to give independent expert opinion evidence in land use planning matters.

[48] The UHOP contained a prohibition against drive-through facilities in the downtown area, on pedestrian predominant streets and in mixed use high density and mixed use medium density areas.

[49] The settlement involves four components, as set out in Exhibit 28 as filed in these proceedings:

1. maintain the prohibition for the downtown area of the former City of Hamilton;

2. permit drive-through facilities in mixed use high and medium density areas, subject to urban design and other requirements intended to ensure functional compatibility with the area;
3. require any proposed new drive-through facilities on pedestrian predominant streets that are outside the downtown to meet the requirements set out in #2 and proceed by way of both an official plan amendment and a zoning by-law amendment; and
4. add site specific provisions to the UHOP to recognize three existing drive-through facilities on pedestrian predominant streets that had met all the requirements of the previous official plan when they located at these sites.

[50] Matters of provincial interest set out in s. 2 of the Act, the PPS and the GGH complement one another and identify the importance of efficient, complete, balanced, safe and healthy communities.

[51] The Board finds that the proposed changes appropriately implement matters of provincial interest, are consistent with the PPS and conform to the GGH.

[52] At the first pre-hearing, the Board allowed a motion brought by the City to dismiss the appeals of A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Limited and Wendy's Restaurants of Canada Inc.

[53] On consent, these same interests were added as parties aligned with the appeal by TDL Group Corp.

[54] The appeal by TDL Group Corp. is allowed in part. The Board modifies the UHOP in accordance with Exhibit 29, as filed in these proceedings and found at Attachment 7 to this decision.

AUBURN MOTION FOR DIRECTIONS

[55] Shortly prior to the returnable date for this motion Auburn advised the Board that the parties to the Auburn/Mondelez hearing segment had reached an agreement regarding the matters on which Auburn was seeking direction from the Board. As such, Auburn withdrew its motion.

CITY MOTION TO DECLARE CERTAIN PORTIONS OF THE UHOP IN EFFECT

[56] While the Board's standard notice for motions is 10 days prior to the motion hearing, in this case the Board directed a 20-day notice with responses filed 10 days prior to the motion hearing.

[57] The parties advised the Board that this extended notice and response period was an important element in enabling the parties to have sufficient time to understand the details of their respective positions and to engage in appropriate discussions to determine if agreement could be found.

[58] 456941 Ontario Ltd., 1263339 Ontario Ltd., and Lea Silvestri ("Silvestri Investments") filed a late response. Although filed late, the Board understands that discussions did occur between the City and Silvestri Investments and Silvestri Investments is now content.

[59] The Board abridges the notice period for the filing of the response to the City's motion by Silvestri Investments.

[60] 2000963 Ontario Inc., 2084696 Ontario Inc., 2188410 Ontario Inc., Mud and First Inc., Multi-Area Developments Inc. and Paletta International Corporation ("Elfrida Landowners"), Artstone Holdings Limited ("Artstone") and Corpveil Holdings Limited ("Corpveil") filed an additional response.

[61] This additional response was a late filing and arose as a result of a concern regarding a possible error in policy A.2.3.3.4 of the UHOP that no party had identified previously.

[62] The parties have agreed to defer the question of whether this policy should be brought into full force and effect to the September 18, 2013 appearance to provide additional time for discussion.

[63] The Board adjourns consideration of policy A.2.3.3.4 to September 18, 2013.

[64] A large number of parties, known as the Book Road West Group, were added to these proceedings at an earlier pre-hearing.

[65] In considering the motion to add these interests as parties the Board observed that:

1. The Book Road West Group did not appeal the decision of the Minister of Municipal Affairs and Housing regarding the UHOP.
2. The Book Road West Group made no oral or written submissions to City council prior to the council adoption of the UHOP.
3. There is no existing appeal in these proceedings which seeks to expand the urban boundary of the City to include the lands owned by the members of the Book Road West Group, yet such an expansion is what the Book Road West Group indicated it wished to have the Board consider in these proceedings. The City submitted, and the Board agrees, that to add the Book Road West Group members as parties to these proceedings on this basis would effectively create an appeal where there is none.

Following extensive submissions, including recesses to enable discussions between the parties, the Book Road West Group members consented to being added as parties to these proceedings on the following basis:

1. They acknowledge that their interests are aligned with those of the parties collectively known as Silvestri Investments;
2. They agreed to be joined to the existing Silvestri Investments appeal, including the scope of that appeal and the issues within that existing appeal as determined by Silvestri Investments.

Hearing no objection at this point, the Board added the members of the Book Road West Group as parties to these proceedings **aligned to the scope of the existing appeal of the members of Silvestri Investments and confined to the issues within that appeal, as determined by Silvestri Investments.** [emphasis added]

[66] Ilona Skeba and Bruce Stam, acting on behalf of those interests known as the Book Road West Group, filed a letter with the City in response to the City's motion.

[67] As a response to a motion, the letter did not meet the requirements of the Board's Rules for responses to motions.

[68] The Board understands that neither Ms. Skeba nor Mr. Stam is a lawyer and that each is acting in a volunteer capacity to represent their neighbours at these proceedings. In light of this, the Board is well prepared to provide some latitude.

[69] This latitude does not extend to the point where representatives engage in conduct that may result in a basic lack of fairness or where the conduct flatly contravenes a clear and specific ruling by the Board.

[70] Even volunteer neighbourhood representatives have a basic responsibility to the Board, and to those whom they represent, to ensure that they take the time and effort to inform themselves about the Board's Rules, practices and procedures.

[71] In this case, the members of the Book Road West Group had been represented by counsel. When they decided to end that representation and rely on neighbourhood volunteers part way through these proceedings and after several appearances, those neighbourhood representatives were now taking on the additional responsibility of ensuring that they know and understand rulings made by the Board prior to the change in representation but which affect those they now represent.

[72] Matters raised by Ms. Skeba and Mr. Stam in the response letter were not raised by Silvestri Investments. As such, the matters raised in the response letter were placed before the Board in direct conflict with the Board's earlier ruling when the interests they represent were added as parties and which is set out above in the bolded section of the quote in paragraph 65.

[73] Following extensive submissions and explanations, Mr. Stam and Ms. Skeba advised the Board that they were no longer pursuing the matters raised in their letter and reaffirmed their understanding and consent that the parties they represent are aligned to the scope of the existing appeal of Silvestri Investments and confined to the issues within that appeal, as determined by Silvestri Investments.

[74] For all parties who filed a response, with the exception of those represented by Ms. Skeba and Mr. Stam, the discussions held prior to the motion appearance were successful in achieving clarification and agreement. With the advice that Mr. Stam and Ms. Skeba no longer wished to pursue the matters raised in their letter, the City's amended requested relief, set out in the City's reply material, now comes to the Board on consent.

[75] An affidavit of Ms. Hickey-Evans set out the agreed upon policies, schedules, maps and appendices in the UHOP that remain under appeal. A chart showing these items is at Tab 2A of the City's Reply Motion Record.

[76] Tab 2B of the City 's Reply Motion Record contains the details of amendments to other official plans that flow from the portions of the UHOP that are no longer under

appeal and the details of the settlements approved previously by the Board but where the Board's order was withheld at the request of the parties.

[77] These other official plans are the official plans of the former municipalities that are now part of the City of Hamilton and are under appeal in these proceedings.

[78] Amendments to these official plans flow from the Board's earlier decisions disposing in whole or part of various appeals of the UHOP and the relevant official plans of the former municipalities.

[79] The Board had previously withheld its orders in these matters at the request of the parties. Where the Board is now prepared to issue its order in these earlier matters, the order will issue separately.

[80] The relief sought by the City, as amended by its reply materials, is allowed in part.

[81] The Board was also asked to issue its order for the settlement heard in this hearing segment regarding the appeal of TDL Group Corp., and the Board does so.

[82] Since the City's motion material was prepared after the City adopted the settlement of the appeal by TDL Group Corp. but before the Board had heard evidence on that settlement, the Board asked the City to update the materials in Tab 2A and Tab 2B of its reply motion to reflect the settlement of the TDL Group Corp. appeal.

[83] The City has done so and the attachments to this decision reflect this request by the Board.

ORDER

[84] The Board orders that:

1. The Urban Hamilton Official Plan is in force and effect except for those policies, schedules, maps and appendices identified in Attachment 1 as still under appeal.
2. Official Plan Amendment ("OPA") 35 to the Official Plan of the Regional Municipality of Hamilton-Wentworth, OPA 128 to the Town of Ancaster Official Plan, OPA 18 to the Town of Dundas Official Plan, OPA 118 to the Town of

Flamborough Official Plan, OPA 75 to the Township of Glanbrook Official Plan, OPA 220 to the City of Hamilton Official Plan and OPA 149 to the City of Stoney Creek Official Plan are amended as set out in Attachments 2 through 6.

3. The appeal by TDL Group Corp. is allowed in part. The Board modifies the Urban Hamilton Official Plan in accordance with Exhibit 29, as filed in these proceedings and found at Attachment 7 to this decision.

“Susan de Avellar Schiller”

SUSAN de AVELLAR SCHILLER
VICE CHAIR

Attachment 1

**Urban Hamilton Official Plan – PL110331
 Policies, Schedules and Appendices Status**

Policies that are not under appeal and policies still under appeal (July 2013 rev)

Volume 1 – Parent Plan

Policy Number as Modified by MMAH	Policy Not Under Appeal	Remains Under Appeal
Chapter A – Introduction		
Entire section	✓	
Section A.1.0 – Hamilton's Official Plan		
Entire Section except for policies listed below	✓	
A.1.3 (bullet 4)		✓
A.1.6 (bullet 1)		✓
Section A.2.0 – Strategic Directions		
Entire Section except for policies listed below	✓	
A.2.1		✓
A.2.4		✓
Chapter B – Communities		
Entire Section	✓	
Section B.1.0 Introduction		
Entire Section-Introduction	✓	
Section B.2.0 Defining Our Communities		
Entire Section except for policies listed below	✓	
B.2.1		✓
B.2.2		✓
B.2.3		✓
B.2.4.1.4 a)		✓
B.2.4.2.2 g)		✓
B.2.4.3.2		✓
Section B.3.0 Quality Of Life and Complete Communities		
Entire Section except for policies listed below	✓	
B.3.4.3.6		✓
B.3.4.3.7		✓
B.3.6.3.6		✓
Chapter C – City Wide Systems and Designations		
Entire Section	✓	
Section C.1.0 Provincial Plans with Designations		
Entire section	✓	
Section C.2.0 Natural Heritage System		
Entire section		✓

Policy Number as Modified by MMAH	Policy Not Under Appeal	Remains Under Appeal
Section C.3.0 General Land Use Provisions and Designations		
Entire section except for policy listed below	✓	
C.3.2.1a) as it applies 305 Stone Church Road West, 313 Stone Church Road East		✓
Section C.4.0 Integrated Transportation Network		
Entire Section except for policies listed below	✓	
C.4.2.17		✓
C.4.5.13		✓
C.4.5.3.3		✓
C.4.8.6		✓
C.4.8.8		✓
Section C.5.0 Infrastructure		
Entire Section	✓	
Chapter E – Urban Systems and Designations		
Entire section	✓	
Section E.1.0 Goals		
Entire Section	✓	
Section E.2.0 Urban Structure		
Entire Section except for policies listed below	✓	
E.2.7.2		✓
E.2.7.4		✓
Section E.3.0 Neighbourhoods Designation		
Entire Section except for policies listed below	✓	
E.3.1.4		✓
E.3.2.4		✓
E.3.7.5		✓
E.3.8.10 as it applies to 2782 Barton Street East		✓
Section E.4.0 Commercial and Mixed Use Designations		
Entire Section except for policies listed below	✓	
E.4 as it applies to 2782 Barton Street East		✓
E.4.7 (As it applies to 272 First Road West only)		✓
E.4.8 (As it applies to 272 First Road West only)		✓
E.4.8.1 to E.4.8.6 as it applies to Highland Road and Mud Street, West side of Upper Centennial		✓
E.4.8.1		✓
E.4.8.6		✓

Policy Number as Modified by MMAH	Policy Not Under Appeal	Remains Under Appeal
Section E.5.0 Employment Areas Designations		
Entire Section except for policies listed below and the potential for the inclusion of additional policies within Section E.5.0	✓	
E.5.0 as it applies to 0 Rymal Road east, 90 and 212 Glover Road		✓
E.5.1.4		✓
E.5.2.6		✓
E.5.3.4		✓
E.5.4.6		✓
E.5.6.2		✓
Section E.6.0 Institutional Designation		
Entire Section	✓	
Chapter F - Implementation		
Entire Section	✓	
Section F.1.0 Planning Act Implementation Tools		
Entire Section except for policies listed below	✓	
F.1.1.3		✓
F.1.1.5		✓
F.1.1.6		✓
F.1.1.7		✓
F.1.1.8		✓
F.1.1.10		✓
F.1.1.11		✓
F.1.1.12		✓
F.1.14.1.5		✓
F.1.14.1.7		✓
F.1.14.3.6		✓
F.1.3		✓
F.1.3.1		✓
F.1.3.2		✓
F.1.3.3		✓
F.1.4.7 as it applies 305 Stone Church Road West, 313 Stone Church Road East		✓
F.1.5.3		✓
Section F.2.0 Other Provincial Statues and Regulations		
Entire Section	✓	
F.3.0 Other Implementation Mechanisms		
Entire Section except for policies listed below	✓	
F.3 (preamble)		✓

Policy Number as Modified by MMAH	Policy Not Under Appeal	Remains Under Appeal
F.3.2.1.2		✓
F.3.2.1.5		✓
F.3.2.1.4 (Table F.3.2)		✓
F.3.2.1.6		✓
F.3.4.4.6		✓
F.3.4.4.7		✓
F.3.4.4.8		✓
F.4.0 Municipal Land Acquisition		
Entire Section	✓	
Chapter G – Glossary		
Entire Chapter except for definitions listed below	✓	✓
Core Areas		✓
Development (Urban)		✓
Environmentally Significant Areas		✓
GRIDS		✓
Intermittent Streams		✓
Key Hydrologic Features		✓
Key Natural Heritage Features		✓
Municipally Initiated Comprehensive Review		✓
Other Natural Vegetation Types		✓
Significant Wildlife Habitat		✓
Significant Woodland		✓
Vegetation Protection Zone (as it applies 305 Stone Church Road West 313 Stone Church Road East)		✓
Woodland Linkages		✓

Schedules/Appendices as Modified by MMAH	Schedules / Appendices Not Under Appeal	Schedules / Appendices Under Appeal
Schedules/Appendices for Volume 1		
* The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park, the Mount Hope area, and the Airport Business Park, and following Twenty Road and Garner Road to Fiddlers Green Road in the west remains under appeal on all schedules and appendices of Volume 1 to the Urban Hamilton Official Plan except Schedule C-2.		
Schedule A – Provincial Plans		✓*
Schedule B – Natural Heritage System except as it applies to the following:		✓*
- 305 Stone Church Road West		✓
- 313 Stone Church Road East and lands bounded by Stone Church Road East, Upper Wellington Street, Lincoln M Alexander Parkway and Upper Wentworth Street.		✓
- 0 Upper Centennial Parkway (PIN No. 17097-11333)		✓
- 860, 884 Barton Street East		✓
Schedule B-1 – Detailed Natural Heritage Features Life Science ANSI		✓*
Schedule B-2 – Detailed Natural Heritage Features Significant Woodlands except as it applies to the following:		✓*
- 305 Stone Church Road West		✓
- 313 Stone Church Road East and lands bounded by Stone Church Road East, Upper Wellington Street, Lincoln M Alexander Parkway and Upper Wentworth Street.		✓
- 860, 884 Barton Street East		✓
Schedule B-3 – Detailed Natural Heritage Features Alvar and Tallgrass Prairie		✓*
Schedule B-4 – Detailed Natural Heritage Features Key Hydrologic Features except as it applies to the following:		✓*
- 860, 884 Barton Street East		✓
- 305 Stone Church Road West		✓
Schedule B-5 – Detailed Natural Heritage Features Lakes and Littoral Zones		✓*
Schedule B-6 – Detailed Natural Heritage Features Environmentally Significant Areas except as it applies to the following:		✓*
- 0 Upper Centennial Parkway (PIN No. 17097-11333)		✓
Schedule B-7 – Detailed Natural Heritage Features Local Natural Area Earth Science ANSI		✓*

Schedules/Appendices as Modified by MMAH	Schedules / Appendices Not Under Appeal	Schedules / Appendices Under Appeal
Schedule B-8– Detailed Natural Heritage Features Key Hydrologic Features Streams except as it applies to the following		✓*
- 305 Stone Church Road West		✓
Schedule C – Functional Road Classification		✓*
Schedule C-2 – Future Road Widening	✓	
Schedule E – Urban Structure except as it applies to the following:		✓*
- The community node at Upper James Street and Rymal Road East/West		✓
- 17, 20, 22, 26, 28, 45, 58, and 60 Ewen Road, 5 Ofield Road, and 20 Rifle Range Road (AWW Lands)		✓
- 0 Rymal Road East		✓
- 90 Glover Road		✓
- 212 Glover Road		✓
- 330 Nash Road		✓
- 2782 Barton Street East		✓
Schedule E-1 – Urban Land Use Designations except as it applies to the following:		✓*
- 0 Upper Centennial Parkway (PIN No. 17097-11333)		✓
- 17, 20, 22, 26, 28, 45, 58, and 60 Ewen Road, 5 Ofield Road, and 20 Rifle Range Road (AWW Lands)		✓
- 272 First Road West		✓
- Highland Road and Mud Street (West side of Upper Centennial)		✓
- 0 Rymal Road East		✓
- 90 Glover Road		✓
- 212 Glover Road		✓
- 330 Nash Road		✓
- 2782 Barton Street East		✓
Schedule G – Local Housing Market Zones		✓*
Appendix A – Parks Classification (Outside of Secondary Plan Areas)		✓*
Appendix B – Major Transportation Facilities		✓*
Appendix D – Noise Exposure Forecast Contours and Primary Airport Zoning Regulations		✓*
Appendix E – Contaminated Sites		✓*
Appendix F – Cultural Heritage Resources		✓*
Appendix F-1 – Specific Cultural Heritage Resources		✓*

Schedules/Appendices as Modified by MMAH	Schedules / Appendices Not Under Appeal	Schedules / Appendices Under Appeal
Appendix F-2 – Specific Cultural Heritage Resources		✓*
Appendix F-3 – Specific Cultural Heritage Resources		✓*
Appendix F-4 – Archaeological Potential		✓*
Appendix G – Boundaries Map (Built Boundary and Central Area Boundary)		✓*

Volume 2 - Secondary Plans and Rural Settlement Area Plans-Policies and Maps
Chapter B Secondary Plans

Policy Number as Modified by MMAH	Policy Not Under Appeal	Remains Under Appeal
B.1.0 General Policies		
Entire Section	✓	
B.2.0 Ancaster Secondary Plans		
All Secondary Plans (including Maps)	✓	
B.3.0 Dundas Secondary Plans		
All Secondary Plans (including Maps)	✓	
B.4.0 Flamborough Secondary Plans		
All Secondary Plans (including Maps)	✓	
B.5.0 Glanbrook Secondary Plans		
All Secondary Plans (including Maps)	✓	
B.6.0 Hamilton Secondary Plans		
All Secondary Plans (including Maps) except	✓	
Downtown Secondary Plan		
B.6.1.8.2 c)		✓
Ainslie Wood Westdale Secondary Plan		
- 17, 20, 22, 26, 28, 45, 58 and 60 Ewen Road, 5 Ofield Road and 20 Rifle Range Road		
B.6.2.3		✓
B.6.2.4 (i)		✓
B.6.2.7		✓
B.6.2.8		✓
B.6.2.16.1		✓
B.6.2.16.4		✓
B.6.2.16.5		✓
Map B.6.2-1		✓

Policy Number as Modified by MMAH	Policy Not Under Appeal	Remains Under Appeal
B.7.0 Stoney Creek Secondary Plans		
All Secondary Plans (including Maps) except for the policies and/or maps listed below:	✓	
Nash Neighbourhood Secondary Plan		
- 272 First Road West		
B.7.5.5.2		✓
Map B.7.5-1		✓
Policy Number as Modified by MMAH		
Heritage Green Secondary Plan		
- 512 Highland Road		
B.7.6.8.20 to B.7.6.8.25		✓
- 198 First Road West		
Map B.7.6-1		✓
- Highland Road and Mud Street (West side of Upper Centennial)		
B.7.6.3.1		✓
B.7.6.3.3		✓

Volume 3 – Special Policy Areas, Area Specific Policy, and Site Specific Policies

Policy Number as Modified by MMAH	Policy Not Under Appeal	Remains Under Appeal
Chapter B Urban Area Specifics		
All area specific policies and maps except for the policies and maps listed below:	✓	
UF-1 (Areas A and C only)		✓
Chapter C Urban Site Specifics		
All site specific policies and maps except for the policies and maps listed below:	✓	
UCW - 1A		✓
UCW - 1B		✓
UCW - 1C		✓
UGE - 1		✓

Lands Subject to Non-Decision (NOTE: For information purposes only)

Address	Policies/Schedules	Non-Decision Number
512 Highland Road West	Volume 1 Schedules: E, E-1 Volume 2 Policies: B.7.6-1	111
606 Aberdeen Avenue	Volume 1 Schedules E, E-1 Volume 2 Policies: Section B.6.4 Volume 2 Schedules: B.6.4-1 and B.6.4-2	112
Setting Sail Secondary Plan	Volume 1 Schedules E, E-1 Volume 2 Policies: Section B.6.5 Volume 2 Schedules: B.6.5-1 to B.6.5-6	113
Highland Road north of Rymal Road East and west of Second Road West (Karst Lands)	Volume 1 Schedules B, B-7, B-8, E, E-1 Volume 2: Map B.7.6-1 Volume 3: Map SC-1	114
56 Governor's Road (St. Joseph's Villa)	Volume 1 Policies: B.2.4*, B.3.2*, B.3.3*, B.3.4, B.3.4.1, B.3.4.2, B.3.4.3, B.3.4.4, C.3.3*, C.4.2*, C.4.3*, C.4.5*, C.5.3*, C.5.4*, E.2.2.1, E.2.3, E.2.3.3, E.2.6*, E.2.8*, E.3.0, E.3.2, E.3.5, E.3.6, E.6.0*, F.1.19*, F.3.1*, F.3.2* (*Entire Policy Section appealed (i.e. E.2.6.1 to E.2.6.7)) Volume 1 Schedules/Appendices: B, B-2, B-6, B-8, C, E, E-1, F, F-4	115
353 James Street North	Volume 1 Policies: B.2.0*, B.3.1.1, B.3.1.2 to B.3.1.4, B.3.1.5, B.3.2*, B.3.3*, B.3.5.3*, B.3.6*, B.3.7*, C.2.0*, C.3.2*, C.3.3*, C.4.5.8, C.4.5.15 to C.4.5.19, E.2.2.1, E.2.6*, E.2.7*, E.3.0*, E.5.0*, G Volume 1 Schedules: E, E-1 Volume 2 Policies: B.6.5* Volume 2 Schedules: B.6.5-1 (*Entire Policy Section appealed (i.e B.6.5.1 to B.6.5.12.20))	117 (a)
2012 Upper James Street	Volume 1 Schedules: E, E-1	118
345 Glancaster Road	Volume 2 Schedules: B.5.3-1	119

Attachment 2

Authority: Item 1 - Planning & Economic Development
Committee Report 09-13
Reports: PED09164 ,PED09164a
PED09164b
CM: June 29, 2009
Bill No. 09-149

CITY OF HAMILTON

BY-LAW NO. 09-149

To Adopt:

- Official Plan Amendment No. 35 to the Region of Hamilton-Wentworth Official Plan
- Official Plan Amendment No 128. to the Town of Ancaster Official Plan;
- Official Plan Amendment No. 18 to the Town of Dundas Official Plan;
- Official Plan Amendment No. 118 to the Town of Flamborough Official Plan;
- Official Plan Amendment No. 75 to the Township of Glanbrook Official Plan;
- Official Plan Amendment No. 220 to the City of Hamilton Official Plan.
- Official Plan Amendment No. 149 to the City of Stoney Creek Official Plan.

Respecting:

**Urban Hamilton
(Lands within the Urban Area)**

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 35 to the Official Plan of the Regional Municipality of Hamilton-Wentworth Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted and approved as set out in as set out in Sections 8, 9 and 10 below.
2. Amendment No. 128 to the Official Plan of the Ancaster Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted and approved as set out in Sections 8, 9 and 10 below.
3. Amendment No. 18 to the Official Plan of the Dundas Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted and approved as set out in Sections 8, 9 and 10 below.

4. Amendment No. 118 to the Official Plan of the Flamborough Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted and approved as set out in Sections 8, 9, and 10 below.
5. Amendment No. 75 to the Official Plan of the Glanbrook Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted and approved as set out in Sections 8, 9 and 10 below.
6. Amendment No.220 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this By-law, is hereby adopted and approved as set out in Sections 8, 9, 10 and 11 below.
7. Amendment No. 149 to the Official Plan of the Stoney Creek Planning Area consisting of Schedule 1, hereto annexed and forming part of this By-law, is hereby adopted and approved as set out in Sections 8, 9 and 10 below.
8. Subject to Sections 10 and 11, Schedule 1 shall only become operative and effective upon final approval of the Urban Hamilton Official Plan.
9. For the purposes of this by-law, "final approval" shall mean where no appeals have been launched, or where all appeals have been withdrawn, or where all appeals have been finally disposed of by the Ontario Municipal Board pursuant to an appeal under the *Planning Act* or a Joint Board under the *Consolidated Hearings Act*.
10. Where partial approval of the Urban Hamilton Official Plan Urban Hamilton is given by the Ministry of Municipal Affairs and Housing, those provisions included within that partial approval of the new Official Plan for Urban Hamilton shall become operative and effective and, any previously parallel policies of the Regional and area municipal Official Plans referenced in Schedule 1 shall no longer be in effect.
11. Upon,
 - (a) the resolution of the Ontario Municipal Board appeals, with Board File Numbers PL050408 and PL070386, for those lands that have been identified as deferred in Amendment No. 220 to the Official Plan of the Hamilton Planning Area and any changes thereto as a result of the Ontario Municipal Board decision; and,
 - (b) the final approval of the Urban Hamilton Official Plan or any

partial approval of the Urban Hamilton Official Plan, the Urban Hamilton Official Plan or such parts that have been partially approved, for the lands to which a resolved appeal apply shall become operative and effective and, any previously parallel policies of the Official Plan of the Hamilton Planning Area referenced in Schedule 1 shall no longer be in effect for the said lands.

PASSED AND ENACTED this 9th day of July, 2009.

MAYOR

CLERK

Schedule "1"

Amendment

to the

**Former Region of Hamilton-Wentworth, Towns of Ancaster, Dundas, and
Flamborough, Township of Glanbrook, and Cities of Hamilton and Stoney
Creek Official Plans**

The following text, together with:

Region of Hamilton-Wentworth

- Schedule "A" – (Map 1-Regional Development Pattern);
- Schedule "A-1" - (Appendix Map No. 6 – Transportation)

Town of Ancaster

- Schedule "B" – (Schedule B - Land Use –Urban Area);
- Schedule "B-1" - (Schedule E – Road Networks-Major Roads);

Town of Dundas

- Schedule "C" - (Schedule A-Land Use);
- Schedule "C-1" - (Schedule D – Major Road Network)

Town of Flamborough

- Schedule "D" – (Schedule A-1: Flamborough Business Park Secondary Plan);
- Schedule "D-1" - (Schedule F – Transportation)

Township of Glanbrook

- Schedule "E" – (Schedule A – Land Use Plan);
- Schedule "E-1" - (Schedule E – Road Network Plan)

City of Hamilton

- Schedule "F" - (Schedule A - Land Use Concept);
- Schedule "F-1" - (Schedule B - Special Policy Areas);
- Schedule "F-2" - (Schedule B-1 - Other Special Policy Areas);
- Schedule "F-3" - (Schedule F - Major Roads);
- Schedule "F-4" - (Schedule I - Landfill Constraint Areas);
- Schedule "F-5" - (Schedule K - Local Housing Market Zones);
- Schedule "F-6" - (Schedule O - 1 - West Hamilton Innovation District Secondary Plan – Land Use Plan);
- Schedule "F-7" - (Schedule O - 2 - West Hamilton Innovation District Secondary Plan – Design Elements); and,
- Schedule "F-8" - (Schedule N-1 – Ainslie Wood Westdale Secondary Plan-Land Use Plan)

Schedule "1"

City of Stoney Creek

- Schedule "G" - (Schedule A – General Land Use Plan);
- Schedule "G-1" – (Schedule A3 –Secondary Plan West Mountain Planning District Heritage Green);
- Schedule "G-2" - (Schedule A3-2-Nash Neighbourhood Secondary Plan);
- Schedule "G-3" – (Schedule B- Stoney Creek Open Spaces & Natural Environment System); and,
- Schedule "G 4" - (Schedule D - Functional Road Classification)

attached hereto, constitutes:

1. Official Plan Amendment No. 35 to the former Region of Hamilton-Wentworth Official Plan
2. Official Plan Amendment No. 128 to the former Town of Ancaster Official Plan;
3. Official Plan Amendment No. 18 to the former Town of Dundas Official Plan;
4. Official Plan Amendment No. 118 to the former Town of Flamborough Official Plan;
5. Official Plan Amendment No. 75 to the former Township of Glanbrook Official Plan;
6. Official Plan Amendment No. 220 to the former City of Hamilton Official Plan; and,
7. Official Plan Amendment No. 149 to the former City of Stoney Creek Official Plan.

1.0 Purpose:

The purpose of the Amendments is to delete and replace the existing policies and land use designations applicable to the Urban Area. Once this Amendment is adopted and provincial approval is received, the former Official Plans will no longer apply to the Urban Area. If the Urban Plan is appealed, the former official plans will continue to be in effect until such time as decisions on the appeals have been made.

2.0 Location:

The lands subject to this Amendment include the former Region of Hamilton-Wentworth, Towns of Ancaster, Flamborough and Dundas, the Township of Glanbrook and the Cities of Hamilton and Stoney Creek.

3.0 Basis:

The basis for permitting these Amendments is as follows:

1. The City is adopting a new Urban Hamilton Official Plan for lands within the urban area.
2. The Official Plan policies and schedules relating to the urban area will be removed from the Official Plans from the former Region of Hamilton-

Schedule "1"

Wentworth, Towns of Ancaster, Dundas, and Flamborough, the former Township of Glanbrook, and the former City of Stoney Creek Official Plans, with the exception of policies and schedules of lands in the West Harbour Secondary Plan area (former City of Hamilton) and a site specific areas in the West Hamilton Innovation District, which is under an appeal to the OMB.

4.0 Actual Changes:

The policies in the existing Official Plans will not be renumbered unless otherwise identified in the Tables included as part of this Amendment.

4.1 Region of Hamilton-Wentworth

4.1.1 That the following Sections, Subsections, Policies, Clauses or References, as identified in Table 1 be deleted in their entirety, except as otherwise identified below.

Table 1: Deleted Policies with Exceptions

Item	Section/Subsection/Policy/Clause/Reference to the Region OP	Title of Section/Subsection
1	Part A, Sections A.1 to A.5	Towards a Sustainable Region: Introduction (entire)
2	Part B, except Section 9	Quality of Life, except Historical Resources
3	Part C, except C.1, C.1.1 to C.1.2.3	Introduction and Natural Setting Preamble Resource Protection, except Environmentally Significant Areas
4	Part C, Section 2, except C.2.3.4	Resource Utilization, Soils and Human Habitat Preamble
5	Part C, Section 3.1, except C.3.1.2-preamble, C.3.1.2.1 to C.3.1.2.7, C.3.1.3.1, C.3.1.3.2, C.3.1.3.7, C.3.1.4	Regional Development Pattern - Urban Areas except Urban Boundary Area, C.3.1.3. Business Parks and C.3.1.4 Airport Business Park
6	Part C Sections 4.1, 4.2 and 4.3 except C.4.2.2.10, C.4.3.1, C.4.3.5.3 to C.4.3.5.5	Infrastructure – Transportation Systems Plan and Water and Sewer Plan, Utilities and Integrated Transportation Systems

Schedule "1"

Item	Section/Subsection/Policy/ Clause/Reference to the Region OP	Title of Section/Subsection
7	Sections D.1 to D.3	Regional Responsibility, Public Participation and Notification and Plan Review
8	Section D. 4, except Sections 4.1 to 4.4 and 4.6	Plan Interpretation, Amendments and Boundaries
9	Part D, Sections 5,6A, 7 and 7A (as it applies to lands within the urban area only), except D.6	Conformity of Area Municipal Official Plans, Community Improvement, Development Approvals, Complete Application Requirements and Formal Consultation Except Secondary/Neighbourhood Plans
10	Section D.8, except D.8.5.1	Land Severance
11	Sections 9 and 10	Watershed/Subwatershed Planning and Fiscal Responsibilities
12	Part D, Section 11 except for adjacent, environmentally significant areas, hazardous waste, hazardous waste management facility, historical resources, provincially significant wetlands, regional natural heritage system, restoration, thermal treatment, waste, waste disposal facility, waste management facility, waste processing facility, waste transfer facility, wetlands functions, wetlands, woodlands	Definitions: conservation, conservation authorities, fish habitat, hazard lands, land severance, land use changes, other information and materials, policies, private land stewardship, provincial ministries, sustainable development, urban transit area, all Appendices

4.1.2 That the following Sections, Subsections, Policies, Clauses or references, be amended as identified in Table 1-1

Table 1-1 Amended Policies

Item	Section/Subsection/Policy/ Clause/Reference to the Region OP	Changes
1	Section B.9 – Historical Resources	<ul style="list-style-type: none"> • Add a new policy as B.9.8 as follows: "Section B.9 only applies to lands outside the urban boundary."
2	Section C.4.3 – Integrated Transportation System	<ul style="list-style-type: none"> • Delete paragraphs 1 and 2 from the preamble • Add a new policy as C.4.3.1.20 as follows: "Section C.4.3.1 only applies to lands outside the urban boundary."

Schedule "1"

4.1.3 The policies that have been identified in Table 1-2 shall remain in effect until such time as the OMB has issued a decision with respect to the corresponding appeals to the Urban Hamilton Official Plan (UHOP) or until the corresponding appeals have been otherwise resolved.

Table 1-2

Item	Section/Subsection/Policy /Clause/Reference of Existing Region OP	Corresponding UHOP Appeal
1	Part C, Land Use Strategy opening paragraph (preamble), Natural Setting-Preamble, C.1 Resource Protection, Policies C.1.1 to C.1.2.3	C.2.0 (Natural Heritage System)-Paletta 305 Stone Church Road West - Diconzo 313 Stone Church Road East -Diconzo Appendix A, Appendix C, Map 1
2	Policy C.3.1.4.6 to .3.1.4.10	B.2.3
3	Policies C.3.1.2 (preamble), C.3.1.2.1 to C.3.1.2.7, C.3.1.2.9,	B.2.1, B.2.2., B.2.2.1a) Map 1 Development Pattern – Urban Boundary and Business Park designation
4	Policy C.3.1.2.3 Subsection D.6.1	F.1.1.3
5	Policies C.3.1.3.1, C.3.1.3.2, C.3.1.3.7, Subsection C.3.1.4	E.5.2.6 E.5.3.4 E.5.4.6 Map 1 Development Pattern – Business Park Designations 0 Rymal Road 90 Glover Road 212 Glover Road
6	Policy C.3.1.4.8	F.1.1.8
7	Subsection C.6.1	F.1.1.11
8	Policies C.4.3.5.3 and 4.3.5.5	C.4.8.6 C.4.8.8
9	Policy D.8.5.1	F.1.14.3.6

4.2 Town of Ancaster

4.2.1 That the following Sections, Subsections, Policies, Clauses or References, as identified in Table 2 be deleted in their entirety, except as otherwise identified below.

Table 2: Deleted Policies with Exceptions

Item	Section/Subsection/Policy/ Clause/Reference	Title of Section/Subsection
1	Section 1	Introduction
2	Sections 2, except Section 2.5	General Goals and Objectives, except Heritage Conservation

Schedule "1"

3	Section 2.5, as it applies to lands within urban area only	
4	Section 3.1 except 3.1.4	Municipal Growth
5	Section 3.2 as it applies to lands within urban area only	Transportation
6	Section 3.2.3	Public Transit
7	Section 3.2.6	General Transportation Policies
8	Section 3.3	Servicing and Utilities
9	Section 4.3, except Sections 4.3.3 to 4.3.6	Open Space and Parks, except parkland dedication policies
10	Section 4.4 except 4.4.10 i)	Residential
11	Section 4.5	Commercial
12	Section 4.6, except 4.6.1 to 4.6.3	Industrial
13	Section 4.7	Institutional
14	Section 5.1	Hazard Lands
15	Section 5.3	Niagara Escarpment
16	Section 5.4	Heritage Village Core
17	Section 5.5, except 5.5.6, 5.5.8	Duff's Corners
18	Section 5.6	Mohawk and Meadowlands Communities
19	Section 5.7	Other Specific Policy Areas
20	Section 5.10	Specific Policy Area #32
21	Section 5.11	Specific Policy Area #38
22	Section 5.12	Specific Policy Area #57
23	Section 6	Secondary Plans
24	Section 7, except 7.1	Implementation

4.2.2 That the following Sections, Subsections, Policies, Clauses or References, be amended as identified in Table 4 2-1

Table 2-1- Amended Policies

Item	Section/Subsection/Policy /Clause/Reference to Ancaster OP	Changes
1	Section 3.2 - Transportation	<ul style="list-style-type: none"> Add a new sentence to the end of paragraph 1 as follows: "The following policies shall apply to the lands outside the urban boundary."

Schedule "1"

4.2.3 The policies that have been identified in Table 2-2 to 2-3 shall remain in effect until such time as the OMB has issued a decision with respect to the corresponding appeals to the Urban Hamilton Official Plan (UHOP) or until the corresponding appeals have been otherwise resolved.

Table 2-2

Item	Section/Subsection/Policy/ Clause/Reference to Ancaster OP	Corresponding UHOP Appeal Volume 1
1	Policy 3.1.4 Policy 4.4.10 i)	B.2.4.1. 4 a) B.2.4.2.2 g) E.3.1.4 E.3.2.4
2	Policy 4.6.1	E.5.2.6 E.5.3.4 E.5.6.2 Schedule B – Land Use Urban Area
3	Policy 5.5.6	E.5.2.6 E.5.3.4 E.5.4.6 Schedule B – Land Use Urban Area
4	Policy 5.5.8	E.5.2.6 E.5.3.4 E.5.4.6 Schedule B – Land Use Urban Area
5	Policy 7.1	F.1.1.3

Table 2-3

Item	Section/Subsection/Policy/ Clause/Reference to Ancaster OP	Corresponding UHOP Appeal Volume 3, Chapter C
1	Policy 5.5.6	UCW -1B

4.2.4 That the applicable former Town of Ancaster Official Plan policies and schedules referenced as part of the Ancaster Wilson Street Secondary Plan shall remain in effect until such time as an amendment to the UHOP Volume 2 to include the Ancaster Wilson Street Secondary Plan has been approved and is final and binding.

4.3 Town of Dundas

4.3.1 That the following Sections, Subsections, Policies, Clauses or References, as identified in Table 3 be deleted in their entirety, except as otherwise identified below.

Schedule "1"

Table 3: Deleted Policies with Exceptions

Item	Section/Subsection/Policy/ Clause/Reference to Dundas OP	Title of Section/Subsection
1	Section 1, except Sections 1.5.5, 1.6.2 bullet 6, 1.7.3, 1.7.8 and 1.7.9	General Principles except, Heritage Resources, Guiding Principles and Residential Intensification
2	Section 2, except Sections 2.4 as it applies to lands within urban area only, 2.5.2.2, 2.5.2.3, 2.5.2.4, 2.5.3.2, 2.5.4.2, 2.5.5.1, 2.5.5.2 c) ii)	Strategic Policies, except Historic and Architectural Resources and Urban Design
3	Section 3 except Policies 3.1.1, 3.1.2.2, 3.1.3.5 c), 3.2.3.2 to 3.2.3.4, 3.2.3.7, 3.2.4.1, 3.4.3.7, 3.9.4.1 to 3.9.4.4	Land Use Policies
4	Section 4.1	Servicing Strategy, Environmental Services
5	Section 4.2 – Transportation System as it applies to lands within urban area only	Transportation
6	Section 5, except 5.13.7, 5.5.9, 5.17	Implementation and Administration
7	Appendix A	Definitions

4.3.2 That the following Sections, Subsections, Policies, Clauses or References, be amended as identified in Table 3-1.

Table 3-1: Amended Policies

Item	Section/Subsection/Policy/ Clause/Reference to the Region OP	Changes
1	Section 2.4 - Historic and Architectural Resources	<ul style="list-style-type: none"> • Add a new policy as 2.4.3.11 as follows: "Section 2.4 only applies to lands outside the urban boundary." • Add a new policy as 2.4.3.12 as follows: "Only Section 2.4.3.5 applies to lands both inside and outside the urban boundary."
2	Section 4.2 – Transportation System	<ul style="list-style-type: none"> • Delete last sentence of 4.2.3.3 b) – policy related to King Street West • Add a new policy as 4.2.7 as follows: "Section 4.2 only applies to lands outside the urban boundary."

4.3.3 The policies that have been identified in Tables 3-2 to 3-3 shall remain in effect until such time as the OMB has issued a decision with respect to the corresponding appeals to the Urban Hamilton Official Plan (UHOP) or until the corresponding appeals have been otherwise resolved.

Schedule "1"

Table 3-2

Item	Section/Subsection/Policy/ Clause/Reference	Corresponding UHOP Appeal Volume 1
1	Policy 1.6.2	E.3.1.4 E.3.2.4
2	Policy 1.6.2 – bullet 6 Policy 1.7.3 Policy 1.7.8 Policy 1.7.9 Policy 2.4.3.5 Policy 2.5.2.2 Policy 2.5.3.2 Policy 2.5.5.1 Policy 2.5.5.2 c) ii) Policy 3.1.1 Policy 3.1.2.2 Policy 3.1.3.5 c) Policy 3.4.3.7	B.2.4.1.4a)
3	Policy 1.5.5 Policy 1.7.9 Policy 2.5.2.4 Policy 2.5.4.2	B.2.4.2.2.g)
4	Policy 2.5.2.3	B.2.4.3.2 B.3.4.3.6
5	Policy 3.2.3.2 to 3.2.3.4 Policy 3.2.3.7	E.5.2.6 E.5.3.4 E.5.4.6
6	Policy 5.17	F.1.1.3
7	Policy 5.5.9	F.1.14.3.6
8	Policy 5.13.7	F.1.14.1.5 F.1.14.1.7

Table 3-3

Item	Section/Subsection/Policy/ Clause/Reference	Corresponding UHOP Appeal Volume 3, Chapter C
1	Policy 3.2.4.1	UCW -1 C

4.3.4 Notwithstanding Sections 4.3.1 and 4.3.2, the applicable former Town of Dundas Official Plan policies and schedules shall continue to apply to the lands municipally known as No. 56 Governors Road, until such time as the OMB has issued a decision with respect to the corresponding appeals to the Urban Hamilton Official Plan (UHOP) or until the corresponding appeals have been otherwise resolved.

Schedule "1"

4.4 Town of Flamborough

4.4.1 That the following Sections, Subsections, Policies, Clauses or References, as identified in Table 4 be deleted in their entirety, except as otherwise identified below.

Table 4: Deleted Policies with Exceptions

Item	Section/Subsection/Policy/ Clause/Reference to Flamborough OP	Title of Section/Subsection
1	Preamble and Part One	Preamble and Introduction
2	Part Two – Section A except A.6.2.1.1 to A.6.2.1.5, A.6.2.2.1 to A.6.2.2.3, A.6.2.2.6, A.6.2.4.1	The Urban Area
3	Part Two – Section C, except C.4	Provincial Plans and Resource Management except Hazard Lands
4	Part Two- Section D preamble and D.1 to D.4 and D.6	Servicing Programme
5	Part Two – Section D.5 as it applies to lands within urban area only	
6	Part Two – Sections E, except E.2 (as it applies to lands within urban area only), E.3.1.1 (xii), E.3.2.1, E.3.2.2 i), ii), iv) and v), E.3.2.3 i) ii) iii), E.3.2.4 i), ii) (a), (b), (d) (e)	Community Design Guidelines, except Heritage Preservation and Intensification
7	Part Two – Section F, except F.2, F.3	Implementation except The Regional Official Plan and Official Plan Amendments and Reviews

4.4.2 That the following sections, subsections, Policies, Clauses or references, be amended as identified in Table 4-1.

Table 4-1: Amended Policies

Item	Section/Subsection/Policy/ Clause/Reference to Flamborough	Changes
1	C.4 – Hazard Lands	<ul style="list-style-type: none"> Delete Schedule 'A'
2	C.4.1	<ul style="list-style-type: none"> Delete Schedule 'A'
3	C.4.4	<ul style="list-style-type: none"> Delete Schedule 'A'
4	D.5 Transportation	<ul style="list-style-type: none"> Add a new policy as D.5.10 as follows: "Section D.5 only applies to lands outside the urban boundary."
5	Section E.2 - Heritage Preservation	<ul style="list-style-type: none"> Add a new policy as E.2.7 as follows: "Section E.2 only applies to lands outside the urban boundary." Add a new policy as 2.8 as follows: "Only Section 2.3.4 ii) e) applies to lands both inside and outside the urban boundary."

Schedule "1"

4.1.3 The policies that have been identified in Table 4-3 and 4-4 shall remain in effect until such time as the OMB has issued a decision with respect to the corresponding appeals to the Urban Hamilton Official Plan (UHOP) or until the corresponding appeals have been otherwise resolved.

Table 4-3

Item	Section/Subsection/Policy/Clause/Reference to Flamorough OP	Corresponding UHOP Appeal Volume 1
1	Policy E.3.1.1.(xii) Policy E.3.2.1 Policy E.3.2.2. i) Policy E.3.2.2.ii) Policy E.3.2.2. iv) Policy E.3.2.3.i) Policy E.3.2.3.ii) Policy E.3.2.4.i) Policy E.3.2.4ii) (a), (b), (d), (e)	B.2.4.1. 4 a) B.2.4.2.2 g)
2	Policy E.3.2.2.v) Policy E.3.2.3.iii) Policy E.3.4.2.ii) (e)	B.2.4.3.2
3	Policy A.6.2.1.1 to A.6.2.1.5, A.6.2.4.1	E.5.2.6 E.5.3.4 E.5.4.6
4	Subsection F.2 Subsection F.3	F.1.1.3

Table 4-4

Item	Section/Subsection/Policy/Clause/Reference to Flamorough OP	Corresponding UHOP Appeal Volume 3, Chapter B
1	A.6.2.2.1 to A.6.2.2.3, and A.6.2.2.6	UF-1 (Areas A and C)

4.5 Township of Glanbrook

4.5.1 That the following Sections, Subsections, Policies, Clauses or References, as identified in Table 5 be deleted in their entirety, except as otherwise identified below.

Table 5 – Deleted Policies with Exceptions

Item	Section/Subsection/Policy/Clause/Reference of Glanbrook	Title of Section/Subsection
------	---	-----------------------------

Schedule "1"

1	Part 1	Introduction
2	Part 2, Sections A, A.1 to A.7	General Goals and Objectives
3	Part 2, Section A.9	General Goals and Objectives, Municipal Services and Utilities
4	Part 2, Section A.11	General Goals and Objectives, Energy Conservation
5	Part 2, Section B.2 except B.2.1.19 c), B.2.3.12, B.2.5.1, B.2.5.2 and B.2.6.15 and B.3	Land Use Policies, The Urban Area
6	Section C.1, as it applies to lands within urban area only	Hazard Lands
7	Part 2, Section C.2	Environmentally Significant Areas
8	Part 2, Section D.1	Land Severance General Policies
9	Part 2, Section D.3	Land Severance - Urban Area Policies
10	Part 2, Section E.1, E.2 and E.4, as it applies to lands within urban area only	Transportation Policies – Introduction, Road Transportation, and Non-motorized Movement
11	Part 2, Section E.3 and E.5	Transportation Policies - Public Transit and Railways
12	Section F.1, F.2 and F.3	Municipal Servicing and Utilities, Storm Drainage and Utilities and Pipelines
13	Section G, except G.3, G.4.4	Implementation
14	Sections H.1 to H.4.3	Interpretation
15	Section H.5	Definitions

4.5.2 That the following Sections, Subsections, Policies, Clauses or References, be amended as identified in Table 5-1

Table 5-1: Amended Policies

Item	Section/Subsection/Policy/ Clause/Reference of Glanbrook	Changes
1	Section C.1 – Hazard Lands – all policies	<ul style="list-style-type: none"> Delete all references to Schedule "D" – Environmental Plan
2	Section C.1 – Hazard Lands	<ul style="list-style-type: none"> Add a new policy as C.1.11 as follows: "Section C.1 only applies to lands outside the urban boundary."
3	Section E.1 – Transportation policies- Introduction	<ul style="list-style-type: none"> Delete the 2nd sentence in the 2nd paragraph Delete Paragraphs 3 and 4"
4	Section E.2 – Road Transportation	<ul style="list-style-type: none"> Amend Section E.2 by adding the following sentence at the end of the last sentence, "The policies of Section E.2 shall only apply to the lands outside the urban area."
5	Section E.1 – Transportation Policies	<ul style="list-style-type: none"> Add a new policy as E.1.1 as follows: "Sections E.1 and E.2 only applies to lands outside the urban boundary."

Schedule "1"

4.5.3 The policies that have been identified in Tables 5-2 and 5-3 shall remain in effect until such time as the OMB has issued a decision with respect to the corresponding appeals to the Urban Hamilton Official Plan (UHOP) or until the corresponding appeals have been otherwise resolved.

Table 5-2

Item	Section/Subsection/Policy/Clause/Reference of Glanbrook OP	Corresponding UHOP Appeal Volume 1
1	Policy B.2.1.19 c)	B.2.4.1. 4a) B.2.4.2.2.g)
2	Policy B.2.1.19 c)	E.3.1.4 E.3.2.4
3	Policy B.2.5.1 Policy B.2.5.2	E.5.2.6 212 Glover Road(PIN 17084-0059)
4	Policy B.2.3.12	E.4.8 - 212 Glover Road(PIN 17084-0059)
5	Subsection G3.3 Subsection G.4.4 Section H.4	F.1.1.3

Table 5-3

Item	Section/Subsection/Policy/Clause/Reference of Glanbrook OP	Corresponding UHOP Appeal Volume 3, Chapter C
1	Subsection B.2.6.15 Schedule A – Land Use Plan Special Policy Area 1	UGE-1

4.5.4 Notwithstanding Sections 4.5.1 and 4.5.2, for the property located at No. 345 Glancaster Road, policies and schedules shall remain in effect until such time as a final and binding decision is issued by the Ministry of Municipal Affairs and Housing or, in the event of an appeal of the Ministry's decision, by the Ontario Municipal Board.

4.5.5 Notwithstanding Sections 4.5.1 and 4.5.2, the applicable former Town of Glanbrook Official Plan policies and schedules shall continue to apply to the lands municipally known as No. 2012 Upper James Road, until such time as the OMB has issued a decision with respect to the corresponding appeals to the Urban Hamilton Official Plan (UHOP) or until the corresponding appeals have been otherwise resolved.

Schedule "1"

4.6 City of Hamilton

4.6.1 That the following Sections, Subsections, Policies, Clauses or References, as identified in Table 6 be deleted in their entirety, except as otherwise identified below.

Table 6: Deleted Policies with Exceptions

Item	Section/Subsection/Policy/Clause/Reference of Hamilton OP	Title of Section/Subsection
1	Part 1	Introduction
2	Section A.1	Anticipated Growth
3	Section A.2	Land Use Concept
4	Section A.2.1, except A.2.1.3 c), A.2.1.13 and A.2.1.14	Residential
5	Section A.2.2, except A.2.2.25 to A.2.2.28 and A.2.2.34 to A.2.2.40	Commercial
6	Section A.2.3 except Preamble, A.2.3.1 to A.2.3.3, A.2.3.6, A.2.3.8 to A.2.3.11, A.2.3.13 A.2.3.23 to 39	Industrial Business Park
7	Section A.2.4 – A.2.8 and A.2.11	Open space, Open Water, Major Institutional, Utility Uses, Central Policy Area, Shipping and Navigation Uses
8	Section A.2.9, except A.2.9.3.87 to A.2.9.3.91	Special Policy Areas
9	Section A.3.1	Hazard Lands
10	Section A.3.2 – A.3.5	Environmentally Significant Areas, Non-Complying Uses, Division of Land, Landfill Constraint Areas
11	Section A.5	General Land Use Provisions
12	Section A.6	Secondary Plans
13	Section A.6.1	Chedmac Planning Area
14	Section A.6.2	Downtown Hamilton (see Downtown Hamilton Secondary Plan Document)
15	Section A.6.4, except A.6.4 Goals and Objective 9, A.6.4.6	Ainslie Wood Westdale Secondary Plan
16	A.6.5, except A.6.5.3.1 to A.6.5.3.3, A.6.5.3.5, A.6.5.2.1., A.6.5.5.2.2 to A.6.5.5.3, A.6.5.4, to A.6.5.6 to A.6.5.9	West Hamilton Innovation District
17	Section B.1	Development and Servicing Extensions
18	Section B.2	Engineering Services
19	Section B.3, except B.3.1.2, B.3.1.19 and B.3.7.2	Circulation and Movement System
20	Section C.1 – C.6	Community Services, Safety and Convenience, Tree Planting and Landscaping, Pollution, Property Maintenance and Municipal Housekeeping, Historic

Schedule "1"

		and Architectural Resources
21	Section C.7, except sections C.7.2, C.7.3 iii) and v),	Residential Environment and Housing Policy
22	Section C.8	Energy
23	Section C.9, except sections C.9.1 and C.9.2	Noise and Vibration
24	Section D, except sections D.1 and D.6	Implementation

4.6.2 The policies that have been identified in Table 6-1 to 6-3 shall remain in effect until such time as the OMB has issued a decision with respect to the corresponding appeals to the Urban Hamilton Official Plan (UHOP) or until the corresponding appeals have been otherwise resolved.

Table 6-1

Item	Section/Subsection/Policy/Clause/Reference of Hamilton OP	Corresponding UHOP Appeal Volume 1
1	A.2.1.3 c)	2782 Barton street East E.3.0
2	A.2.1.13	B.2.4.1.4 a) B.2.4.2.2 g)
3	A.2.1.14	B.2.4.1.4 a) B.2.4.2.2 g)
4	A.2.2.25 to A.2.2.28	2782 Barton street East
5	A.2.2.34 to A.2.2.40	2782 Barton street East
6	C.7.2	B.2.4.1.4 a) B.2.4.2.2 g)
7	C.7.3 iii)	B.2.4.1.4 a) B.2.4.2.2 g)
8	C.7.3 v)	B.2.4.1.4 a) B.2.4.2.2 g)
9	B.3.7.2	C.4.8.6
10	C.9.1	C.4.8.6
11	C.9.2	C.4.8.6
12	A.2.3.1 to A.2.3.3	E.5.2.6 E.5.3.4 E.5.4.6 0 Rymal Road (PIN 17084-0029) 90 Glover Road (PIN 17084-0030) 330 Nash Road North (PIN 17295-0008) Lands located at 17, 20, 22, 26, 28, 45, 58 and 60 Ewen Road, 5 Ofield Road and 20 Rifle Range Road
13	A.2.3.6	E.5.2.6 E.5.3.4

Schedule "1"

		E.5.4.6
14	Preamble A.2.3.8 to A.2.3.11, A.2.3.13, A.2.3.23 to 39	E.5.2.6 E.5.3.4 E.5.4.6 Lands located at 17, 20 ,22, 26, 28, 45, 58 and 60 Ewen Road, 5 Ofield Road and 20 Rifle Range Road
15	D.1 D.6	F.1.1.3

Table 6-2

Item	Section/Subsection/Policy/ Clause/Reference of Hamilton OP	Corresponding UHOP Appeal Volume 2
1	A.6.4 Goals	B.6.2.3
2	A.6.4 Objective 9	B.6.2.4(i)
3	A.6.4.6 Schedule "N-1" – Ainslie wood Westdale Secondary Plan Land Use, specifically the lands located at 17, 20 ,22, 26, 28, 45, 58 and 60 Ewen Road, 5 Ofield Road and 20 Rifle Range Road (referred to as the "AWW Lands" on attached Schedules)	B.6.2.8. B.6.2.-1, specifically the lands located at 17, 20 , 22, 26, 28, 45, 58 and 60 Ewen Road, 5 Ofield Road and 20 Rifle Range Road (referred to as the "AWW Lands" on attached Schedules)

Table 6-3

Item	Section/Subsection/Policy/ Clause/Reference	Corresponding UHOP Appeal Volume 3, Chapter C
1	Policy A.2.9.3.88 Policy A.2.9.3.89 Policy A.2.9.3.91	UCW -1A
2	Policy A.2.9.3.87	UCW -1B
3	Policy A.2.9.3.90	UCW-1C

- 4.6.4 Notwithstanding Sections 4.6.1 and 4.6.2, the applicable former City of Hamilton policies and schedules shall continue to apply to the lands municipally known as No 353 James Street North, until such time as the OMB has issued a decision with respect to the corresponding appeals to the Urban Hamilton Official Plan (UHOP) or until the corresponding appeals have been otherwise resolved..
- 4.6.5 Notwithstanding Sections 4.6.1 and 4.6.2, the West Harbour Setting Sail Secondary Plan and Policies B.3.1.2 and B.3.1.19 shall remain in effect until such time as a final and binding decision is issued by the

Schedule "1"

Ministry of Municipal Affairs and Housing or, in the event of an appeal of the Ministry's decision, by the Ontario Municipal Board on Schedules "E" and "E-1", the West Harbour Secondary Plan and Maps 6.5-1 to 6.5-6 inclusive.

- 4.6.6 Notwithstanding Sections 4.6.1 and 4.6.2, for the property located at No. 606 Aberdeen Avenue Policies, A.6.5.3.1 to A.6.5.3.3, A.6.5.3.5, A6.5.2.1., A. 6.5.5.2.2 to A.6.5.5.3, A6.5.4, to A.6.5.6 to A.6.5.9 and Schedules "O-1" and "O-2" of the West Hamilton Innovation Secondary Plan shall remain in effect until such time as a final and binding decision is issued by the Ministry of Municipal Affairs and Housing or, in the event of an appeal of the Ministry's decision, by the Ontario Municipal Board.

4.7 City of Stoney Creek

- 4.7.1 That the following Sections, Subsections, Policies, Clauses or References, as identified in Table 7 be deleted in their entirety, except as otherwise identified below.

Table 7: Deleted Policies with Exceptions

Item	Section/Subsection/Policy/ Clause/Reference of Stoney Creek OP	Title of Section/Subsection
1	Part 1	Introduction
2	Part 2, Section A	Preamble
3	Part 2, Section A.1: - Except policies A.1.2.9, A.1.2.17 b) - Except as it applies to lands located 512 Highland Road West and 198 First Road West - Except Policy A.13.3.14 and 3.3.14.1 as they apply to the lands at Highland Road and Mud Street on the West side of Upper Centennial	Residential
4	Section A.3, except A.3.1, A.3.2, A.3.3.1, A.3.3.2.1 to A.3.3.2.4, A.3.3.3	Commercial
5	Section A.4, except A.4.2.1.3, A.4.2.23 and A.4.2.24	Industrial Business Park
6	Section A.5	Institutional
7	Section A.6	Winona Urban Community
8	Section A.7, except A.7.1, A.7.2	Open Space and Parks
9	Section A.8	Escarpment Natural Area
10	Section A.10	Rural Lakeshore
11	Section A.12	Special Policy Areas
12	Section A.13, except A.13.3	Secondary Plans
13	Section B.1, except B.1.1 and B.1.2.1 b)	Open Space and Natural Areas
14	Section B.2, as it applies to lands within	

Schedule "1"

	urban area only	
15	Section B.3	Lakeshore Protection
16	Section B.5	Forests and woodlots
17	Section B.7	Niagara Escarpment Plan
18	Section C.1	General Provisions
19	Section C.2	Urban Policy Areas
20	Section D.1	Engineering Service
21	Section D.2	Utility Services
22	Section D.3.2 as it applies to lands within urban area only	Transportation System
23	Section E- except Section E.5	The Living Environment, except Historic and Architectural Resources
24	Section E.5, as it applies to lands within urban area only	
25	Section F, except F.3.4, F.11.1, F.11.2, F.12.2	Implementation

4.7.2 That the following Sections, Subsections, Policies, Clauses or References, be amended as identified in Table 7-1.

Table 7-1: Amended Policies

Item	Section/Subsection/Policy/ Clause/Reference of Stoney Creek OP	Changes
1	Section B.2	<ul style="list-style-type: none"> Delete all references to "Schedule "G" - Hazard Lands Add new policy Add a new policy as B.2.10: "Section B.2 only applies to lands outside the urban boundary
2	D.3 – Transportation System	<ul style="list-style-type: none"> Delete Policies D.3.1.2.16 and D.3.1.2.18 Add a new policy as D.3.1.2.19 as follows: "Section D.3 only applies to lands outside the urban boundary
3	E.5 - Historic and Architectural Resources	<ul style="list-style-type: none"> Add a new policy as E.5.2.5 as follows: "Section E.5 only applies to lands outside the urban boundary

4.7.3 The policies that have been identified in Tables 7-2 to 7-4 shall remain in effect until such time as the OMB has issued a decision with respect to the corresponding appeals to the Urban Hamilton Official Plan (UHOP) or until the corresponding appeals have been otherwise resolved.

Table 7-2

Item	Section/Subsection/Policy/ Clause/Reference of Stoney Creek OP	Corresponding UHOP Appeal Volume 1
1	Policy A.1.2.9 Policy 1.2.17 b)	B.2.4.1.4a) B.2.4.2.2.g)

Schedule "1"

	Policy A.2.2.8	
2	Policy A.4.2.1.3	E.5.2.6 E.5.3.4 E.5.4.6
3	Policy F.3.4 Policy F.11.1 F.11.2 F.12.2	F.1.1.3

Table 7-3

Item	Section/Subsection/Policy/ Clause/Reference of Stoney Creek OP	Corresponding Site Specific UHO Appeal Volume 2 - Policies, Schedules & Maps
1	512 Highland Road West A.1 A.3.1 A.3.3.3 A.7.1 A.7.2 A.13.3 Schedule A-General Land Use Plan and Schedule A-3 – The Heritage Green Neighbourhood	Modification 77f
2	198 First Road West A.1 A.1.2 A.7.2 Schedule A – General Land Use Plan Schedule A-3 – The Heritage Green Neighbourhood	Map B.7.6-1
3	Highland Road and Mud Street, west side of Upper Centennial Parkway A.3.1 A3.2 A.3.3.1 A.13.3.14 and A.13.3.14.1 (and any other policies as identified by the development application) Schedule A – General Land Use Plan Schedule A-3 – The Heritage Green Neighbourhood,	Policies E.4.8.1 to E.4.8.6 Schedule E-1 B.7.6.3.1 B.7.6.3.3 Map B.7.6-1

Schedule "1"

4	272 First Road West A3.3.2.1 to A3.3.2.4 A.13.3.18.5(b) Schedule A General Land Use Schedule A3-2 Nash Neighbourhood Secondary Plan	Modification 87a E.4.7 E.4.8 Schedule E-1 (This modification, the above policies and mapping are related to the Urban Hamilton Official Plan and have been identified through the appeal letter. Additional policies and maps may be related to this appeal, pending clarification from the appellant.)
5	0 Upper Centennial (Lands in Nash Neighbourhood) Schedule A Schedule A3-2 Nash Neighbourhood Secondary Plan	Schedules B, B-6, and E-1
6	860 Barton Street B.1.1, B1.2.1 b) Schedule B – Stoney Creek Open Space & Natural Environment System	C.2.0 Schedule B, B-2 and B-4

Table 7-4

Item	Section/Subsection/Policy/ Clause/Reference	Corresponding UHOP Appeal Volume 3, Chapter C
1	Policies A.4.2.24	UCW -1A
2	Policy A.4.2.23	UCW -1B

- 4.7.4 Notwithstanding Sections 4.7.1 and 4.7.2, for the property located at No. 512 Highland Road West, Schedule "A" Land Use Plan and Schedule "A-3" (Heritage Green Secondary Plan shall remain in effect until such time as a final and binding decision is issued by the Ministry of Municipal Affairs and Housing or, in the event of an appeal of the Ministry's decision, by the Ontario Municipal Board.
- 4.7.5 Notwithstanding Sections 4.7.1 and 4.7.2, for lands located in the West Mountain Area of the former City of Stoney Creek, south of Highland Road West, north of Rymal Road East and west of Second Road West, the applicable former City of Stoney Creek policies and schedules shall remain in effect until such time as a final and binding decision is issued by the Ministry of Municipal Affairs and Housing or, in the event of an appeal of the Ministry's decision, by the Ontario Municipal Board.

Schedule "1"

5.0 Schedule Changes

5.1 Region of Hamilton-Wentworth

- 5.1.1 That the following Maps be deleted in their entirety:
- Maps 3a and 3b – Niagara Escarpment Plan Areas
- 5.1.2 That the following Appendices be deleted in their entirety:
- Appendix Map No. 2 – Bicycle Network Master Plan
- 5.1.3 That Map 1 – Regional Development Pattern be amended by deleting the entire map except for certain lands within the Business Park designation and, a portion of the urban boundary not under appeal, as shown on Schedule "A" to this Amendment
- 5.1.4 That Appendix Map No. 6 - Transportation be amended by deleting the lands in the urban area, as shown on Schedule "A-1" to this Amendment.

5.2 Town of Ancaster

- 5.2.1 That the following Schedules be deleted in their entirety:
- Schedule C - Hazard lands;
 - Schedule F - Specific Policy Areas;
 - Schedule G - Niagara Escarpment Plan Area;
 - Map 1 – Meadowbrook West Neighbourhood Secondary Plan;
 - Map 1 – Shaver Neighbourhood Land Use;
 - Map 2 – Shaver Neighbourhood – Areas Subject to Further Environmental Study;
 - Map 1 – Garner Neighbourhood Land Use;
 - Map 2 – Garner Neighbourhood – Areas Subject to Further Environmental Study;
 - Map 1 – Meadowlands Mixed Use Secondary Plan;
 - Map 1 – Meadowlands Neighbourhood III Land Uses;
 - Map 2 – Meadowlands Neighbourhood III Special Policy Areas;
 - Map 1 – Meadowlands Neighbourhood IV Land Use;
 - Map 2 – Meadowlands Neighbourhood IV - Special Policy Areas;
 - Map 1 – Meadowlands Neighbourhood V Land Use & Transportation;
 - and,
 - Map 2 – Meadowlands Neighbourhood V - Special Policy Areas.
- 5.2.2 That Schedule "B" – Land Use Urban Area be deleted its entirety, except for certain lands designated Industrial, as shown on Schedule B to this Amendment.

Schedule "1"

5.2.3 That Schedule E – Road Networks-Major Roads be amended by deleting the lands within the urban area, as shown on Schedule "B - 1" to this Amendment.

5.3 Town of Dundas

5.3.1 That the following Schedules be deleted in their entirety:

- Schedule B-1 - Exceptions;
- Schedule B-2 - Pedestrian Trails; and,
- Schedule B-3 – Special Policy Areas.

5.3.2 That Schedule "B" – Land Use be deleted its entirety, except for the lands designated Industrial as shown on Schedule B to this Amendment.

5.3.3 That Schedule D – Major Road Network be amended by deleting the lands within the urban area; as shown on Schedule "C-1" to this Amendment.

5.4 Town of Flamborough

5.4.1 That the following Schedules be deleted in their entirety:

- Schedule A: Waterdown Urban Area - Land Use Plan;
- Schedule A-2: West Waterdown Secondary Plan;
- Schedule A-3: North Waterdown Secondary Plan;
- Schedule A-4: Waterdown North Transportation Plan;
- Schedule C – Provincial Plans and Policy Areas be deleted in its entirety, except for Area 1, as shown on Schedule "D-1" to this Amendment;
- Schedule E: Hazard lands;
- Schedule G – Waterdown Urban Area – Staging of Development; and,
- Schedule G-1: Flamborough Business Park Secondary Plan – Staging.

5.4.2 That Schedule "A-1" – Flamborough Business Park Secondary Plan be deleted its entirety, except for the lands designated Prestige industrial-Business, General Industrial-Business, Prestige Industrial-Commercial, as shown on Schedule "D" to this Amendment.

5.4.3 That Schedule F – Transportation be amended by deleting the lands within the urban area, as shown on Schedule "D-2" to this Amendment.

5.4.4 That all Appendices be deleted in their entirety.

Schedule "1"

5.5 Township of Glanbrook

5.5.1 That the following Schedules be deleted in their entirety:

- Schedule B - Binbrook Village Land Use Plan;
- Schedule C - Mount Hope Urban Settlement Area Land Use Plan;
- Schedule D - Environmental Plan
- Schedule F - Special Housing Areas
- Schedule H - Binbrook Village Development Phasing Plan;
- Schedule I - Rymal Road Secondary Plan Land Use Plan;

5.5.2 That Schedule "A" – Land Use Plan be deleted its entirety, except for:

- i) lands designated Airport Industrial -Business Park and North Glanbrook Industrial – Business Park; and,
- ii) Special Policy Area 1; and,
- iii) Lands designated General Commercial for a portion of 212 Glover Road

as shown on Schedule "E" to this Amendment.

5.5.3 That Schedule E – Road Network Plan be amended by deleting the lands within the urban area as shown on Schedule "E-1" to this Amendment.

5.6 City of Hamilton

5.6.1 That the following Schedules be deleted in their entirety:

- Schedule C – Hazard lands;
- Schedule E – Staging of Development
- Schedule G – Planning Units;
- Schedule J-1 – Chedmac Planning area;
- Schedules L-1 to L-9 - Downtown Secondary Plan; and,
- Schedule N-2 - Ainslie Wood Westdale Secondary Plan - Cultural Heritage Landscapes.

5.6.2 That Schedule A-Land Use Concept be deleted in its entirety, except for:

- Area 1, lands comprising the West Harbour Secondary Plan Area;
- Area 2, lands within the West Hamilton Innovation District Secondary Plan area
- Certain lands designated as Industrial; and,
- the lands located at 17, 20 , 22, 26, 28, 45, 58 and 60 Ewen Road, 5 Ofield Road and 20 Rifle Range Road (referred to as the "AWW Lands"); and,

Schedule "1"

- 2782 Barton Street East

as shown on the attached Schedule F to this Amendment.

5.6.3 That the following Schedules be deleted in their entirety, except for Area 1, lands comprising the West Harbour Secondary Plan Area; and Area 2, lands within the West Hamilton Innovation District Secondary Plan area:

- Schedule F - Major Roads as shown on Schedule "F-3" to this Amendment;
- Schedule I - Landfill Constraint Areas as shown on Schedule "F-4" to this Amendment;
- Schedule K - Local Housing Market Zones as shown on Schedule "F-5" to this Amendment;

5.6.4 That Schedules B Special Policy Areas in their entirety, except for: Area 1, lands comprising the West Harbour Secondary Plan Area; and Area 2, lands within the West Hamilton Innovation District Secondary Plan area and AWW lands, as shown on the attached Schedule "F-1" to this Amendment.

5.6.5 That Schedules B-1 Other Special Policy Areas in its entirety, except for: Area 1, lands comprising the West Harbour Secondary Plan Area Road, as shown on the attached Schedule "F-2" to this Amendment.

5.6.6 That the following Schedules be deleted in their entirety, except for the lands located at No. 606 Aberdeen Avenue:

- Schedule O-1 - West Hamilton Innovation District Secondary Plan – Land Use Plan as shown on Schedule "F-6" to this Amendment; and,
- Schedule O-2 - West Hamilton Innovation District Secondary Plan – Design Elements, as shown on Schedule "F-7" to this Amendment.

5.6.7 That Schedule "N-1" – Ainslie Wood Westdale Secondary Plan - Land Use Plan, be deleted in its entirety, except for the lands referred to as the AWW Lands, as shown on Schedule "F-8" to this Amendment.

5.7 City of Stoney Creek

5.7.1 That the following Schedules be deleted in their entirety:

- Schedule A-1 – The Western Development Area;
- Schedule A-2 – The Winona Urban Community;
- Schedule C – Staging of Development;
- Schedule E – Planning Districts; and,
- Schedule G – Hazard Lands.

Schedule "1"

5.7.2 That Schedule "A" – Land Use Plan be deleted its entirety, except for:

- i) Lands designated Industrial-Business Park;
- ii) Lands located at No. 512 Highland Road West;
- iii) Lands located on Highland Road and Mud Street, west side of Upper Centennial Parkway;
- iv) Lands located 272 First Road West;
- v) Lands located 198 First Road West;
- vi) Lands located 0 Upper Centennial Parkway; and,

as shown on Schedule "G" to this Amendment.

5.7.3 That Schedule "A3" – Heritage Green Secondary Plan be deleted its entirety, except for:

- i) Lands located at No. 512 Highland Road West; and,
- ii) Lands located on Highland Road and Mud Street, west side of Upper Centennial Parkway,

as shown on Schedule "G-1" to this Amendment.

5.7.4 That Schedule "A3-2" – Nash Neighbourhood Secondary Plan be deleted its entirety, except for:

- i) Lands located at No. 272 First Rd West;
- ii) Lands located at No. 198 First Road West; and,
- iii) Lands located 0 Upper Centennial Parkway

as shown on Schedule "G-2" to this Amendment.

5.7.5 That Schedule B – Stoney Creek Open Spaces & Natural Environment System be deleted in its entire, except for the lands located at No. 860 Barton Street, as shown on Schedule G-3.

5.7.6 That Schedule D – Functional Road Classification be amended by deleting the lands inside the urban area; as shown on Schedule "G- 4" to this Amendment.

5.7.7 That the following Appendices be deleted in their entirety:

- Appendices A – Secondary Plan Tables;
- Appendices C - Official Plan Approvals; and,
- Appendix B, Map 2 - Road Jurisdiction.

6.0 Implementation:

The Official Plan Amendments will be implemented in accordance with Sections 4 and 5 of the Amendments.

Schedule "1"

This interim measure seeks to ensure Official Plan policies and designations are in place for the urban area.

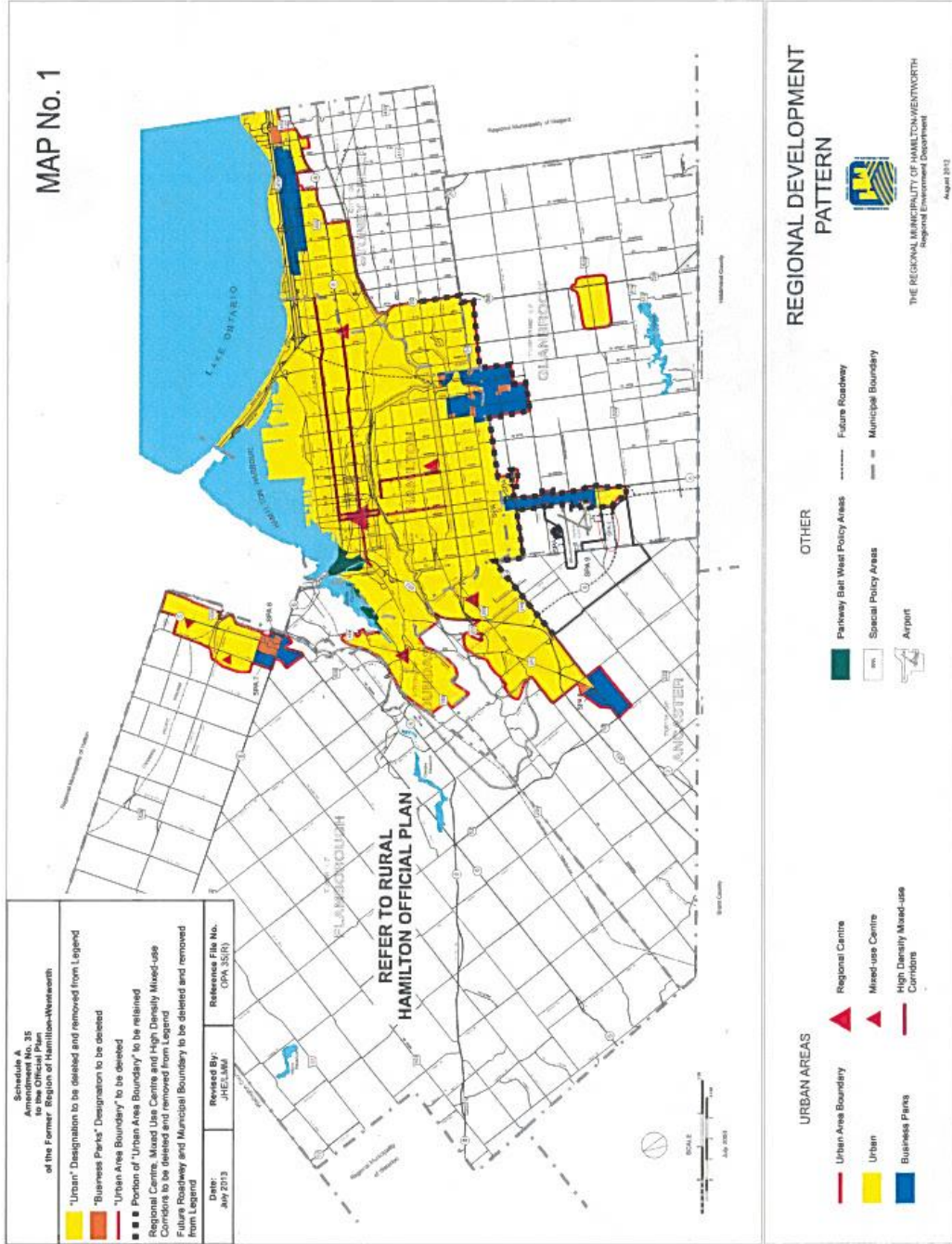
This is Schedule "1" to By-law No.09-149 passed on the 9th day of July, 2009.

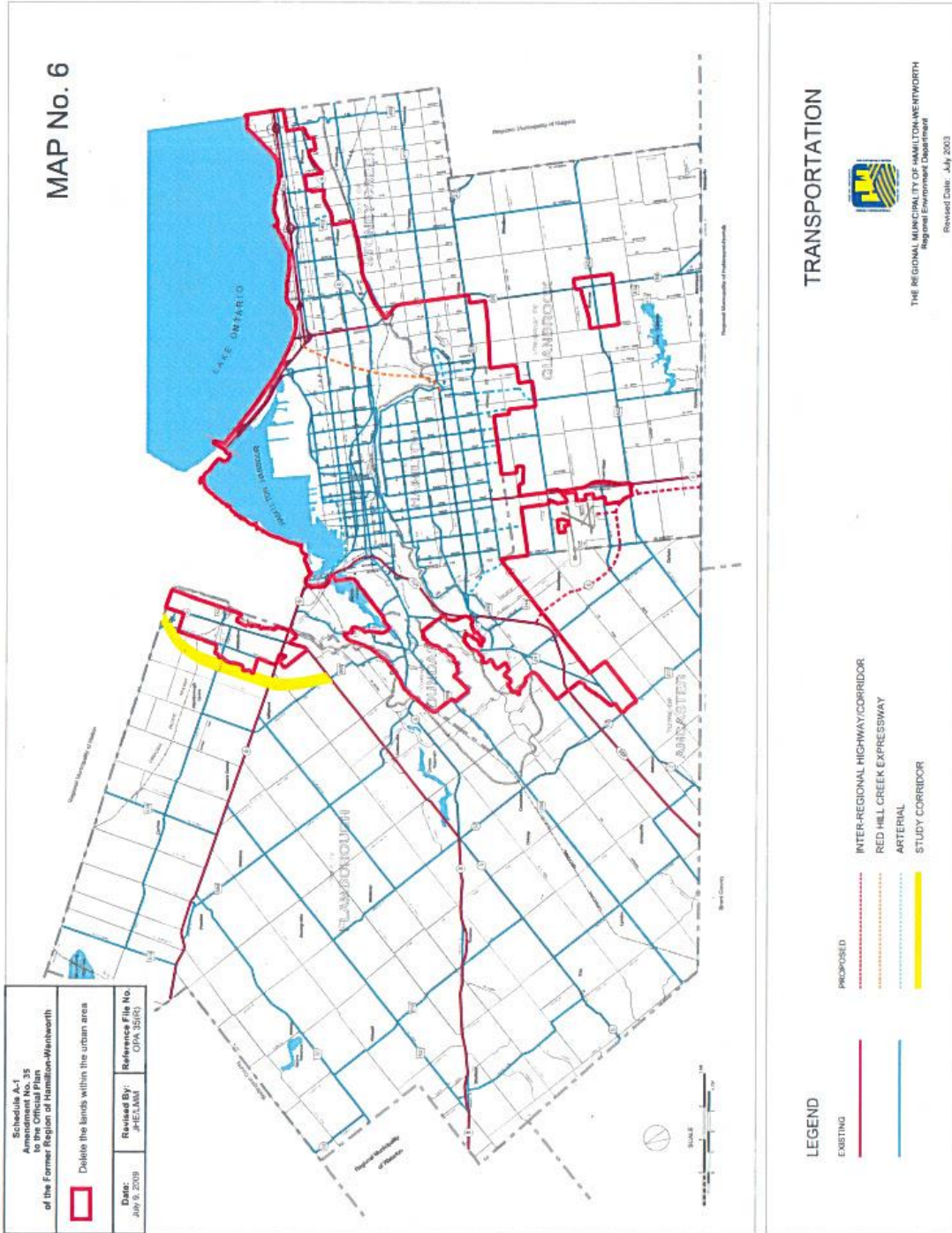
**The
City of Hamilton**

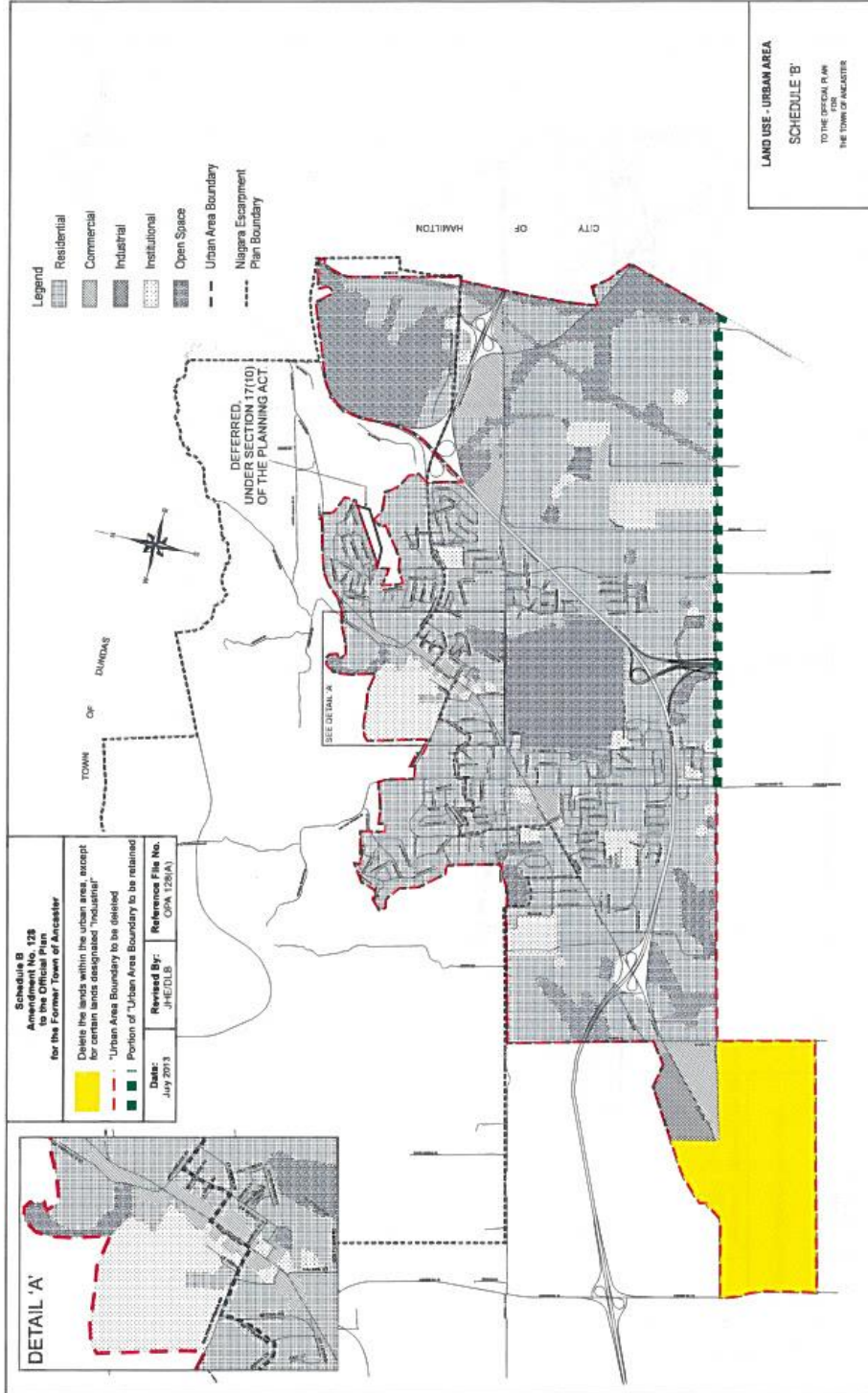
Fred Eisenberger
MAYOR

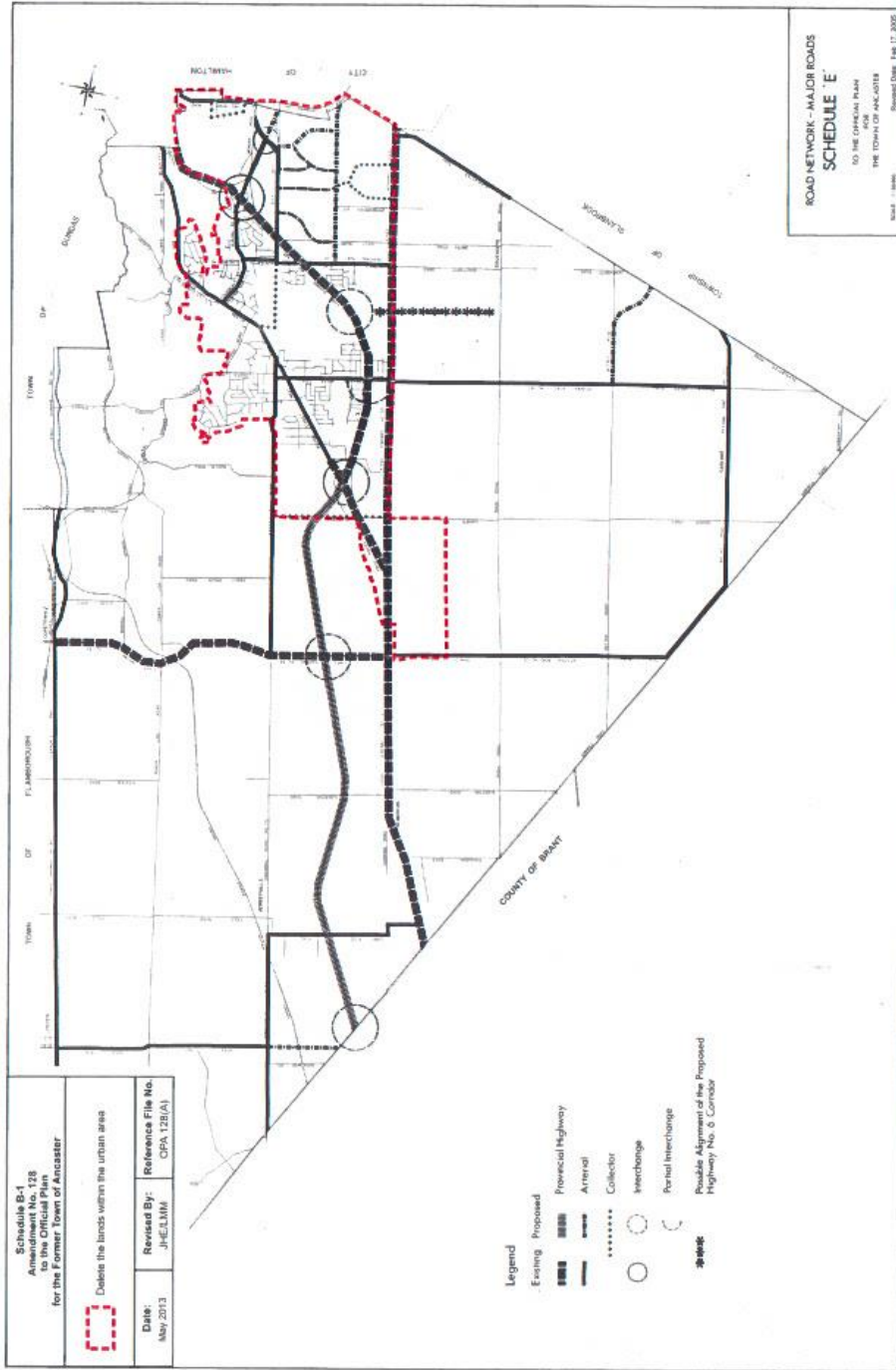
Kevin C. Christenson
CITY CLERK

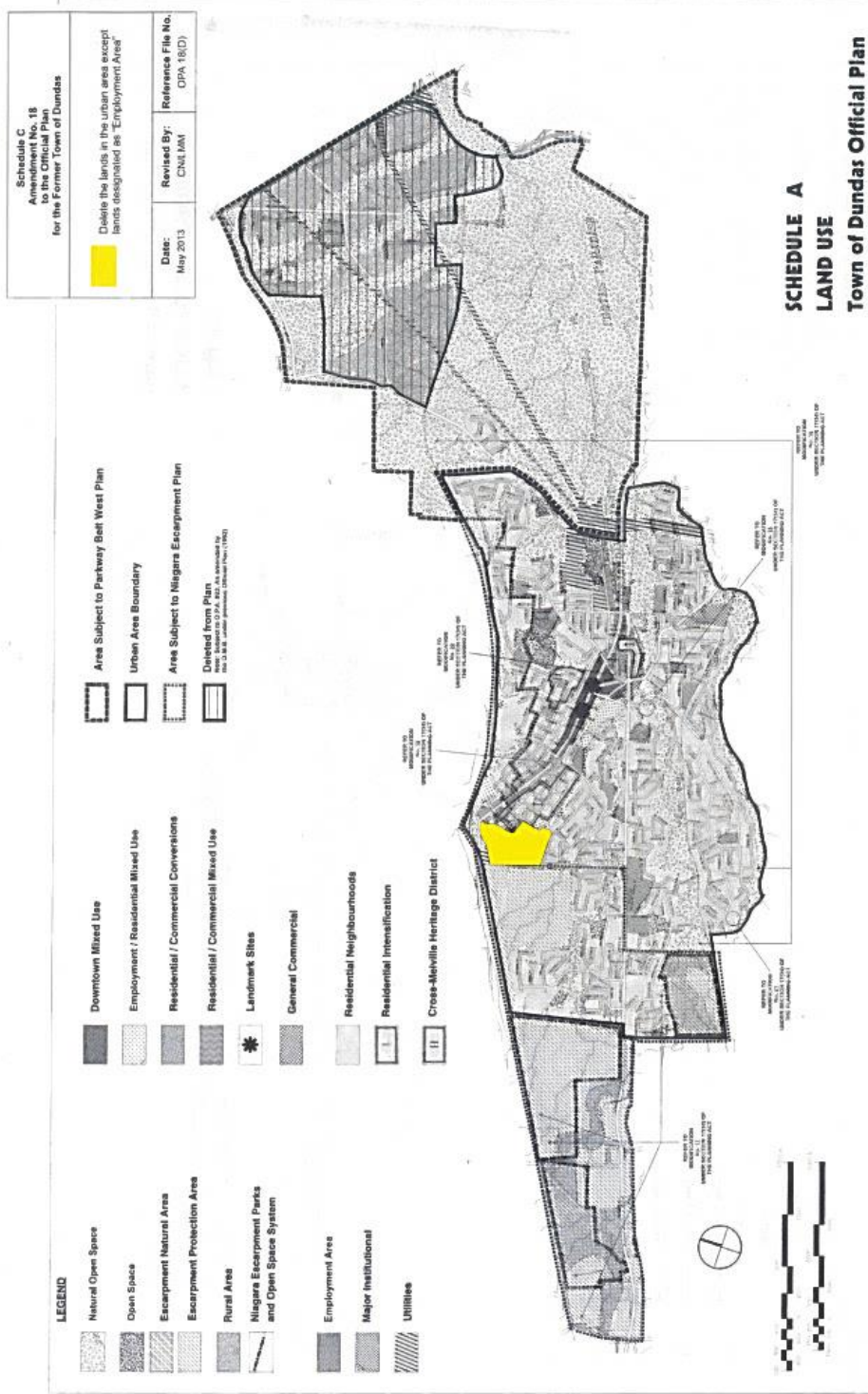
Attachment 3












Schedule C.1 Amendments 18 to the Official Plan for the Former Town of Dundas		
	Delete the lands within the urban area	
Date: May 2013	Revised By: CNLIAM	Reference File No. OPA 18(D)

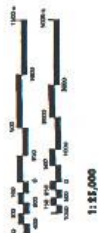
- LEGEND**
- EXISTING**
-  Collector Roads
 -  Arterial Roads
 -  Provincial Highway
 -  Proposed Collector Road

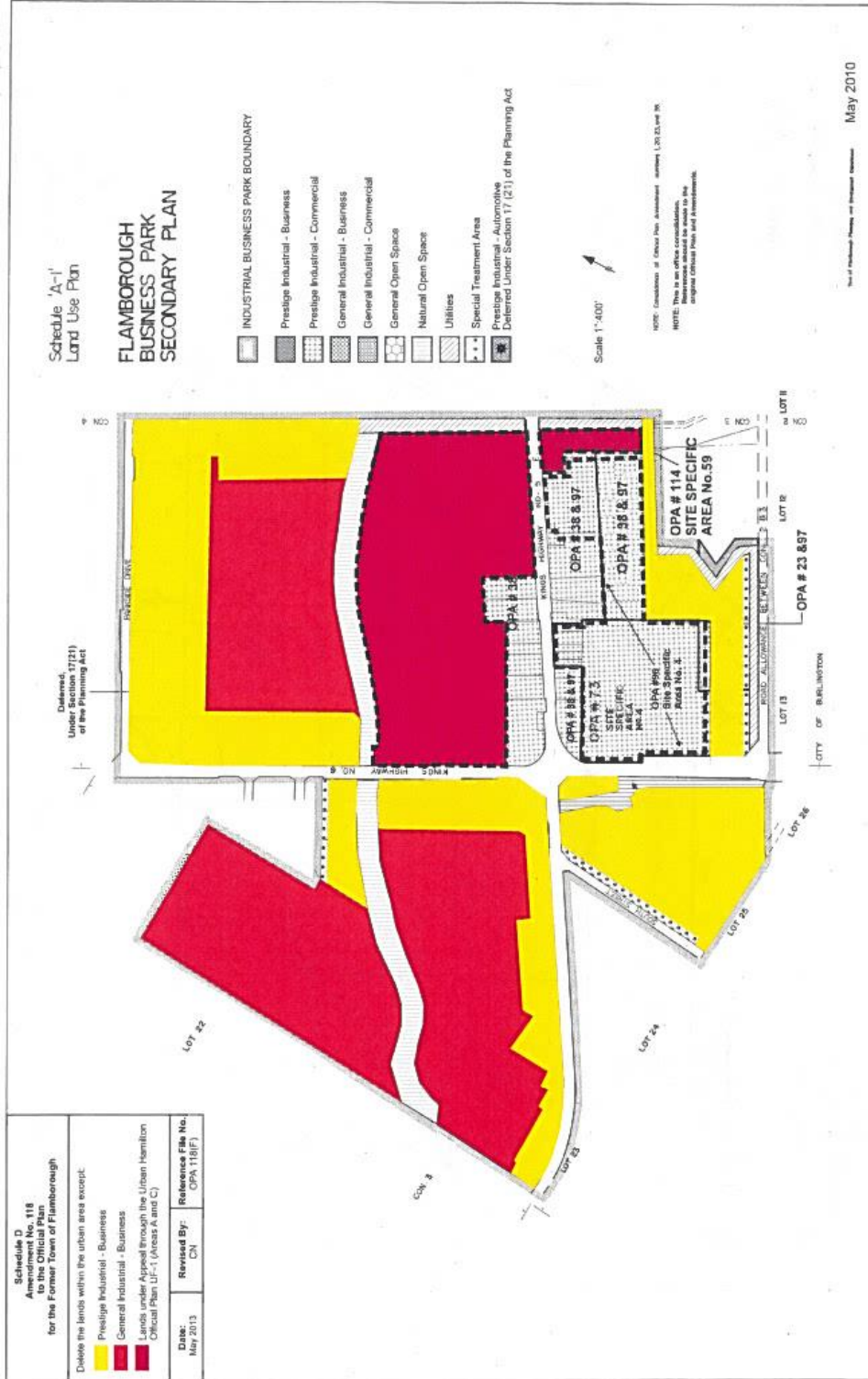


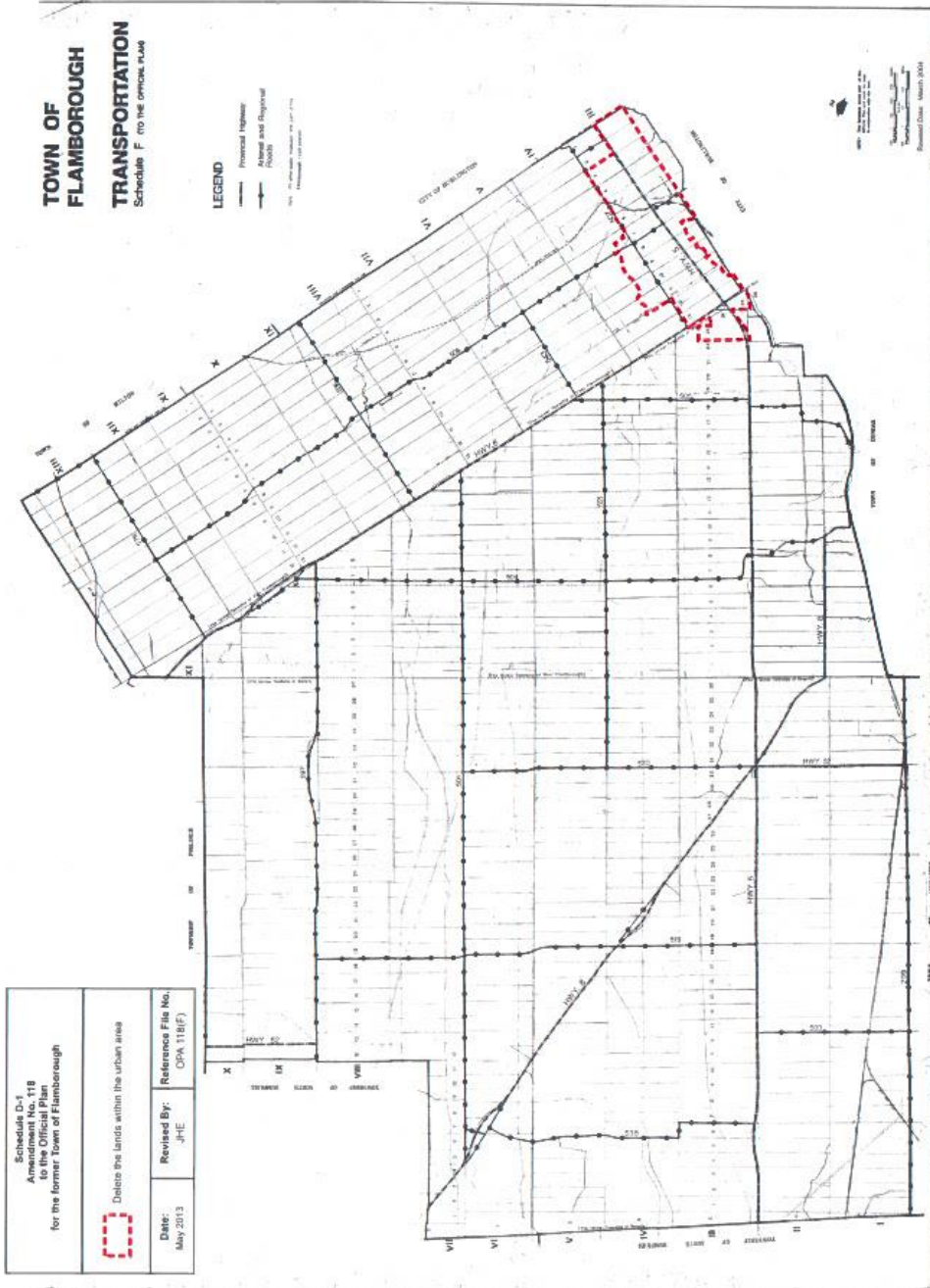
SCHEDULE D
MAJOR ROAD NETWORK
Town of Dundas Official Plan

February 2005

MUNICIPALITY
NO. 18
UNDER SECTION 17(4) OF
THE PLANNING ACT

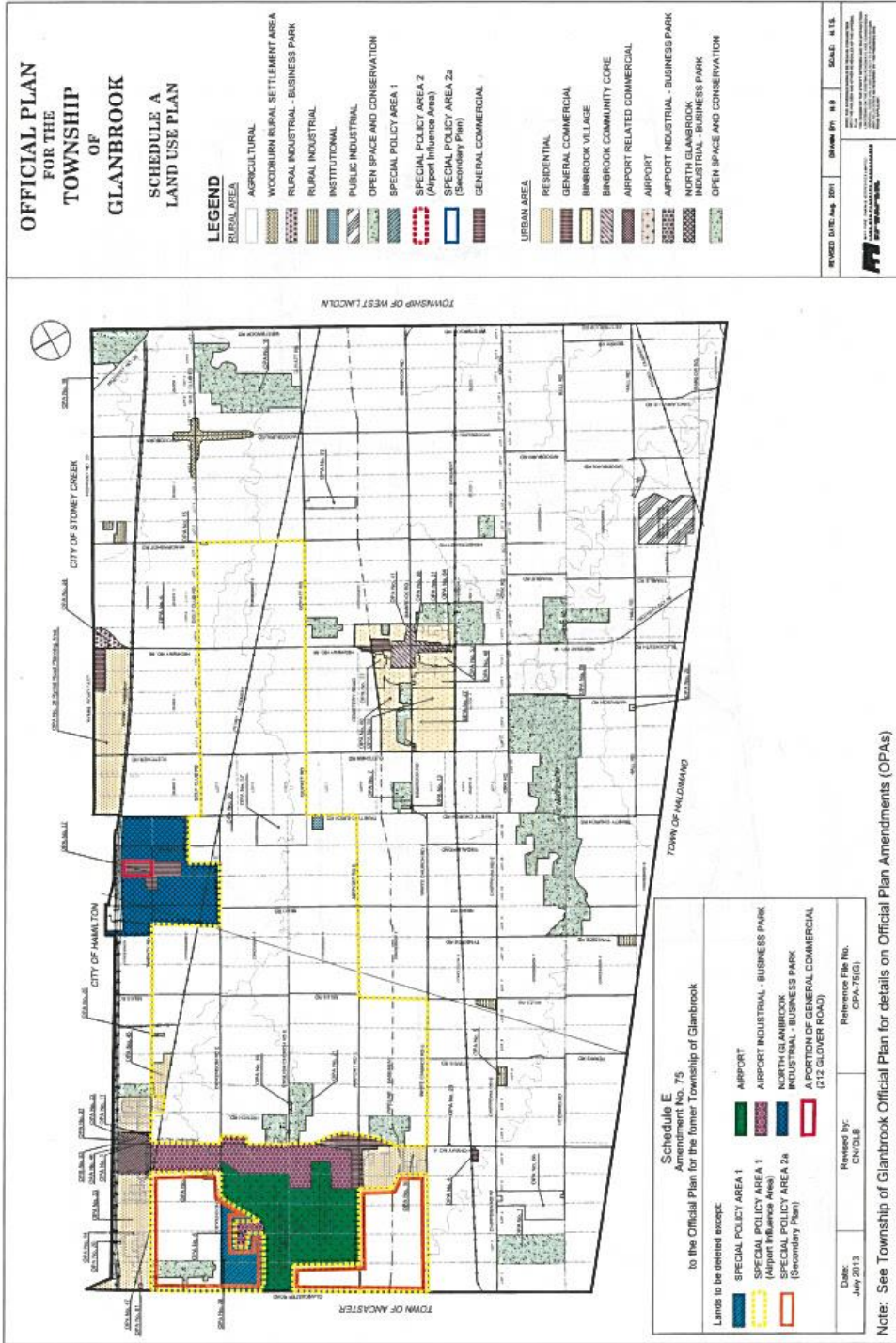




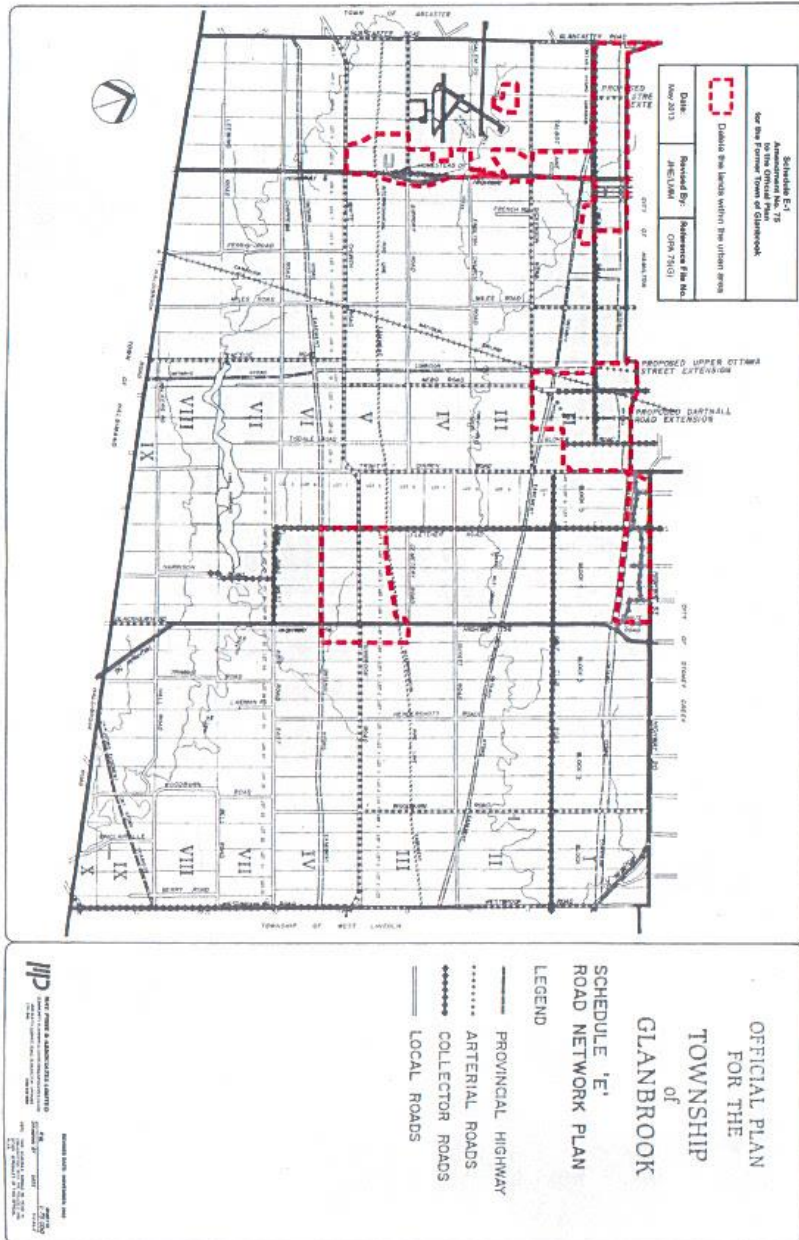


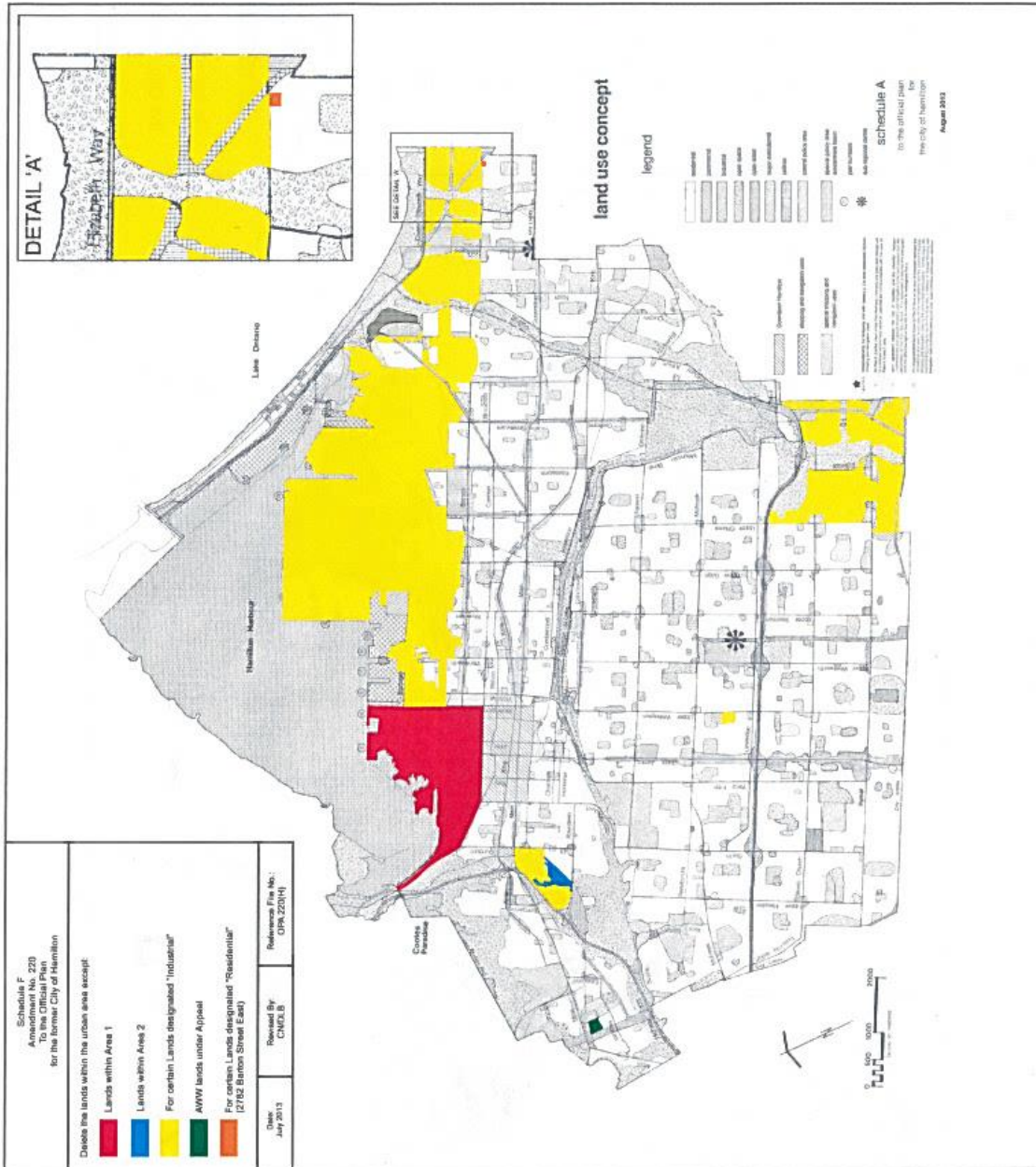
Attachment 4

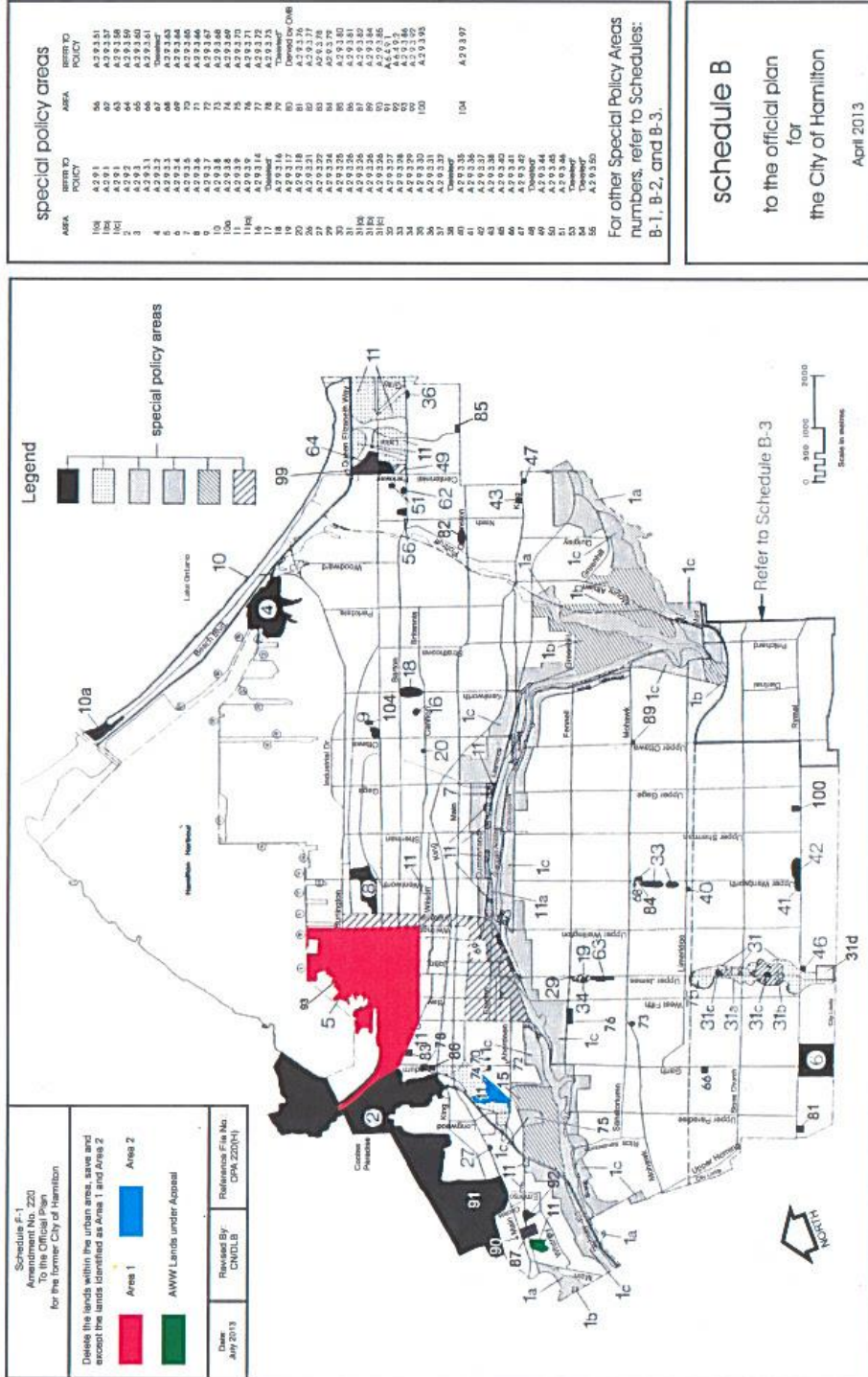
PL110331
 PL090779
 PL101381
 PL120574



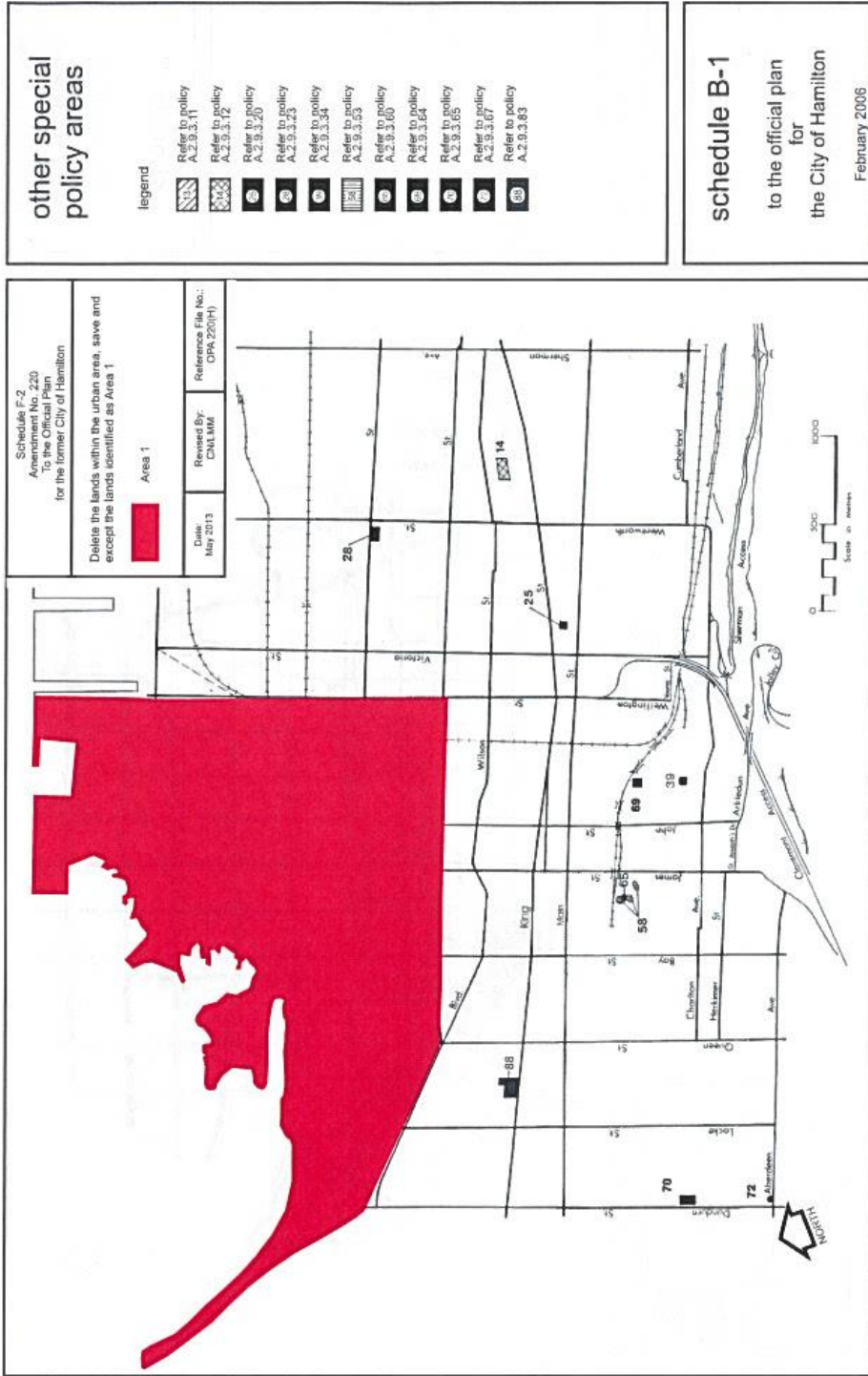
PL110331
 PL090779
 PL101381
 PL120574



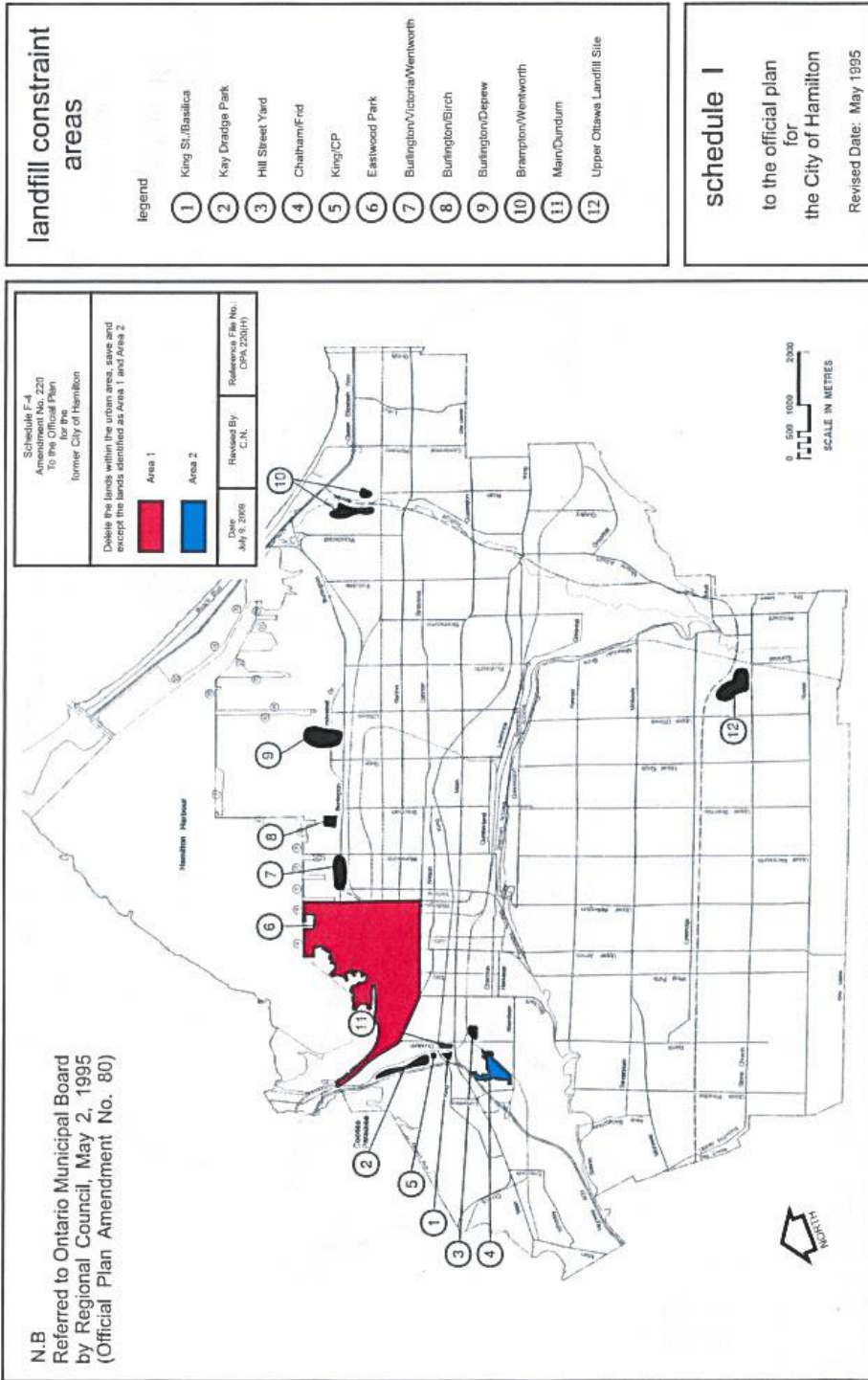


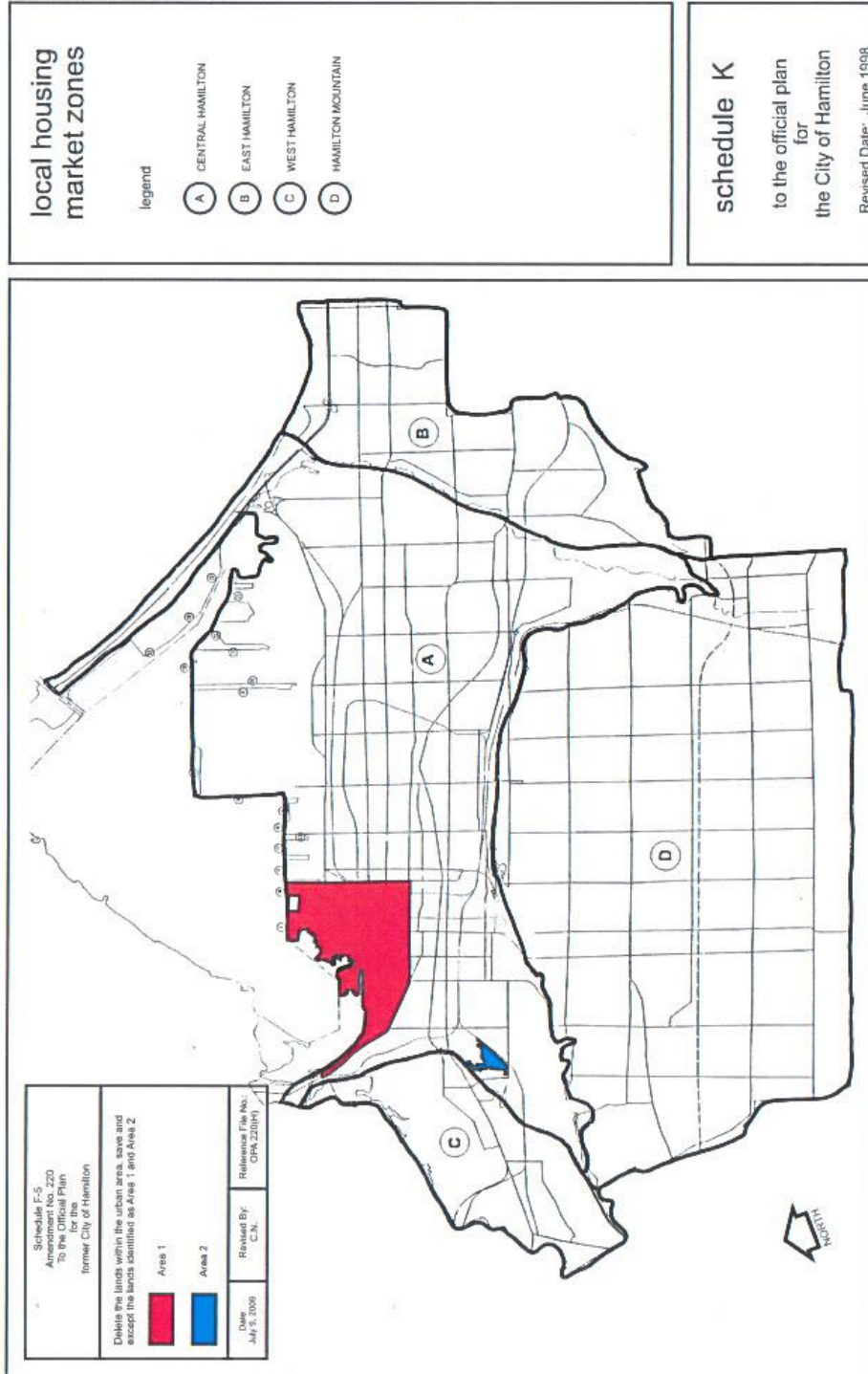


Attachment 5



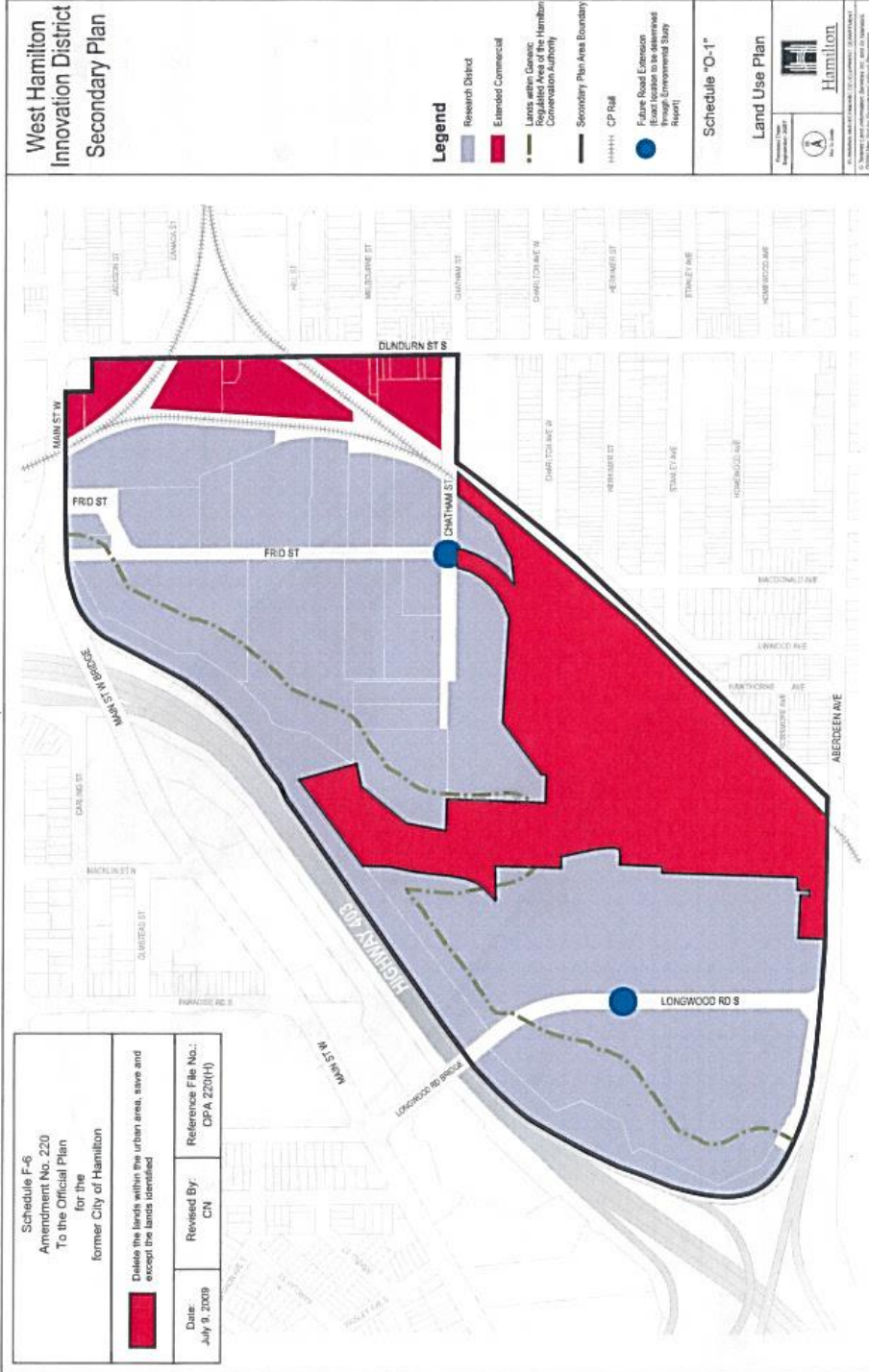


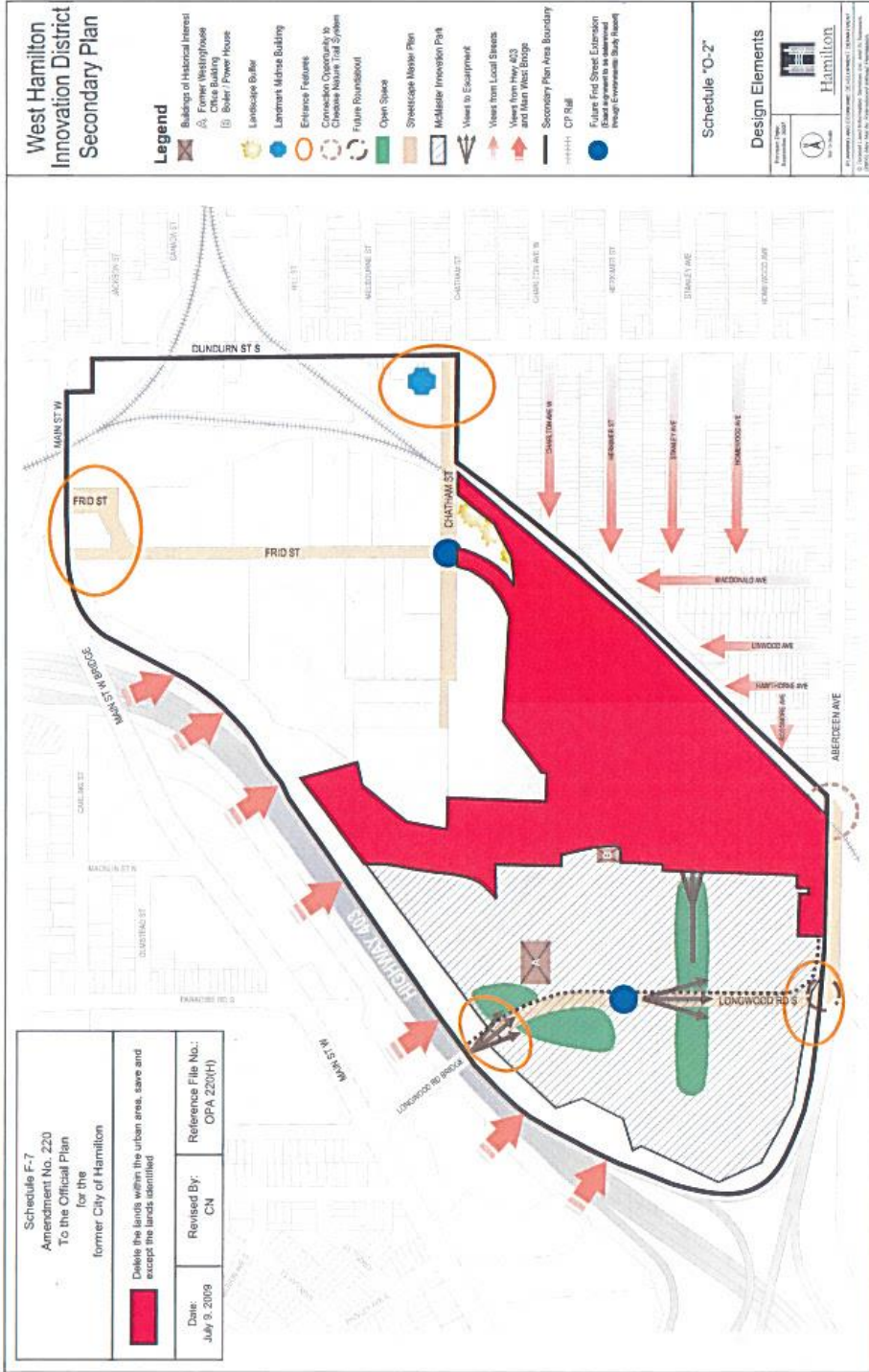


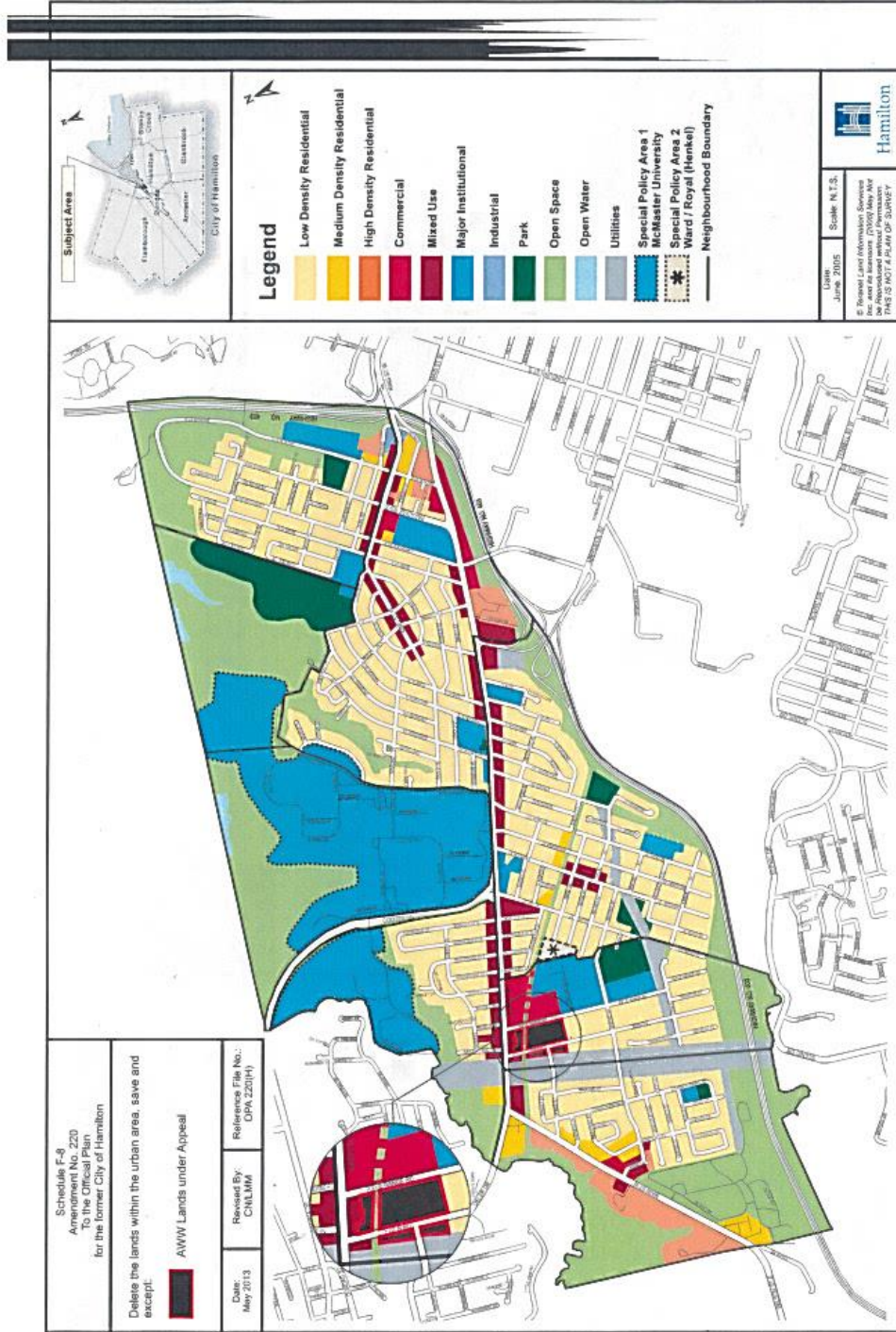


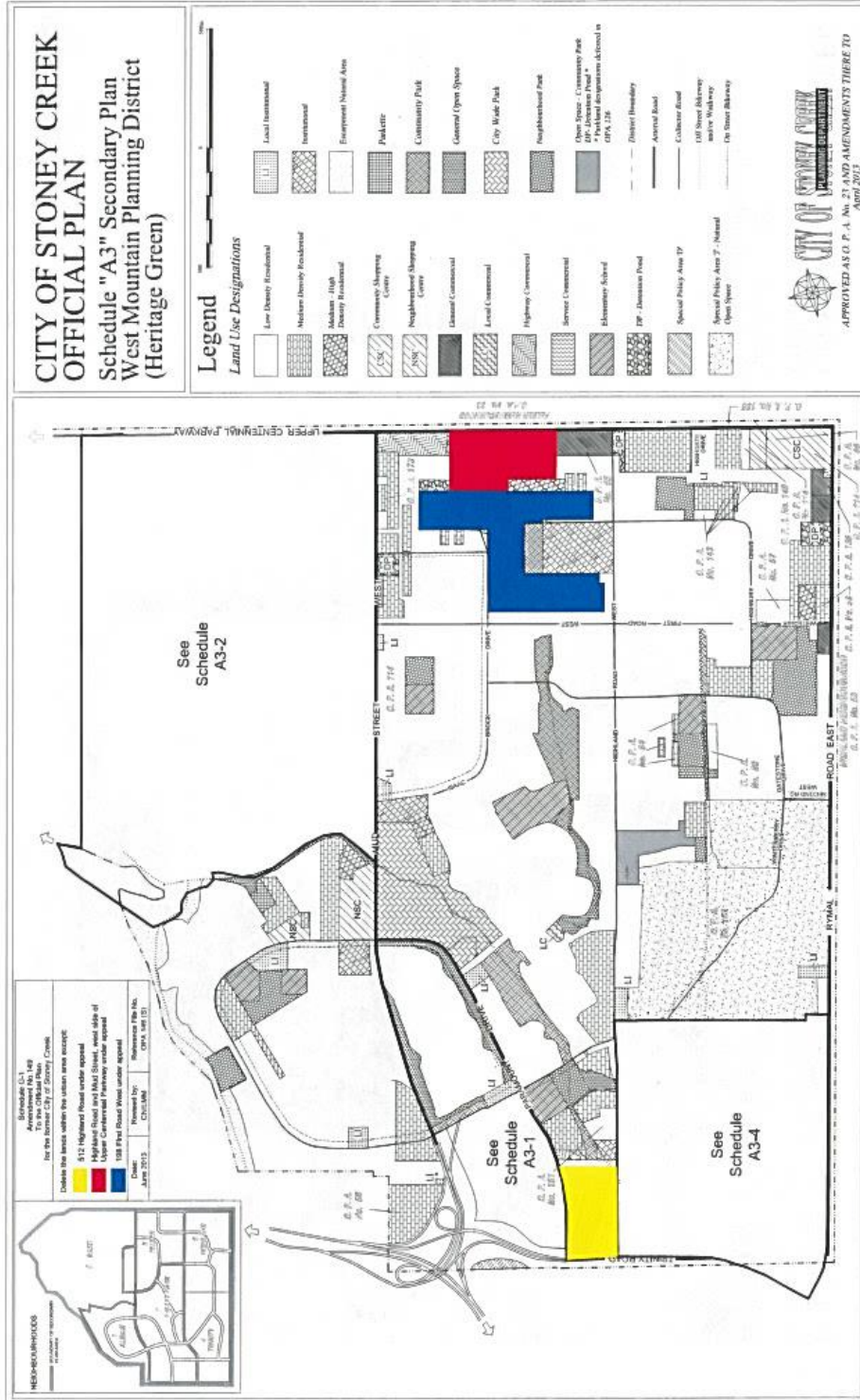
Attachment 6

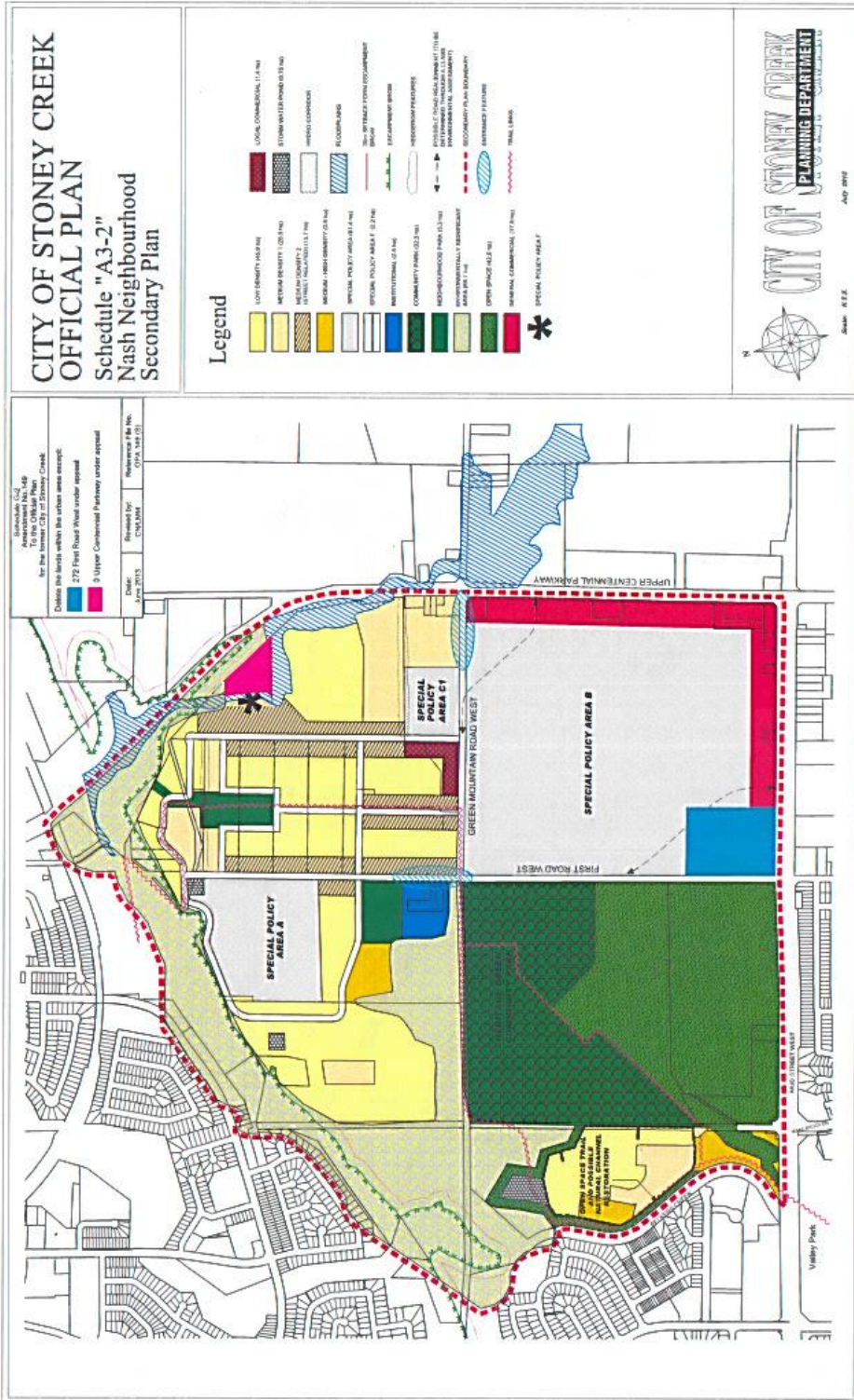
PL110331
PL090779
PL101381
PL120574

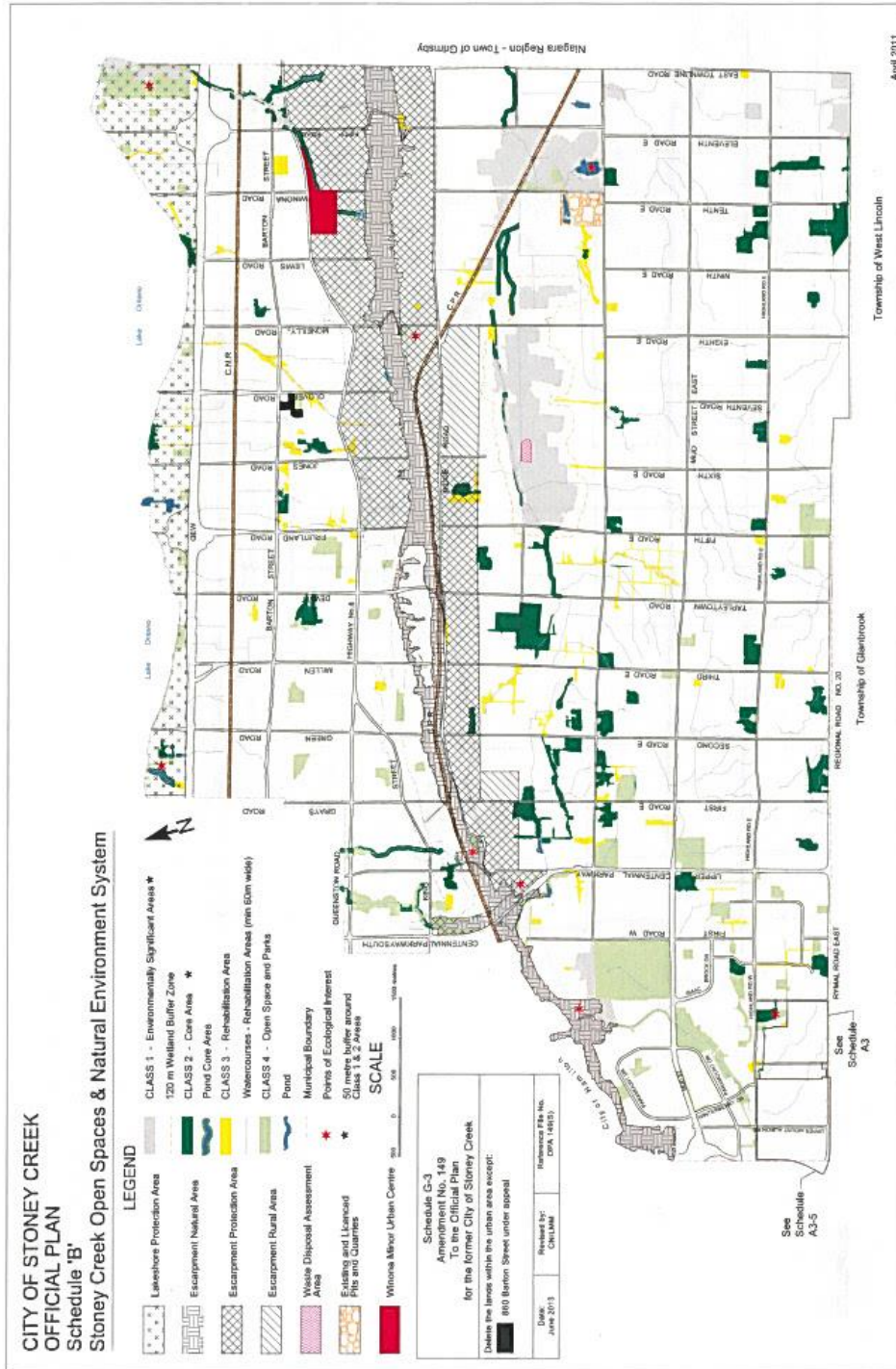














Attachment 7

Urban Hamilton Official Plan - Group 5

PL110331

The TDL Group Corp. Inc., A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Limited, Wendy's Restaurants of Canada Inc., and the Ontario Restaurant Hotel & Motel Association

Volume 1

E.4.3 Pedestrian Predominant Streets

4.3.1 Within lands designated Mixed Use – High Density and Medium Density on Schedule E-1 – Urban Land Use Designations, the following streets shall be planned as pedestrian predominant streets:

Table E.4.3.1: Pedestrian Predominant Streets

Street	From	To
Ancaster		
Wilson Street East	Halson Street	Rousseaux Street
Dundas		
King Street	York Road	Market Street
Flamborough		
Franklin street	Dundas Street	Griffin Street
Dundas Street (Hwy 5)	Mill Street	Hamilton Drive
Mill Street	Griffin Street	Cedar Street (just south)
Main Street	Barton Street	Cedar Street (just south)
Flamboro Street	Barton Street	Dundas Street
Glanbrook		
Highway 56	Maggie Johnson Drive	Windwood Drive
Binbrook Road	Kaufman Drive	Eastern boundary of Secondary Plan Area
Hamilton		
King Street	Longwood Road	Sterling Street
	Wellington Street	Queen Street
James Street North/South	CN Railway Tracks	Markland Avenue
Kenilworth Avenue North	Barton Street	Main Street East
Locke Street	Main Street West	Herkimer Street
Barton Street	Sherman Avenue	Wellington Street
Ottawa Street	Barton Street	Main Street East
Concession Street	East 33 rd Street	East 15 th Street
Upper James Street	Bruce Dale Avenue	Fennell Avenue
Upper Wellington Street	Inverness Avenue (just north)	Queensdale Avenue
Stoney Creek		
King Street	Faircourt Drive	Applewood Avenue

Urban Hamilton Official Plan - Group 5

PL110331

The TDL Group Corp. Inc., A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Limited, Wendy's Restaurants of Canada Inc., and the Ontario Restaurant Hotel & Motel Association

- 4.3.4 In addition to the policies of the specific Commercial and Mixed Use designations, the following policies shall apply to *pedestrian predominant streets*:
- a) A minimum of 75% of the block face located between two roads shall be developed with buildings.
 - b) Buildings shall be built up to the streetline and parking, driveways or lanes shall not be permitted between the buildings and the street, except as set out in E.4.3.4 g).
 - c) Each building or store front shall face onto the *pedestrian predominant street* with the main entrance of each building or store and substantial fenestration facing on to the street.
 - d) Residential uses shall not be permitted on the ground floor of a building facing on to a *pedestrian predominant street*.
 - e) On-street parking shall be provided where feasible and appropriate.
 - f) A minimum height of two storeys shall be encouraged.
 - g) Single use buildings exceeding a ground floor area of 5,000 square metres shall generally be directed to the interior of a property with smaller stores oriented onto the *pedestrian predominant street* in front of the larger stores. Alternatively, larger stores could be located up to the streetline provided they are lined with smaller stores, multiple entrances, or other similar means to animate the streetscape.
 - h) Sidewalks shall be required on both sides of the street and shall be of sufficient width to:
 - i) accommodate anticipated pedestrian volumes;
 - ii) comfortably and safely accommodate the needs of persons with disabilities and seniors;
 - iii) ensure sufficient space for coordinated street furnishings, public utilities, and tree plantings; and,
 - iv) accommodate sidewalk cafés, kiosks, and street vendors where possible.
 - i) Transit shelters and stops shall be provided, where appropriate;
 - j) New buildings and spaces shall be designed to reflect a human scale of development, contribute to public safety and security, and create a significantly enhanced pedestrian environment.
 - k) New buildings shall be encouraged to have awnings, canopies, arcades, or front porches to provide weather protection.

Urban Hamilton Official Plan - Group 5

PL110331

The TDL Group Corp. Inc., A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Limited, Wendy's Restaurants of Canada Inc., and the Ontario Restaurant Hotel & Motel Association

- l) Hotels shall be encouraged to locate on *pedestrian predominant streets* with the main façade and entrance facing the *pedestrian predominant street*. The main automobile arrival areas may be located on a *pedestrian predominant street* provided the pedestrian circulation is accommodated.

E.4.4 Downtown Mixed Use Designation

Permitted Uses

- 4.4.5 Notwithstanding Policy E.4.4.4, the full range of uses shall not be permitted throughout the lands designated Downtown Mixed Use. The Downtown Secondary Plan and zoning by-law establish more detailed land use designations and permitted uses which apply to specific areas of the Downtown.
- 4.4.15 Applications to amend this Plan and/or the City's Zoning By-law to permit a drive-through facility in a Downtown Mixed Use designation shall require demonstration that the proposed drive-through facility:
 - a) cannot be located in other potential locations outside the Downtown Mixed Use designation;
 - b) addresses the applicable policies of the Downtown Hamilton Secondary Plan;
 - c) complies with the requirements of policies E.4.3.4 for drive through facilities located on *pedestrian predominant streets*, including demonstration that the proposed drive-through facility:
 - i) Does not change the existing and planned streetscape character;
 - ii) Maintains the pedestrian environment; and
 - iii) Does not comprise the safe, efficient and comfortable movement of pedestrians.
 - d) shall not preclude the planned function and design intent for the *pedestrian predominant street* including:
 - i) A comfortable, active and visually stimulating walking and shopping environment;
 - ii) A streetscape with buildings and storefronts oriented to the street;
 - e) shall not have an adverse impact on surrounding residential neighbourhoods including potential noise and traffic impacts;
 - f) addresses the design principles of Section B.3.3.2, the built form policies of Section B.3.3.3, the Access and Circulation policies of Section B.3.3.9.

Urban Hamilton Official Plan - Group 5

PL110331

The TDL Group Corp. Inc., A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Limited, Wendy's Restaurants of Canada Inc., and the Ontario Restaurant Hotel & Motel Association

E.4.5 Mixed Use - High Density Designation

Permitted Uses

4.5.5 The following uses shall be permitted on lands designated Mixed Use - High Density on Schedule E-1 – Urban Land Use Designations:

- a) commercial uses such as retail stores, *auto and home centres*, *home improvement supply stores*, offices, personal services, financial establishments, live work units, artist studios, restaurants, gas bars and drive-through facilities;
- b) Notwithstanding Policy E.4.5.5 a), *drive-through facilities on pedestrian predominant streets* shall only be permitted in accordance with Section E.4.5.21 and all other applicable policies of this Plan.
- c) institutional uses such as hospitals, places of worship, and schools;
- d) arts, cultural, entertainment, and recreational uses;
- e) hotels, conference and convention centres;
- f) *multiple dwellings*; and,
- g) *accessory uses*.

Prohibited Uses

4.5.6 Notwithstanding Policy E.4.5.5, the following uses shall be prohibited on lands designated Mixed Use - High Density on Schedule E-1 – Urban Land Use Designations:

- a) *gas bars and car washes on pedestrian predominant streets*;
- b) *vehicle dealerships*; and,
- c) *garden centres as a primary use*.

4.5.21 Applications to amend this Plan and/or the City's Zoning By-law to permit a drive-through facility on a *pedestrian predominant street* in a Mixed Use – High Density designation shall require demonstration that the proposed drive-through facility:

- a) cannot be located in other potential locations in the Mixed Use-High Density designation which are not part of the *pedestrian predominant street*;
- b) complies with the requirements of policies E.4.3.4 including demonstration that the proposed drive-through facility:
 - i) Does not change the existing and planned streetscape character;
 - ii) Maintains the pedestrian environment; and

Urban Hamilton Official Plan - Group 5

PL110331

The TDL Group Corp. Inc., A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Limited, Wendy's Restaurants of Canada Inc., and the Ontario Restaurant Hotel & Motel Association

- iii) Does not comprise the safe, efficient and comfortable movement of pedestrians.
- c) shall not preclude the planned function and design intent for the *pedestrian predominant street* including:
 - i) A comfortable, active and visually stimulating walking and shopping environment;
 - ii) A streetscape with buildings and storefronts oriented to the street;
- d) shall not have an adverse impact on surrounding residential neighbourhoods including potential noise and traffic impacts;
- e) addresses the design principles of Section B.3.3.2, the built form policies of Section B.3.3.3, the Access and Circulation policies of Section B.3.3.9.

E.4.6 Mixed Use - Medium Density Designation

Permitted Uses

4.6.5 The following uses shall be permitted on lands designated Mixed Use - Medium Density on Schedule E-1 – Urban Land Use Designations:

- a) commercial uses such as retail stores, *auto and home centres*, *home improvement supply stores*, offices oriented to serving residents, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities;
- b) Notwithstanding Policy E.4.6.5 a), drive-through facilities on *pedestrian predominant streets* shall only be permitted in accordance with Section E.4.6.29 and all other applicable policies of this Plan.
- c) institutional uses such as hospitals, places of worship, and schools;
- d) arts, cultural, entertainment, and recreational uses;
- e) hotels;
- f) *multiple dwellings*; and,
- g) *accessory uses*.

Prohibited Uses

4.6.6 The following uses shall be prohibited on lands designated Mixed Use - Medium Density on Schedule E-1 – Urban Land Use Designations:

Urban Hamilton Official Plan - Group 5

PL110331

The TDL Group Corp. Inc., A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Limited, Wendy's Restaurants of Canada Inc., and the Ontario Restaurant Hotel & Motel Association

- a) gas bars and car washes on *pedestrian predominant streets*;
 - b) vehicle dealerships; and,
 - c) garden centres as a primary use.
- 4.6.29 Applications to amend this Plan and/or the City's Zoning By-law to permit a drive-through facility on a *pedestrian predominant street* in a Mixed Use – Medium Density designation shall require demonstration that the proposed drive-through facility:
- a) cannot be located in other potential locations in the Mixed Use-Medium Density designation which are not part of the *pedestrian predominant street*;
 - b) complies with the requirements of policies E.4.3.4 including demonstration that the proposed drive-through facility:
 - i) Does not change the existing and planned streetscape character;
 - ii) Maintains the pedestrian environment; and
 - iii) Does not comprise the safe, efficient and comfortable movement of pedestrians.
 - c) shall not preclude the planned function and design intent for the *pedestrian predominant street* including:
 - i) A comfortable, active and visually stimulating walking and shopping environment;
 - ii) A streetscape with buildings and storefronts oriented to the street;
 - d) shall not have an adverse impact on surrounding residential neighbourhoods including potential noise and traffic impacts;
 - e) addresses the design principles of Section B.3.3.2, the built form policies of Section B.3.3.3, the Access and Circulation policies of Section B.3.3.9.

Urban Hamilton Official Plan - Group 5

PL110331

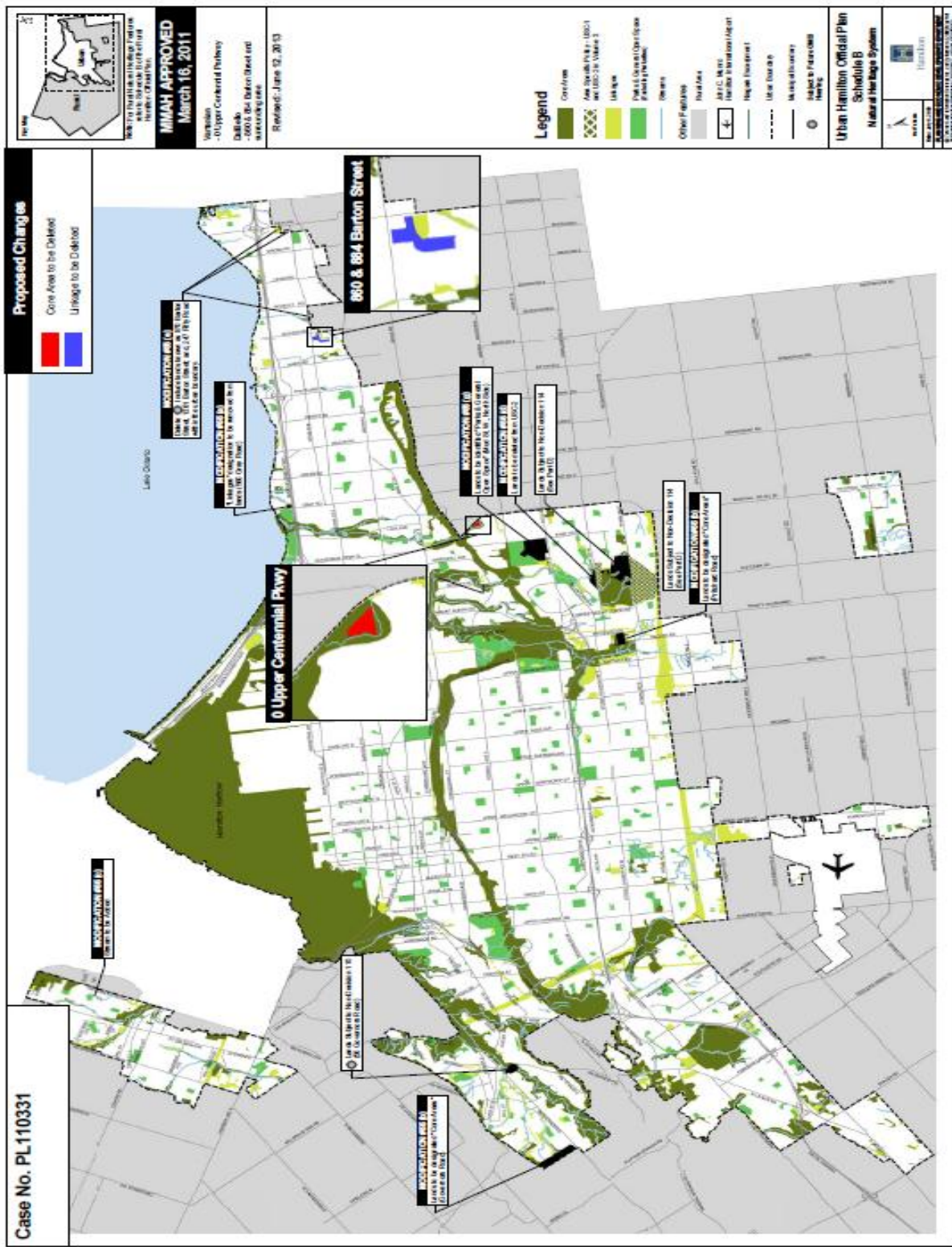
The TDL Group Corp. Inc., A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Limited, Wendy's Restaurants of Canada Inc., and the Ontario Restaurant Hotel & Motel Association

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:

- a) 130-136 Kenilworth North;
- b) 473 Concession Street; and,
- c) 370 Wilson St East (Ancaster).

Attachment 8

PL110331
 PL090779
 PL101381
 PL120574



Attachment 9

Vartanian
Case No. PL 110331

Appendix A to Report LS13012
Page 2 of 3

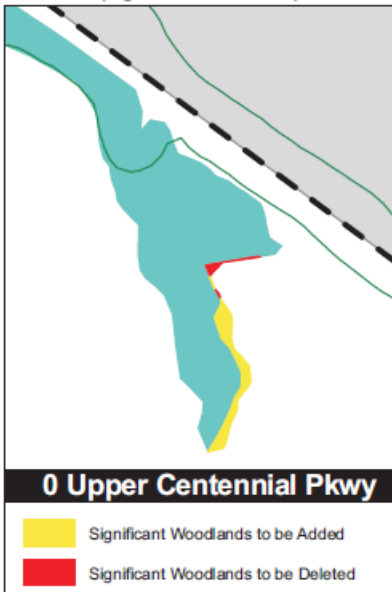
Clip of Urban Hamilton Official Plan Schedule E-1
(Urban Landuse)



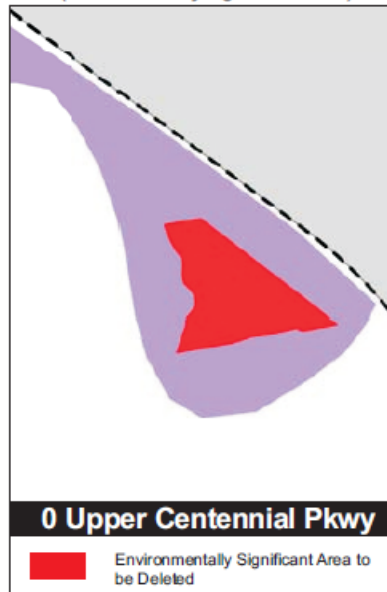
Clip of Urban Hamilton Official Plan Schedule B
(Natural Heritage System)



Clip of Urban Hamilton Official Plan Schedule B-2
(Significant Woodlands)



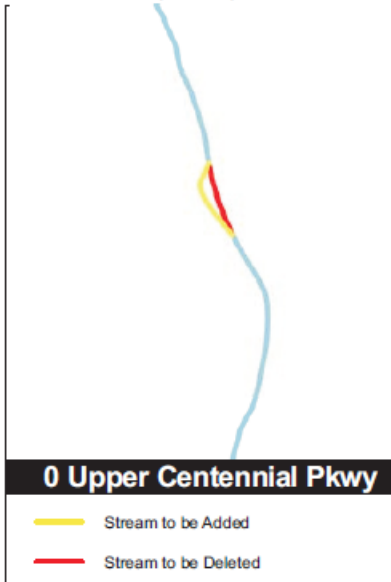
Clip of Urban Hamilton Official Plan Schedule B-6
(Environmentally Significant Areas)



**Vartanian
Case No. PL 110331**

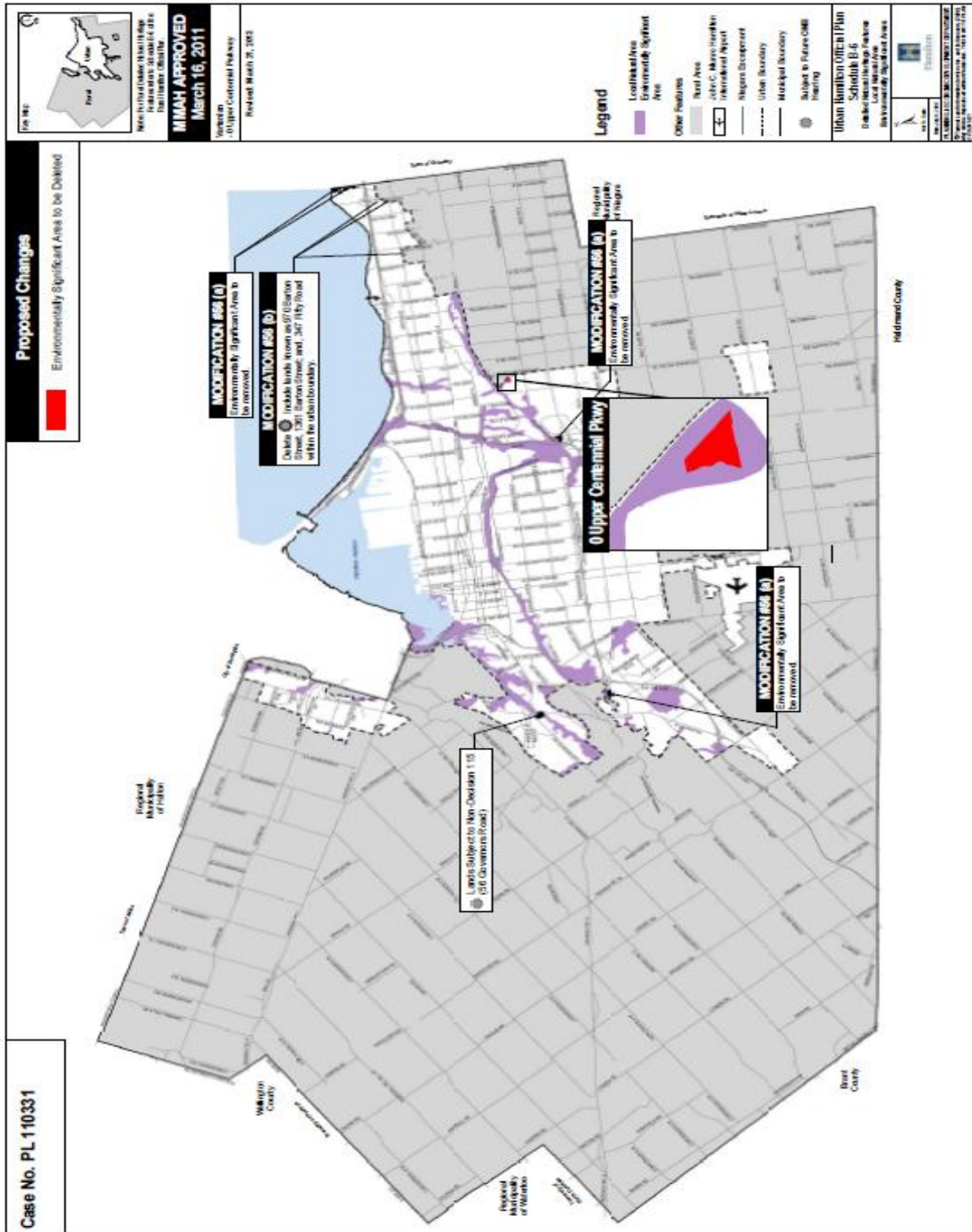
*Appendix A to Report LS13012
Page 3 of 3*

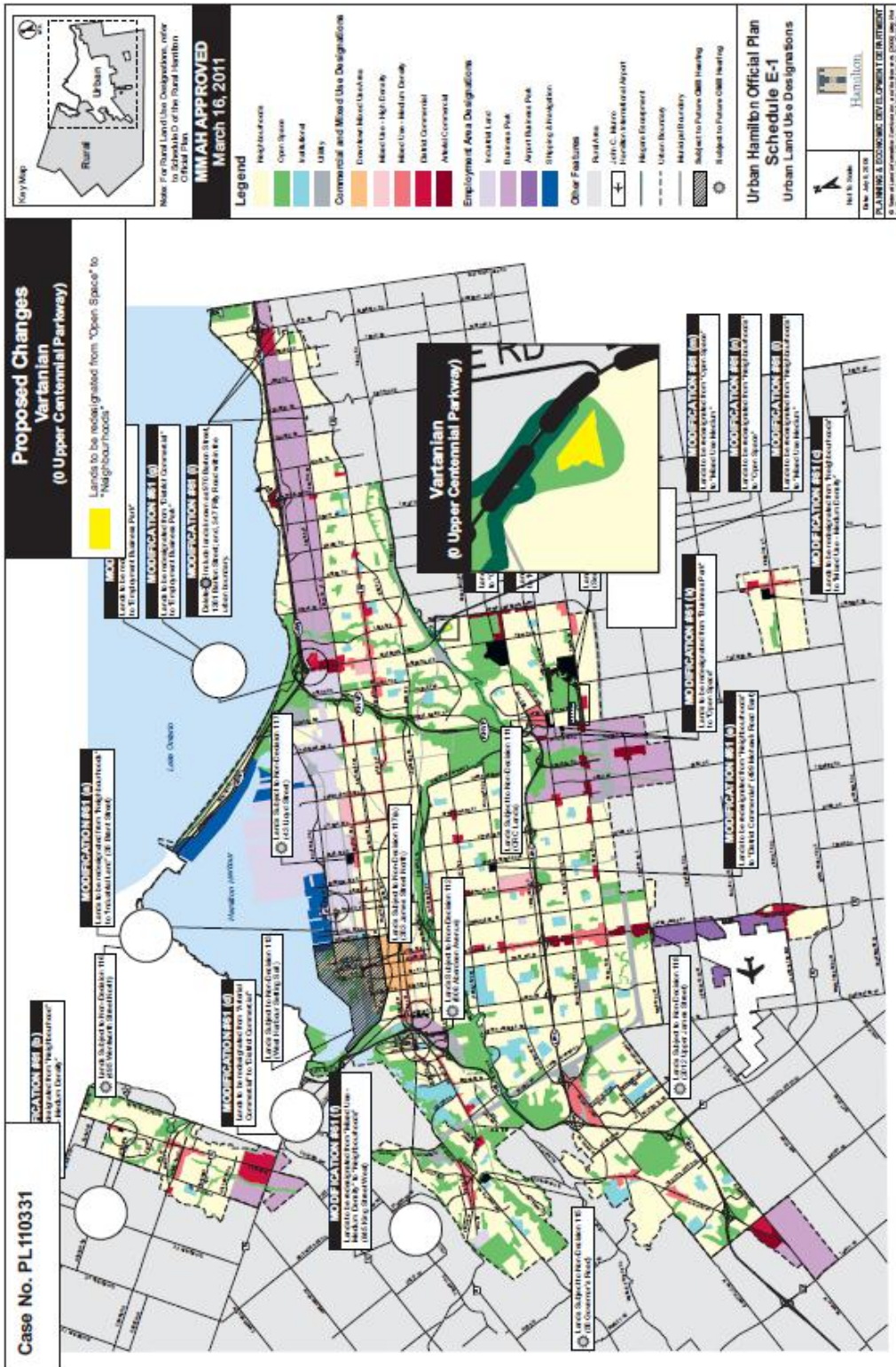
Clip of Urban Hamilton Official Plan Schedule B-8
(Streams)



Attachment 11

PL110331
PL090779
PL101381
PL120574





Attachment 14

DalBello Settlement
Case No. PL110331

Clip of Urban Hamilton Official Plan Schedule B
(Natural Heritage System)



Attachment 15

**Settlement with Paletta International : Natural Heritage Policies,
Implementation Policies and Definitions**

June 18, 2013 Page 1 of 13

Note: This is a consolidation of changes approved by City council on April 24, 2013 and June 12, 2013

Chapter C – CITY WIDE SYSTEMS AND DESIGNATION

- C.2.2.1 The Natural Heritage System shown on Schedule B - Natural Heritage System, comprised of privately-owned land is not available for use by the general public nor shall there be any intent or obligation by the City to purchase such lands. .
- C.2.2.4 Notwithstanding the designations on Schedule E-1 - Urban Land Use Designations, the policies of this Plan shall apply to Core Areas not currently identified on Schedule B - Natural Heritage System and Schedules B-1 to B-8 - Detailed Natural Heritage Features. Additional Core Areas may be mapped and identified or Core Area boundaries may be refined under the following circumstances and may require an amendment to this Plan:
- a) individual Environmental Impact Statements;
 - b) watershed or subwatershed studies;
 - c) natural areas inventories;
 - d) Environmental Assessments; or,
 - e) other similar studies.
- C.2.2.5 Where the Province has provided guidelines on technical criteria to identify Core Areas, the City shall update its criteria to reflect the provincial directions. The City shall undertake an Official Plan amendment to update the existing criteria and applicable schedules.
- C.2.2.6 Where provincial direction for identifying Core Areas does not exist, the City shall establish its own criteria in cooperation with other agencies, stakeholders, and the public. The City shall include the criteria and identify Core Areas and features on the applicable schedules through an Official Plan amendment.
- (Subsequent policies to be renumbered)
- C.2.2.6 Where properties contain two or more overlapping natural features of differing significance which overlap in the Natural Heritage System, the more restrictive policies pertaining to those natural features shall apply. If more than one policy applies to a natural feature the more restrictive policy shall apply.

Settlement with Paletta International : Natural Heritage Policies, Implementation Policies and Definitions

June 18, 2013 Page 2 of 13

Note: This is a consolidation of changes approved by City council on April 24, 2013 and June 12, 2013

C.2.3 Natural Heritage System – Core Areas

It is the intent of this policy to preserve and enhance Core Areas and to ensure that any *development* or *site alteration* within or adjacent to them shall not negatively impact their natural features or their *ecological functions*.

C.2.3.2 *Core Areas* include *key natural heritage features*, *key hydrological features* and provincially significant and *local natural areas* that are more specifically identified by Schedule B-1-8 – Detailed Natural Heritage Features [Mod 12(i)]. *Core Areas* are the most important components in terms of biodiversity, productivity, and ecological and hydrological functions.

C.2.3.3 The natural features and ecological functions of *Core Areas* shall be protected and where possible and deemed feasible to the satisfaction of the City enhanced. To accomplish this protection and enhancement, vegetation removal and encroachment into *Core Areas* shall generally not be permitted, and appropriate *vegetation protection zones* shall be applied to all *Core Areas*.

C.2.5.1 Permitted uses within *Core Areas* as identified on Schedule B – Natural Heritage System are established through the designations and policies of Chapter E – Urban Systems and Designations and Volume 3 of this Plan. Boundaries of *Core Areas* and associated *vegetation protection zones* may be further refined by the completion of an Environmental Impact Statement. Generally, permitted uses in *Core Areas* shall include [Mod 12(j)]:

- a) forest, fish and wildlife management;
- b) conservation, and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered;
- c) *existing* uses, in accordance with Section F.1.12 - Existing, Non- Complying and Non- Conforming Uses, and according to the requirements in Section C.2.6 – Environmental Impact Statements;
- d) *passive recreation uses* and *small scale structures* for recreation uses (such as boardwalks, footbridges, fences, docks, and picnic facilities) where permitted by Conservation Authority policies; however, the *negative impacts* on these features should be minimized;
- e) infrastructure projects, in accordance with Section C.5.0 - Infrastructure.

Settlement with Paletta International : Natural Heritage Policies, Implementation Policies and Definitions

June 18, 2013 Page 3 of 13

Note: This is a consolidation of changes approved by City council on April 24, 2013 and June 12, 2013

- C.2.5.2 *New development and site alteration shall not be permitted within provincially significant wetlands or significant coastal wetlands.*
- C.2.5.3 *New development and site alteration shall not be permitted within fish habitat or significant habitat of threatened and endangered species, except in accordance with provincial and federal requirements.*
- C.2.5.8 *New development or site alteration subject to Policies C.2.5.3 to C.2.5.7 requires, prior to approval, the submission and approval of an Environmental Impact Statement which demonstrates to the satisfaction of the that:*
- a) *There shall be no negative impacts on the Core Areas or their ecological functions.*
 - b) *Connectivity between Core Areas shall be maintained, or where possible and deemed feasible to the satisfaction of the City, enhanced for the movement of surface and ground water, plants and wildlife across the landscape.*
 - c) *The removal of other natural features shall be avoided or minimized by the planning and design of the proposed use or site alteration wherever possible and deemed feasible to the satisfaction of the City.*

Note: Additional wording to a) is an outstanding issue

- C.2.5.9 *An Environmental Impact Statement shall propose a vegetation protection zone which:*
- a) *has sufficient width to protect the Core Area and its ecological functions from impacts of the proposed land use or site alteration occurring during and after construction, and where possible and deemed feasible to the satisfaction of the City, restores or enhances the Core Area and/or its ecological functions; and*
 - b) *is established to achieve, and be maintained as natural self-sustaining vegetation [Mod 12(k)].*

**Settlement with Paletta International : Natural Heritage Policies,
Implementation Policies and Definitions**

June 18, 2013 Page 4 of 13

Note: This is a consolidation of changes approved by City council on April 24, 2013 and June 12, 2013

- C.2.5.10 Where *vegetation protection zone* widths have not been specified by watershed and sub-watershed plans, secondary, Environmental assessments and other studies, the following *vegetation protection zone* widths shall be evaluated and addressed by Environmental Impact Statements. Other agencies, such as Conservation Authorities, may have different *vegetation protection zone* requirements.
- a) Coldwater Watercourse and Critical Habitat – 30-metre *vegetation protection zone* on each side of the watercourse, measured from the bankfull channel.
 - b) Warmwater Watercourse and Important and Marginal Habitat – 15 metre *vegetation protection zone* on each side of the watercourse, measured from the bankfull channel.
 - c) Provincially Significant Wetlands – 30-metre *vegetation protection zone*, measured from the boundary of the wetland, as approved by the Conservation Authority or Ministry of Natural Resources.
 - d) Unevaluated wetlands – Unevaluated wetlands and locally significant wetlands require a 15 metre *vegetation protection zone*, measured from the boundary of the wetland, as approved by the Conservation Authority or Ministry of Natural Resources, unless an Environmental Impact Statement recommends a more appropriate *vegetation protection zone*.
 - e) Woodlands – 10-metre *vegetation protection zone*, measured from the edge (drip line) of the woodland.
 - f) Significant woodlands – 15-metre *vegetation protection zone*, measured from the edge (drip line) of the significant woodland.
 - g) Areas of Natural and Scientific Interest (ANSI) – Life and Earth Science ANSIs require a 15-metre *vegetation protection zone*.
 - h) Significant Valleylands – As required by the relevant Conservation Authority. [Mod 13(a)]
 - i) Significant Habitat of Threatened or Endangered Species and Significant Wildlife Habitat: the minimum *vegetation protection zone* shall be determined through Environmental Impact Statements, dependent on the sensitivity of the feature. [Mod 13(b)]

Settlement with Paletta International : Natural Heritage Policies, Implementation Policies and Definitions

June 18, 2013 Page 5 of 13

Note: This is a consolidation of changes approved by City council on April 24, 2013 and June 12, 2013

C.2.5.11 *Vegetation protection zone widths greater or less than those specified in a) to i) above may be required if ecological features and functions warrant it, as determined through an approved Environmental Impact Statement. Widths shall be determined on a site-specific basis, by considering factors such as the sensitivity of the habitat, the potential impacts of the proposed land use, the intended function of the vegetation protection zone, and the physiography of the site.*

C.2.5.12 Policy deleted. Subsequent policies to be renumbered accordingly.

C.2.5.13 Policy deleted. Subsequent policies to be renumbered accordingly.

C.2.5.14 Permitted uses within a *vegetation protection zone* shall be dependent on the sensitivity of the feature, and determined through approved studies. Generally,[Mod 14] permitted uses within a *vegetation protection zone* shall be limited to low impact uses, such as vegetation restoration, resource management, and open space. Permitted uses within the *vegetation protection zone* shall be the same uses as those within the Core Area in Policy C.2.5.1 and the *vegetation protection zone* should remain in or be returned to a natural state.

C.2.5.15 All plantings within *vegetation protection zones* shall use only non-invasive plant species native to Hamilton. The City may require that applicants for *development or site alteration*, as part of an Environmental Impact Statement, develop a restoration or management plan for the *vegetation protection zone*.

C.2.7 Linkages

Linkages are natural areas within the landscape that ecologically connect Core Areas. Connections between natural areas provide opportunities for plant and animal movement, hydrological and nutrient cycling, and maintain ecological health and integrity of the overall Natural Heritage System. The City recognizes the importance of Linkages shown on Schedule B –Natural Heritage System in reducing the adverse impacts of habitat fragmentation on natural areas. Habitat fragmentation results in loss of species diversity and reduced ecosystem health and resilience. It is the intent of this policy that Linkages be protected, restored, and enhanced to sustain the Natural Heritage System wherever possible.

Note: addition of wording to the end of the last sentence "and deemed feasible to the satisfaction of the City" is only outstanding issue.

Settlement with Paletta International : Natural Heritage Policies, Implementation Policies and Definitions

June 18, 2013 Page 6 of 13

Note: This is a consolidation of changes approved by City council on April 24, 2013 and June 12, 2013

- C.2.7.1 Policy deleted. Subsequent policies to be renumbered accordingly.
- C.2.7.2 The City shall encourage the connection of *Core Areas* within the municipality and adjacent to its municipal boundaries through the identification of *Linkages* in Environmental Impact Statements, Secondary Plans, watershed plans, and other studies.
- C.2.7.8 In addition to the Linkages identified on Schedule B – Natural Heritage System, there may be Hedgerows that are worthy of protection, especially where:
- a) they are composed of mature, healthy trees and generally provide a wide, unbroken linkage between *Core Areas*;
 - b) there is evidence that wildlife regularly use them as movement corridors or habitat;
 - c) they contain tree species which are threatened, endangered, special concern, provincially or locally rare; or,
 - d) groupings of trees which are greater than 100 years old.
- C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.

CHAPTER E – URBAN SYSTEMS AND DESIGNATIONS

- E.3.7.5 New residential *development in greenfield areas* shall generally be designed and planned to:
- a) minimize changes to existing topography;
 - b) preserve existing trees and natural features; and,
 - c) be *compatible* with, and maintain public views and vistas to prominent City features and landmarks, including the Niagara Escarpment, the waterfronts of Lake Ontario and Hamilton Harbour, Cootes Paradise, and Dundas Valley, or as identified through secondary plans, cultural heritage management plans, *cultural heritage conservation plan statements*, or other studies.

Settlement with Paletta International : Natural Heritage Policies, Implementation Policies and Definitions

June 18, 2013 Page 7 of 13

Note: This is a consolidation of changes approved by City council on April 24, 2013 and June 12, 2013

CHAPTER F - IMPLEMENTATION

- F.3.2.1.2 When a *development* proposal has the potential to negatively impact a *Core Area's* natural features or their ecological functions, the proponent shall be required to prepare an EIS to the satisfaction of the City in consultation with the relevant Conservation Authority. An EIS inventories and describes the existing *Core Areas* and *ecological functions* of the site in the context of the surrounding landscape. An EIS also assesses the potential *negative impacts* that proposed *development* may have on *Core Areas* and *Linkages* and provides recommendations on natural area boundaries, mitigation measures, and design measures to accommodate or enhance existing natural features and functions.

- F.3.2.1.4 An EIS shall be required for *development* and *site alteration* proposed within or adjacent to a *Core Area*. Adjacent lands for features are defined in Table F.3.2 below. The distances for adjacent lands provided in Table F.3.2 are guidelines only and the City may require an EIS for development proposed outside of the adjacent area if it is anticipated that impacts may be far-reaching. [Mod 50]

Table F.3.2: Adjacent Land Distances to Trigger an Environmental Impact Statement (For lands outside the Greenbelt Plan Area) [Mod 51]

Natural Feature	Heritage	Boundary Definition	Extent of Adjacent Lands (outside of Greenbelt)
<i>Fish Habitat</i>		Streams, rivers, <i>lakes</i> , ponds, and wetland.	30 metres from bankfull channel
Provincially Significant Wetlands		Defined by the Province	120 metres
<i>Significant Habitat of Threatened and Endangered Species</i>		Defined by the Province and City of Hamilton.	50 metres
Non-Provincially Significant Wetlands		Defined by Conservation Authorities and the City of Hamilton	50 metres
<i>Significant Woodlands</i>		Defined by City of Hamilton	50 metres, measured from

**Settlement with Paletta International : Natural Heritage Policies,
Implementation Policies and Definitions**

June 18, 2013 Page 8 of 13

Note: This is a consolidation of changes approved by City council on April 24, 2013 and June 12, 2013

		the dripline
Streams and River Valleys	Conservation Authority regulatory lines, flood plain mapping.	30 metres from stable top of bank
<i>Areas of Natural and Scientific Interest (ANSIs)</i>	As defined by the Province	50 metres
<i>Significant Valley lands</i>	As defined by the Province and City of Hamilton.	50 metres
<i>Significant Wildlife Habitat</i>	As defined by the Province and City of Hamilton.	50 metres
<i>Environmentally Significant Areas (ESAs)</i>	As defined by the City of Hamilton	50 metres

F.3.2.1.5 The EIS may be scoped to reflect the type of development being proposed and the sensitivity and special characteristics of the natural area. The applicant's ecological consultant shall prepare a Terms of Reference for the EIS, which outlines the proposed scope of the EIS study. The EIS Terms of Reference shall be completed to the satisfaction of the City, in consultation with the relevant Conservation Authority.

F.3.2.1.9 Where environmental studies, such as a sub-watershed study have been carried out as part of a comprehensive planning process, the study may be submitted in place of the EIS, provided it fulfills the requirements of an EIS and is carried out to the satisfaction of the City in consultation with the relevant Conservation Authority.

F.3.2.1.10 Where an EIS demonstrates that a development proposal shall have negative impacts on the significant natural feature and functions of a site, the following options shall apply:

- a) the application shall be refused; or,
- b) the City shall consult with the applicant to redesign the proposal to reduce the impacts to the satisfaction of the City in consultation with the relevant Conservation Authority; or,

**Settlement with Paletta International : Natural Heritage Policies,
Implementation Policies and Definitions**

June 18, 2013 Page 9 of 13

Note: This is a consolidation of changes approved by City council on April 24, 2013 and June 12, 2013

- c) the City shall negotiate an agreement with the landowner requiring conditions of approval, or requiring dedication of land/conservation easement to protect the significant natural feature or function.
- F.3.4.4.6 The City-wide targets for Hamilton, shown in Table F.3.4.1 - Habitat Restoration Targets, are based on Environment Canada's (2004) report, "A Framework for Guiding Habitat Restoration in Great Lakes Areas of Concern".
- F.3.4.4.8 The City shall monitor the foregoing policies for progress in achieving the following City-wide and general targets for the purposes of reviewing the Official Plan pursuant to the Planning Act.

Table F.3.4.1: City-Wide Habitat Restoration Targets

Natural Cover Type	Existing Percentage Cover	City-Wide Target Percentage
Forest Cover	17.7 %	30 %
Interior Forest Cover (100 metres inside from edge)	4.2 %	10 %
Interior Forest Cover (200 metres inside from edge)	1.4 %	5 %
Riparian Vegetation greater than 30 metres wide	34.7 %	75 % of stream length should be naturally vegetated.
Wetland Cover	8.3 %	10 %

**Settlement with Paletta International : Natural Heritage Policies,
Implementation Policies and Definitions**

June 18, 2013 Page 10 of 13

*Note: This is a consolidation of changes approved by City council on April 24, 2013
and June 12, 2013*

CHAPTER G - GLOSSARY

Coastal Wetland: means

- a) any wetland that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Mary's, St. Clair, Detroit, Niagara, and St. Lawrence Rivers); or
- b) any other wetland that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus wave run-up) of the large water body to which the tributary is connected. (PPS, 2005)

Core Areas: means key natural heritage features, key hydrologic features, and local natural areas.

Key Hydrologic Features: these features mean:

- a) Permanent and *intermittent streams*;
- b) Lakes (and their *littoral zones*);
- c) *seepage areas and springs*; and
- d) *Wetlands*.

Key Natural Heritage Features: means the following:

- a) Significant habitat of endangered and threatened species
- b) Fish habitat;
- c) Wetlands;
- d) Life Science Areas of Natural and Scientific Interest (ANSIs)
- e) Significant valleylands;
- f) Significant wildlife habitat;
- g) Sand barrens, savannahs, and tallgrass prairies; and
- i) Alvars

Settlement with Paletta International : Natural Heritage Policies, Implementation Policies and Definitions

June 18, 2013 Page 11 of 13

Note: This is a consolidation of changes approved by City council on April 24, 2013 and June 12, 2013

Linkages: means natural areas within the landscape that ecologically connect *Core Areas*. They are avenues along which plants and animals can propagate, genetic interchange can occur, populations can move in response to environmental changes and life cycle requirements, and species can be replenished from other natural areas. Conserving linkages also protects and enhances *Core Areas*.

Other Natural Vegetation Types: Definition deleted

Significant Areas of Natural and Scientific Interest: means an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time.

Significant Coastal Wetlands: means a coastal wetland identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time (PPS, 2005).

Wildlife Habitat: means areas where plants, animals, and other organisms live, and find adequate amounts of food, water, shelter, and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species. (PPS, 2005)

Significant Wildlife Habitat: means wildlife habitat areas which are ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system. Significant Wildlife Habitat will be identified based on criteria established by the Province. (PPS, 2005)

Settlement with Paletta International : Natural Heritage Policies, Implementation Policies and Definitions

June 18, 2013 Page 12 of 13

Note: This is a consolidation of changes approved by City council on April 24, 2013 and June 12, 2013

Significant Woodland: means an area which is ecologically important in terms of:

- a) Features such as species composition, age of trees, stand history;
- b) Functionally important due to its contribution to the broader landscape because of its location, size, or due to the amount of forest cover in the planning area; and
- c) Economically important due to site quality, species composition or past management history. (PPS, 2005)

In the City of Hamilton, significant woodlands must meet two or more of the following criteria:

Criterion	Description												
Size	<table border="1"> <thead> <tr> <th>Forest Cover (by planning unit)</th> <th>Minimum patch size for significance</th> </tr> </thead> <tbody> <tr> <td>< 5 %</td> <td>1 ha.</td> </tr> <tr> <td>5-10 %</td> <td>2 ha.</td> </tr> <tr> <td>11-15 %</td> <td>4 ha.</td> </tr> <tr> <td>16-20 %</td> <td>10 ha.</td> </tr> <tr> <td>21-30 %</td> <td>15 ha.</td> </tr> </tbody> </table> <p>Woodlands shall meet a minimum average width of 40 metres.</p>	Forest Cover (by planning unit)	Minimum patch size for significance	< 5 %	1 ha.	5-10 %	2 ha.	11-15 %	4 ha.	16-20 %	10 ha.	21-30 %	15 ha.
Forest Cover (by planning unit)	Minimum patch size for significance												
< 5 %	1 ha.												
5-10 %	2 ha.												
11-15 %	4 ha.												
16-20 %	10 ha.												
21-30 %	15 ha.												
Interior Forest	Woodlands that contain interior forest habitat. Interior forest habitat is defined as 100 metres from edge.												
Proximity/Connectivity	Woodlands that are located within 50 metres of a significant natural area (defined as <i>wetlands</i> 0.5 hectares or greater in size, <i>ESAs</i> , <i>PSWs</i> , and <i>Life Science ANSIs</i>).												

**Settlement with Paletta International : Natural Heritage Policies,
Implementation Policies and Definitions**

June 18, 2013 Page 13 of 13

*Note: This is a consolidation of changes approved by City council on April 24, 2013
and June 12, 2013*

Proximity to Water	Woodlands where any portion is within 30 metres of any hydrological feature, including all streams, headwater areas, wetlands, and lakes.
Age	Woodlands with 10 or more native trees/hectare greater than 100 years old.
Rare Species	Any woodland containing threatened, endangered, special concern, provincially or locally rare species

Note: Exclusion of tall woody shrubs from definition is still an outstanding issue.

Woodland Linkages: Definition deleted.